



# PROCEEDINGS OF THE 2017 RESEARCH SYMPOSIUM ON LAND MANAGEMENT IN ZAMBIA

TENURE AND GLOBAL CLIMATE CHANGE (TGCC) PROGRAM



This publication was produced for review by the United States Agency for International Development by Tetra Tech, through the Tenure and Global Climate Change Project, Contract No: AID-OAA-TO-13-00016.

Cover Photo: The Petauke District Land Alliance team reviews field maps of communal resources

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Suggested Citation: Sommerville, M. (2017). *Proceedings of the 2017 research symposium on customary land management in Zambia*. Washington, DC: USAID Tenure and Global Climate Change Program.

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PROGRAM

JUNE 2017

## **DISCLAIMER**

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# ACRONYMS AND ABBREVIATIONS

CBU	Copperbelt University
COMACO	Community Markets for Conservation
CRB	Community Resource Board
CSO	Civil Society Organization
DNPW	Department of National Parks and Wildlife
GMA	Game Management Area
HSIA	Housing (Statutory and Improvement Areas)
JFM	Joint Forest Management
LGAF	Land Governance Assessment Framework
MLNR	Ministry of Land and Natural Resources
TCPA	Town and Country Planning Act
TGCC	Tenure and Global Climate Change program
UNZA	University of Zambia
URP	Urban and Regional Planning Act
USAID	U.S. Agency for International Development

# EXECUTIVE SUMMARY

This report is a summary of the proceedings of the second Zambia Customary Land Management Research Symposium, held at Mulungushi Conference Center on May 31 and June 1, 2017. The meeting aimed to share research activities and outputs that were being undertaken in Zambia in support of improving customary land tenure, administration, and management.

The meeting was attended by participants drawn from various academic institutions, local authorities, representatives of traditional leaders, civil society organizations (CSOs), and development actors in Zambia. Specifically, the symposium served as a check-in for the Tenure Governance and Climate Change (TGCC) program's work in Zambia supporting government, civil society, traditional authorities, and communities to communicate on land administration and governance.

Since July 2014, TGCC has supported systematic documentation of customary land in Eastern Province through the use of mobile technologies in coordination with traditional authorities and local CSOs. The program has also supported national land policy development through support to national consultations, as well as CSO consultations aimed at improving land tenure governance and administration.

This second Zambia Customary Land Management Research Symposium was held in support of increasing understanding of customary land issues in a holistic fashion through empirical research. The platform served to promote communication among researchers, implementers, and government representatives working to use data to inform policy on land tenure governance and administration in Zambia. The symposium was informed by presentations on technical research and implementation. This year also included the valuable contributions of two traditional leaders who have been engaged in the TGCC process in recent years. Their views allowed for a robust discussion that considered the role of national and local government with traditional leaders in the management of Zambia's rural and peri-urban landscape.

# I.0 INTRODUCTION

The symposium was opened by Facilitator Patricia Mupeta-Muyamwa, followed by an official opening by the representative of the Permanent Secretary for the Ministry of Lands and Natural Resources, and then the U.S. Agency for International Development (USAID) as the host of the workshop.

## I.1 OPENING REMARKS

Over recent years, Zambia has been undertaking a series of national reforms that impact rural and peri-urban customary land management, while at the same time numerous pilot activities have generated valuable information on land use planning and management. These activities range across sectors from agriculture to forestry to wildlife management and mining, and all will have impacts on social groups, including women, youth, and marginalized populations. While these customary land management experiences are often shared through papers and in sectoral meetings, rarely are they presented across sectors and stakeholder groups in a single forum. This symposium is therefore aimed at presenting results from Zambian researchers and discussing future research needs on issues facing customary land management including:

- National initiatives on land governance;
- Peri-urban and rural land governance challenges;
- Communal resource management, including forest initiatives; and,
- Emerging experience with community land titling.

Cross-cutting themes of gender, youth and marginalized populations, as well as wildlife management, also inform the discussions.

## I.2 MAIN OBJECTIVES

The objectives of the symposium included:

- To serve as a platform for consolidation of research information;
- To identify gaps in land tenure research in Zambia by examining what is on the ground;
- To identify priority research topics/areas that require further investigation; and,
- To examine land issues in a holistic and integrated manner to create a community of practice that will enhance collaboration and value addition.

All presentations and associated research are consolidated on a Dropbox website for future reference by participants. This can be found at: <https://www.dropbox.com/sh/6dgy611t9hd7444/AACq5C6-kVJjnRFN8SFQYIUba?dl=0>

Information from the first symposium, held in April 2016, can be found at: <https://www.dropbox.com/sh/9fnv9rdewoc63jj/AABPuzCLXU-p7HVV6ZJhX4Eqa?dl=0>

# 2.0 TECHNICAL PRESENTATIONS

## 2.1 LAND POLICY AND LEGAL UPDATE

Two policy-focused sessions took place during the symposium, first focusing on the implementation of the 2015 Urban and Regional Planning Act (URP), and second on the current status of the Land Policy.

### 2.1.1 Ministry of Local Government: Urban and Regional Planning Act Implementation

The Ministry of Local Government presented on the URP, describing the key spatial planning legislation that has guided development in Zambia: the Town and Country Planning Act (TCPA) of 1962 and its 1997 amendment, and the Housing (Statutory and Improvement Areas) (HSIA) Act of 1974. The TCPA provided a framework for planning and development in cities and towns, including zoning and permitting, while the HSIA facilitated low income housing development and upgrading in unplanned areas. However, these laws have been widely criticized as outdated, complex, and not in line with current development issues, and have led to development gaps between planned and unplanned areas. This led to a review of the legal framework, the repeal of the two acts, and their replacement with the Urban and Regional Planning Act of 2015.

The URP includes objectives related to orderly development; decentralized planning; expanded planning to customary land; consideration of access to land; simplified administrative procedures and planning rules; increased public participation; and, planned development. Despite creating a robust framework, implementation has only been partial, as regulations have not yet been approved by the Ministry of Justice. There is a strong need for capacity building in districts and increased guidance on how to perform the new functions stipulated in the URP; for example, with respect to planning on customary land. The URP provides for planning authorities to develop plans for peri-urban areas and customary areas. There is recognition, however, that it will take time for local authorities to be appointed as planning authorities, and until this point, the Provincial Planning Authorities will be responsible for many district plans. The Ministry recognizes the need to develop revised planning standards; procedures for preparing integrated development plans and local area plans; and, planning application procedures and development control procedures. The Ministry stressed its current priorities of countrywide sensitization and capacity-building initiatives for local authorities to take on devolved planning functions.

### 2.1.2 Ministry of Lands and Natural Resources: Land Policy

The Director of Planning from the Ministry of Lands and Natural Resources (MLNR) noted that there has not been a comprehensive document guiding land policy in Zambia and as a result land administration is held through pieces of legislation, circulars, pronouncements, and other guidelines. She stressed that all quarters are interested in a comprehensive land policy to improve land management and land administration. Reviewing the status of the policy, she noted that the current process dates back to 2006 and that an initial consultative process resulted in a draft policy in 2006. It was held up due to a review to ensure that the policy was in line with the Constitution. The process restarted in August 2015, building on the 2006 draft.



The Director described the multi-actor technical committee, supervised by the MLNR, with participation from civil society as well as provincial meetings and traditional leaders meetings. She outlined the process for analysis of feedback of the technical committee to inform subsequent drafts and noted that a revised draft is in place, with editing and alignment to the requirements of Zambia policy documents.

As far as next steps, the Director said that there would be a Minister's Dialogue meeting with the House of Chiefs, a validation meeting in June 2017, and a plan for circulation and Cabinet approval within 2017. She noted the following principles of the land policy. Based on the Constitution, land shall be held, used, and managed in accordance with principles of:

- Equitable access to land;
- Security of tenure;
- Recognition of culture;
- Sustainable use of rights;
- Transparent, effective, and efficient administration;
- Effective and efficient dispute resolution;
- Protection of sensitive areas, which are not to be leased, fenced, or sold;
- Benefit to local communities; and,
- Land use plans to be done in a consultative and participatory manner.

The Director also said that the Ministry has been working on a Customary Land Administration Bill, with a draft bill in place since 2013. She noted that this needs to be re-assessed in the field. Responding to questions about consultation, she said that the policy would be shared with stakeholders at least two weeks before the validation meeting.

### **2.1.3 Questions**

Participants asked the representative of the Ministry of Local Government about reasons for the delay in implementation and whether there were effective mechanisms for integrated development planning. She responded that the slowness to date has been related to the slow process of the Ministry of Justice approving the implementing regulations and the resources for the Ministry to disseminate the processes widely. Others requested input on the decentralization process and the role of Ward Development Committees and sub-district structures to engage in planning, and the Ministry representative admitted that there had been relatively little engagement to date at this level. One participant highlighted concerns on the accountability of councils, noting that he felt that there is not an interest in working with CSOs or following through on issues of corruption or improper process. The Ministry representative cited challenges with frequent turnover of government staff in districts, which limits follow through. Another participant suggested that despite plans and guidance, councils will often approve any plan or proposal that comes through and will not ensure that new applications fit within the larger plan. The Ministry representative highlighted regulations around agricultural land, and acknowledged the high demand for land on the peripheries of cities, also noting that there is concern that land outside of Lusaka is beginning to look like an urban compound.

On the issue of housing and harmonization of acts, participants asked about the interactions between the URP and the Housing Act as well as responses toward unplanned settlements. The Ministry representative acknowledged the severe difficulties in making plans and upgrading existing unplanned

settlements and also noted that harmonization of acts is a major challenge. However, the Housing Act has been repealed and no new statutory housing areas will be established, and that local area plans will be used going forward. She also acknowledged that the URP will likely need to be updated.

On the land policy, participants asked whether the policy would be circulated in advance of the validation workshop, and the Director of Planning replied that they aim to circulate the document at least two weeks before the event and that they are assembling a list of relevant stakeholders. She added that they are hesitant to circulate the current draft as they do not want the wrong document quoted. Others requested that the policy integrate the principle of fair compensation and the Director noted that the Lands Act calls for fair compensation in compulsory acquisition.

#### **2.1.4 Views from Traditional Leaders**

Chieftainess Mkanda and Chief Maguya, both of Eastern Province, expressed concern over the URP, questioning why government is interested in planning for chiefs. There is concern that government is bringing new challenges to the rural areas. They noted that, “the poorest in our country rely on customary land; if you finish state land and move into customary land, we are not in favor as we have already seen the problems that state land brings.” The Chiefs also questioned what government receives by taking over customary land, noting that the Chiefs receive nothing when their cultural heritage is converted to state land. The government responded that their goal is to be proactive and support planned development before disasters occur and that they would appreciate the engagement of chiefs in developing forward looking plans. The Chiefs expressed concerns that the current process looked to be converting chiefdoms into towns. The Chiefs reserved comments on the land policy, noting that it would be discussed in the House of Chiefs.

## **2.2 PERI-URBAN LAND MANAGEMENT**

### **2.2.1 Urban Expansion and Encroachment Into Customary (Communal) Land: Experience from Zimbabwe**

Dr. Maxwell Mutema provided insights into the drivers of land markets and conflict in the peri-urban areas of Harare with a particular focus on stakeholders and the information available to actors involved in peri-urban development. He noted the underlying challenge for government to be responsive to urban planning and the constraints that the areas bordering customary land poses, as traditional leaders are pressured into opening up land for development, and residential housing in particular. This process in turn is leading to the loss of power and influence of traditional leaders and in many cases, “land barons” with knowledge of processes and access to power in rural district council offices are taking advantages of situations to push out traditional leaders on customary land.

As in many African cities, Dr. Mutema noted that there is an inadequate supply of housing to meet urban demand, and that the value of land is skyrocketing though it tends to be more affordable in customary areas. In some cases, land in customary areas may be 20% of the value of a similar amount in Harare, through the transport costs to get to town remain the same. He also noted that the peri-urban fringes for cities have tended to be places that absorb urban shocks. As in many areas, the natural expansion of cities infringes on areas of customary land. Zimbabwe has a series of legislation that drives communal land management, including the Communal Land Act (Chapter 20:4); the Traditional Leaders Act (Chapter 29:17); the Rural District Council Act (Chapter 29:13); and, the Regional Town and Country Planning Act (Chapter 29: 12). In particular, the Traditional Leaders Act outlines the roles of village headpersons in terms of administering land according to custom, but with the approval of district councils. In practice, however, there are large amounts of speculative purchasing by elites and alienation of communal lands, particularly in the case of village heads selling residential stands from communal grazing areas. In some cases there is collusion between both chiefs and councils to redevelop land. These dynamics are leading to challenges relating to speculation; inequitable consolidation and

disenfranchisement of the poor and women; loss of customary norms; loss of revenue; creation of settlements that do not meet the basic requirements of the law; and, market pressures that push out historical residents and vulnerable populations. Dr. Mutema highlighted the need for urban planning authorities to plan for urban expansion, to craft policy to the current context, and to focus on proactive, rather than reactive planning. In response to questions, Dr. Mutema stressed that Zambia can learn from Zimbabwe by ensuring that traditional leaders are not politicized, as this is leading to the erosion of their powers in Zimbabwe.

### **2.2.2 Urban Influence, Customary Land Tenure Systems, and Rural Livelihoods in Zambia: A case of Lufwanyama District, Copperbelt Province**

Dr. Ephraim Mushifwa described research undertaken under the TGCC program to examine how urbanization is influencing perceptions of tenure security in peri-urban areas as distance increases from urban centers, using the example of Kitwe, Zambia. He examined livelihood impacts as well customary land management impacts in three chiefdoms at various distances from Kitwe (Shimukunami Chiefdom – 62 km, Shibuchinga Chiefdom – 102 km, and Fungulwe Chiefdom – 128 km). Land acquisition processes were roughly equal across chiefdoms though land rentals were a bit higher closer to town. Contrary to initial expectations, the study found that restrictions on land sales were perceived as higher in Shimukunami Chiefdom, closer to town, presumably because the Chieftainess is aware of the pressures and demand for land from her chiefdom. At the same time, respondents had heard of a relatively high degree of interest in buying and selling land in this peri-urban area. Across each of the chiefdoms, individuals reported some ownership documents, though these were not necessarily titles or state-issued documents. Instead people had various forms of letters from chiefs and other customary authorities. Unsurprisingly, land prices were perceived as higher in the chiefdom closer to town and decreasing at further distances from Kitwe. For those that had heard of investors looking for land, the majority were local investors from Zambia and only a quarter represented foreign interests. Approximately a third of respondents perceived local and foreign investors as threats to their tenure security. The study also noted the impact of farmblocks with large tracts of state land in the rural chiefdoms and the pressure that this was putting on neighboring customary land. The research highlighted the need for rights documentation processes that keep power in the hands of traditional authorities through bottom-up processes and the need to identify low-cost methods to undertake this type of work.

### **2.2.3 Dual Land Tenure and Expansion of Small Towns: The Case of Lundazi, Eastern Province**

Ms. Marrien Kalapula provided a series of maps to describe the dynamics of district center expansion in rural areas, using both a historical analysis and examination of current pressures on land. She described the rapid urbanization experienced across Zambia resulting in physical expansion of towns and cities, which has been characterized by informal growth of the areas on the outskirts of the urban space. She highlighted a series of studies related to the expansion of urban boundaries and resulting impacts on land tenure. The case of Lundazi was presented as a rural town that was established in the early 1900s as a colonial British administrative center with a small serviced core reserved from customary land. Due to the extremely rural historical nature of this area, the town boundary was not defined until the 1970s. At the time, the boundaries were simply a radius of 1.5 kilometers from the town center with no anticipation of future growth. There were four land tenure dynamics that led to the expansion of Lundazi over recent years:

1. Direct acquisition of customary land by individual developers;
2. Rural gentrification and the takeover of former rural settlements on the outskirts of Lundazi town;

3. General encroachment on uninhabited customary land, due to uncertainties about existing boundaries; and,
4. Direct acquisition of customary land by local authorities through agreements with customary leadership.

The study outlined that the natural areas for town expansion lie within customary areas, but that urban elite and developers from Lundazi have largely acquired and begun to develop the area that would have otherwise been acquired by the council. This has led to urban fringe areas transitioning into suburban communities, but without the active engagement of the council or of Zambia's land use and planning laws, resulting in haphazard development with a mixture of commercial, residential, and agricultural land. In the case of rural gentrification, urban elites have moved into traditional villages, and built permanent and modern structures in customary areas. This process has led to the loss of customary institutions and a loss of power for headpersons and traditional leaders in the area. In the third case, due to a lack of understanding of customary and state land boundaries there have been some areas that are technically state land, but the council did not fully perceive these to be state lands/boundaries and as a result has not managed the planning process. Given the resulting lack of access to roads, drainage, water and sanitation, and waste management, these areas have developed informally with resulting negative consequences. Finally, there has been an interest in the local council acquiring customary land for urban expansion. However, this has been a challenge as customary leaders have been resistant to this approach as they may have to resettle the current inhabitants and they have nothing to gain from the transfer of land. As a result, by the time that agreements were ultimately put in place in 2015, traditional leaders had already allocated a large portion of the customary land for conversion to individual investors. As these developers began to place infrastructure on their plots of land, this has posed challenges for the council to plan and manage processes, resulting in a haphazard development of urban/rural fringe areas.

The study revealed that the process of informal development of rural/urban fringe areas and intermixing of land uses has resulted in challenges that make it difficult for the council to engage in forward planning exercises. It found that the lack of a coordinated land administration process between state and customary land makes it challenging to develop peri-urban areas. It calls for a comprehensive national land administration and management system. In particular, there is a demand for planning regulations associated with the Urban and Regional Planning Act.

#### **2.2.4 Land Tenure and Peri-Urban Housing Development: Spatial Planning and Legal Perspectives**

Ms. Mulenga Mutale described the process of globalization and urbanization increasing the need for housing and the associated increases in property prices, leading with the question of why management of infrastructure in peri-urban areas still represents a challenge in Zambia. As a result, she examined how land tenure reforms have influenced spatial planning, tracking colonial land policies that placed land and resources in the state and colonial rulers, focusing on permanent infrastructure in urban areas. She described the early independence era when freehold was abolished and replaced with state leaseholds, followed by the 1990s approach that allowed land to be monetized and for the conversion of customary land to statutory leasehold. She described historical contradictions in planning acts, which on the one hand gave traditional leaders rights to manage land, but also gave powers to local planning authorities to enforce development control within 20 miles of township boundaries. These activities subsequently relied on the Housing Act. However, the new URP and planned Land Policy provide opportunities for agreements between traditional leaders and local authorities. The practical challenges in peri-urban areas relate to dual land allocation by customary and state authorities and ambiguous responsibilities in law; poor policies to promote formal housing developments; lack of information flow within the sector; and, bureaucracies in land administration and political interests.

Ms. Mulenga compared Zambia's case to Botswana's use of Land Boards, Kenya's expropriation of land from traditional leaders resulting in inequalities in access to land, and Ghana's conversion of customary tenure to statutory tenure. As a result, she called on effective housing development to embrace principles of simplicity, flexibility, fairness and social justice, environmental consciousness, efficiency, and transparency and accountability. She found that Zambia's land tenure system has not been successful in promoting formal housing developments due to contradictions and overlaps in law and practice; discrimination against women and the poor; and, inadequate sharing/networking between state and traditional leaders. She advocated for the use of land boards to promote good housing developments. Her recommendations focus on coherence of laws; access to housing; a reduction in bureaucracy through land boards; improvements in information flow and the use of computer systems; accountability of traditional leaders; a reduction of political interests in allocation of lands; and, improved financing to raise funds for land tenure and housing reform.

### **2.2.5 Questions**

On key lessons learned from experiences in Zimbabwe, Dr. Mutema stressed that traditional leaders have lost their moral high ground as they are perceived as having been politicized and he cautioned Zambia's chiefs from going this route as it will undermine their authority. Presenters underscored the need for a form of customary documentation that can support traditional leaders, pointing to pilots in Mungule Chiefdom as well as Eastern Province. Presenters noted that the rush for land will continue to try and get ahead of government by making deals with chiefs and start immediate development. This will allow developers to avoid cumbersome development planning requirements. They also noted that according to the URP, the President and MLNR can override chiefs. One participant mentioned the National Titling Program and discussions ensued that the program is designed for state land but that there is a need to document all of Zambia's land as well. On acquisition of land on the peripheries of cities it was noted that urban elite are largely responsible for the conversion of customary land.

### **2.2.6 Views from Traditional Leaders**

Chiefs questioned the best way to work with the government, trying to understand the government's position on the role of the chiefs. Chief Maguya highlighted the concern that some believe the Zambian government intends to eliminate traditional authorities. He responded to accusations that customary systems disadvantage women by highlighting that men and women are equal in his chiefdom. Chieftainess Mkanda questioned why government is putting so much pressure on chiefs. She asked why government must plan for chiefdoms and suggested instead that the government come to chiefdoms to train them to plan their chiefdoms on their own.

## **2.3 LAND GOVERNANCE: STATE AND CUSTOMARY INSTITUTIONS**

### **2.3.1 The Legality of Customary Land Documents Within the Existing Formal Legal System in Zambia**

Mr. Raymond Kaima spoke on the legality of customary land documents, their value, and their use as evidence in Zambia's formal land system. He questioned whether customary documents can be legally unrecognized but customarily valid. On the initial question, he assesses that customary land is legal and under the Chiefs Act, traditional leaders have the authority to administer land and customary practices are considered valid unless they contradict the law or are repugnant to justice. He notes that the Lands Act recognizes customary land rights, and that the Lands and Deeds Registry Act calls for registration of interests in the land except for customary titles, and that the Act "shall not affect any concessions or grant of land made by any chief."

On the question of value and usefulness of customary land documents, Mr. Kaima argues that the documents give security of tenure to landholders, provide proof of ownership, ensure resolution of land disputes at the local level, bring some level of parity between the two tenure systems, and facilitate monetary value on the market. Finally, Mr. Kaima noted that the documents have been admitted as evidence in courts, and that in cases of land acquisition where there was no or limited consultation, customary documents have been used as evidence to support land claims. He underscored, however, that there is a need to standardize the issuance of documents, describing limitations of the research in its focus on Eastern Province and limitations in the availability of documented case law.

### **2.3.2 Assessing Rights to Common Lands and Forests**

Mr. Emmanuel Tembo described the World Bank Land Governance Assessment Framework (LGAF) process in Zambia and focused on its application to questions of rights to common land and forest. Describing the LGAF approach to assess arrangements against global good practices along a large number of dimensions, he noted the areas of focus: recognition and respect for existing rights; land use planning, management, and taxation; management of public land; public provision of land information; and, dispute resolution and conflict management. He outlined the focus of governance on how authority and power is vested in institutions and how the state serves its citizens.

Mr. Tembo described the continuum of land rights and different perceptions of formal land rights, and his analysis of customary tenure and group tenure with an interest in how rights, responsibilities, and restrictions are balanced. Mr. Tembo presented on common property management theory related to open access “tragedy of the commons” as well as characteristics of good governance of commons resources. With respect to Zambian land, he described “public purpose land” for the exclusive use of the government or for the general benefit of the people of Zambia, noting that this can either be on customary or state land, inclusive of forest land, national parks, and game management areas. He also described commons land as grazing land, grave sites, villages’ woodlands, river frontages, or other classifications for communal use.

As far as ratings, he noted the assessment of the report that:

- The existing legal framework recognizes rights held by more than 90% of the rural population, but that the rights are only “protected” for 50-70% of the rural population;
- There is a clear, practical process for the formal recognition of possession but this process is not implemented effectively, consistently or transparently;
- On customary land, non-documentary forms of evidence allow full recognition of claims to property when other forms of evidence are not available, but on state land, non-documentary forms of evidence are almost never used to obtain recognition of claims to property;
- Legislation to formally recognize long-term, unchallenged possession does not exist; and,
- On-demand recording of rights does not include proper safeguards to prevent abuse or costs exceed 5% of the property value.

In his analysis, Mr. Tembo noted that management of forests on customary lands has been left to local inhabitants for their use and benefit, and while rural group rights are recognized in various laws they are not permitted to undertake commercial exploitation without government-issued permits and licenses. He underscored that while the co-existence of multiple rights over common land and natural resources is legally possible, in many cases there are limited mechanisms to resolve disputes because of overlapping laws and legal jurisdictions. He also noted that this does not apply to sub-soil resources as mining rights override other land use rights, and a permit is required by the holder of mining rights to exercise any other rights. With respect to mapping and recording group rights, Mr. Tembo noted that

there are not legal opportunities for group rights to be registered on their own, but that the Lands Act and Lands and Deeds Registry Act allow groups to be registered as a cooperative. He underscored that the high costs of mapping and registering of rights, as well as lengthy processes and fees, have limited the use of such approaches in practice. The LGAF noted that communal land cannot be demarcated by law, but that there are pilot activities occurring in Eastern Province through USAID and in Mungule.

The work found that rights to the commons are under threat and that individualization of rights is leading to insecure tenure. It noted that governance of these resources has been elaborated on in the literature, but somewhat less attention has been paid to processes to define and secure boundaries and establish user group rights. Mr. Tembo called for the establishment of approaches that protect rights but also promote sustainable management, to work toward a fit-for-purpose land administration system.

### **2.3.3 Reconciling State and Customary Records for Land Use Planning**

The TGCC Chief of Party, Dr. Matt Sommerville, described issues around customary and state land and resource rights. Dr. Sommerville outlined a range of land and resource tenure regimes and associated rights and responsibilities that affect opportunities for sustainable management, but also present risks. He noted the current ambiguities in discussions over the percent of the country that is under state and customary land. Describing the work of the TGCC program in providing household land rights documentation, he also noted the process for documenting communal resource rights. The communal resource rights process focuses on:

1. Collecting background documentation from ministries and local councils;
2. Identifying villages within each chiefdom;
3. Collecting point data on infrastructure of importance to each chiefdom;
4. Undertaking participatory mapping on topographic maps and satellite imagery; and,
5. Integrating these data into a geographic information system for the use of traditional leaders and ministries in land use planning processes.

Dr. Sommerville noted some common challenges that emerge from the process, including out-of-date chiefdom boundaries. However, he noted that by placing village points on maps and noting areas of agreement and conflict, some conflicts can be de-escalated. In describing the process, he outlined the use of tenure questions around whether resources are privately owned, community managed, communally managed, or open access, which provides a useful data point for future land use planning. The presentation also described the range of different land and resource rights that occur in customary areas; for example, the Ukwimi resettlement scheme, which does not appear on the government map of state land but represents 20,000 hectares of converted land for a refugee resettlement area that was subsequently opened up to farmers on five-hectare plots. In these areas, challenges have emerged with respect to traditional villages that were initially told that they would receive documentation, as well as the changing dynamics of the farm owners within the area. While five-hectare plots were initially allocated with occupancy licenses, the process of converting these to title has not been completed. Additionally, many have sold or abandoned these farms but the information has not been collected in either a traditional or formal registry, which has resulted in subsequent conflicts among farmers. However, a tenure mapping exercise can offer the opportunity to clarify traditional rights within this area, as well as systematically document plots for new settlers/farmers in the scheme. The TGCC process has also discovered numerous historical farms from pre- and post-colonial freeholds. In cases where settlers have abandoned these farms, local communities have moved into the areas and as a result their tenure security is precarious. There is some fear that as the government identifies these historical rights, some may look to reallocate without fully recognizing the recent rights of the current inhabitants.

TGCC has also discovered numerous overlapping mining interests, particularly within the game management area (GMA). As noted above, mining rights supersede all other rights, but it is not entirely clear that communities fully understand the extent of these concessions, either for exploration or ultimately mining. Equally concerning is that these heavily forested areas within the GMA may have wildlife and forest management plans that are not necessarily integrated into the mining plans. In the TGCC example, this issue has been exacerbated by recent artisanal and largely unregulated mining occurring in some uninhabited areas of the chiefdom. With respect to game management, neither the boundaries nor the rights and restrictions of GMAs are clear to either communities or the department management. GMAs are required to have game management plans, and cannot restrict or fully manage use in the area until these plans are formally approved. As a result, tenure mapping provides opportunities to understand existing use prior to the establishment of use restrictions. Even more challenging is the management of national forests and forest concessions, as the boundaries are poorly understood and the areas have largely been unmanaged for forest use. Much like other resources, there are risks that establishing forest boundaries will lead to exclusion of people from national forests that exist in name only. However, it also provides opportunities for the use of community forestry provisions to help communities to assert rights to forests they use in their vicinity.

The resulting picture is one where traditional leaders, even in rural areas, may have limited rights across most of their chiefdom and very few areas can fully be considered “open areas.” As a result, even in places where customary rights are recognized, overlapping statutory rights can present management challenges. The use of tenure mapping with resource mapping can identify opportunities to examine the on-the-ground reality of resource use and management with recorded rights. Integrated planning and sharing of information is required to fully use the information to make joint decisions over management use.

#### **2.3.4 Assessing Customary Land Tenure Institutions for Land Administration in Sandwe Chiefdom: Good Governance Perspective**

Mr. Joseph Tembo presented on the use of good governance indicators to assess customary land administration, using the case of Sandwe Chiefdom in Petauke District, Eastern Province. The research sought to understand challenges emerging from the presence of two land administration systems, and to understand how land documentation processes may or may not support this good governance. It identified key actors in customary land tenure and administration, the key principles of good governance in land administration, and the extent to which the customary land institution satisfies good governance objectives. Mr. Tembo examined issues of participation, equity, accountability, transparency, and accessibility within the chiefdom. With respect to transparency and accessibility, he found that though land rights are addressed in a largely ad hoc fashion, community input is sought in making decisions around land use and land allocations. With respect to participation and equity, he noted that state involvement is legally possible, but for the most part communities prefer to deal with customary operations that are closer and more accessible. He noted that customary practices largely seem to ensure wide participation in access to land and equity in distribution regardless of age, gender, and economic status. In terms of accountability, community members largely felt as though they were aware of the process for petitioning decisions related to customary land administration and that the process for explaining decisions is adequate. In summary, Mr. Tembo concluded that the structures for customary land tenure administration in Sandwe Chiefdom are transparent, accessible, accountable, equitable, and represent good participation, but that these elements could be improved on if the systems were formalized.

#### **2.3.5 Questions**

Participants asked for clarity on the figures for state and customary land and presenters noted that the 6% state land figure does not include protected areas, nor does it include all land under leasehold, as



some argue that land converted to leasehold since independence still remains customary but is under state leasehold. Presenters noted that these ambiguities continue to create confusion for those interested in understanding Zambia's land tenure dynamics. However, these ambiguities also underscore the importance of proceeding with a national land audit. Presenters noted that costs to document rights are constantly reducing and that maps can help to improve dialogue between state and customary authorities. They highlighted that requirements for consent already exist, they are just inadequately applied.

## **2.4 COMMUNITY RIGHTS RECOGNITION & REGISTRATION**

### **2.4.1 Community Land Tenure Recognition: Review of Country Experience**

Describing results from a twelve country USAID overview of experience by countries in legislating and implementing approaches to recognize group rights, Dr. Sommerville from the TGCC program described the interest in cataloguing emerging experience in Zambia to document community or group rights, particularly where large investments or long-term management over large areas needs to be secured. To date, these experiences have been trialed in irrigation schemes and in wildlife management. There is a need to understand when these approaches are most appropriate, for example to either catalyze community involvement in investments, or to protect community land from being expropriated.

The paper started with consideration of how the term community or group tenure has been characterized, in some cases focusing on customary, indigenous, or historical rights, while in others focusing more on the communities who happen to be occupying land at present. Important considerations also include what land uses can be included as community rights; which members of an area are eligible to be part of the community; how individual rights can be included or excluded; and, what legal recognition might entail, for example title, certified rights, and/or use/access rights to one or more resources. A large question, particularly in the case of Zambia, is how customary rights are considered and integrated into the management regime.

Across the world legal and administrative procedures vary dramatically and constrain what is possible, however in a number of cases, piloting recognition processes have been important to fine-tune approaches. Important characteristics of successful programs have included:

- Political will, which is necessary to promote recognition of community rights;
- Financial and administrative capacity to support communities and local groups to successfully document and register their rights;
- Local governance structures to continue to support the concept of rights recognition;
- Clarity of ministerial responsibilities, so that communities are able to benefit from rights recognition processes without an overly bureaucratic or long process; and,
- Institutional support from civil society organizations to support rights documentation.

The processes outlined in Mozambique, Liberia, Ghana, and Botswana demonstrate the full range of best practices but also the limitations and risks with a preference for national laws that recognize community rights regardless of documentation, and the need to protect communities from risks associated with unscrupulous investors and the limitations of relying on donor funds for protecting rights. Overall, the review underscored the need for processes that are simple and efficient, low cost, participatory, and inclusive of civil society, and that provide platforms for engagement between civil society, community leaders and government.

## **2.4.2 Experience from The Nature Conservancy's Work on Kaindu Community Game Ranch (Issues and Lessons)**

Mr. Moses Nyoni presented on experiences with community leases for conservation in Kaindu Community Game Ranch surrounding Kafue National Park, highlighting the vehicle for registering community rights, partnerships to realize investments, impacts of the efforts, and key lessons from the process. The Kaindu Natural Resource Trust was initiated by Chief Kaindu and his subjects to develop wildlife-based business on land adjacent to Kafue National Park and ultimately improve resource governance and provide socioeconomic benefit for the chiefdom. The approach relied on securing tenure rights through land title and promoting the establishment of nature-based enterprises. This community-based game ranch is the first of its kind in Zambia. Importantly in this case, the area for the game ranch on the banks of the Kafue River was already state leasehold land. As a result, the community's most viable way to secure tenure was through registration of the land under leasehold title.

An important challenge in this situation is who the land is leased under. Because the Community Resource Board institution under the Wildlife Act is not able to own land or enterprises, a trust was established under the Land (Perpetual Succession) Act as a corporate body. This allows the trust to hold land for a purpose, which is to improve livelihoods and promote sustainable natural resource management. This resulted in a 14,000 hectare piece of land acquired by the community.

The community subsequently entered into a partnership with a private safari hunting operation, ultimately leading to establishment of the game ranch and hunting concession. Subsequent efforts have focused on increased law enforcement and community capacity-building associated with benefit sharing. The associated benefits have been focused on a range of institutions, with the primary benefits going to village action groups.

Mr. Nyoni highlighted recent concerns associated with the approach, including taking 12 years to obtain a title from the Ministry of Lands, and lack of traceability of documents within the Ministry. He lamented that over 60% of the revenue from the game ranch goes to government through hunting and trophy fees, and that the fee structure is not progressive for community involvement. Mr. Nyoni noted that it would be preferable to implement these activities under the Wildlife Act rather than through the Perpetual Succession Act. This has created challenges as the Department of National Parks and Wildlife (DNPW) would prefer to work directly with the Community Resource Board, and not the Kaindu Trust. He also stressed that the current understanding of boundaries for communities and households is limited and has the potential to lead to conflicts and confusion, as is currently happening with news articles accusing the chief of selling off his chiefdom. Such concerns are resulting in a general lack of trust among interest groups related to land management issues. There is a need to look at community game ranching and assess the extent to which existing operating procedures meet the basic needs of this livelihood generating approach.

## **2.4.3 Questions**

Participants questioned how the community groups were formed in Kaindu with Mr. Nyoni highlighting the role of the village action group with a subsequent link to the DNPW. He also described the board structure for the Kaindu Trust and examples from Botswana that provided guidance to the approach.

## **2.5 MANAGING THE COMMONS: FOREST COMMONS MANAGEMENT**

Presentations on the second day of the symposium focused on elements of sustainable forest management and the role of secure rights in incentivizing management practices.

### **2.5.1 Securing Land Rights Through Community Forestry: Approaches, Lessons, and Issues**

Alastair Anton, Chief Technical Advisor from the Decentralised Forest and Other Natural Resource Management Program, presented on the program's efforts to develop viable community forestry models in Zambia. Noting that the program has been embedded in the Department of Forestry and that it was intended to represent the first three years of a twelve-year program, Mr. Anton said that the program was unlikely to be extended due to a change in priorities for Finnish development investments. In the project overview, Mr. Anton stressed that the devolution of power of rights and authority to communities over natural resources is a foundational building block toward strengthening rural livelihoods and building sustainable enterprises. He noted the importance of decentralization in pushing the activity forward and the need to clarify the devolved functions and strengthen structures for service delivery.

In describing the role of rights and tangible benefits, Mr. Anton discussed issues related to competitive exploitation of natural resource and the approach of communities to demonstrate rights to land by clearing it of forests. He presented evidence from communities on the need for rights over resources and demonstrated its relationship to the Forest Policy and Forest Act of 2015. Community forestry is one of the principle approaches to devolve these rights and he outlined the four step process of: forming a community forest management group and applying for recognition; seeking recognition by the Director of Forestry with the consent of the chief; entering into an agreement with the Forestry Department with the consent of the chief; and, the possibility of designation of the community forest area through a statutory instrument.

Mr. Anton provided examples of the process and of basic community forest plans that were developed in a way that seeks to define supply and demand and link these to management rules. He gave the example of a number of non-timber forest products including honey, mushrooms, and caterpillars and how these have been successfully managed. The program has targeted 15 legal agreements and to date has achieved 16 community forest groups formed with consent of their chief alongside 14 draft legal agreements covering over 27,000 hectares.

With respect to the devolution of power, Mr. Anton noted that the Forest Act is not particularly clear on rights and issues related to licensing, revenue collection, and law enforcement fines, and he stressed the need for regulations to be finalized. He called for regulations to include the economic right to benefit from trade of forest products, underscoring that the regulations must be flexible and broad to cover a range of land tenure and governance arrangements in Zambia. He also questioned whether there is adequate capacity and resources to meet demand for forest management agreements, suggesting that number and area of forests under management should be indicators of the forest policy framework. Mr. Anton underscored that the current legal framework that vests all ownership of trees and forest products in the state is unlikely to incentivize sustainable management, and welcomed the use of community forestry to devolve rights and authorities to communities.

### **2.5.2 Assessing the Role of Forest Ecosystems in National Economies and the Role of REDD+ in Green Economy Transformation**

Dr. Benjamin Warr presented on an economic and spatially explicit valuation of Zambia's forests covering a range of ecosystem services provided by forests. He began with the caveat that "Estimating ecosystem values provides a large underestimation of infinity," though he stressed the utility of the exercise noting that typically only the production of roundwood has been included in measurements of the importance of the forest sector. He outlined a range of ecosystem services and described the factors that influence supply and demand of forest ecosystem products, as well as a range of approaches to model the economic contribution of the forest sector. He noted the valuation approaches of using direct use, indirect use, and non-use values, and outlined the spatial approach used for estimating value

for each element of forest contribution. He noted a value of sustainable production of timber and fuelwood at \$396 million per year, but stressed that due to a mismatch of supply and demand, some areas of the country are currently over-exploited. With respect to non-timber forest products, he estimated a value of \$135 million per year related to demand from populations. Dr. Warr also examined carbon sequestration and storage values finding one-off values from forests to be between \$150 and \$745 per hectare for intact forests, with annual values of approximately \$16-30 per hectare per year. At present, the mechanism for reducing emissions from deforestation and forest degradation, REDD+, is the primary approach to capture this benefit.

Dr. Warr also examined services related to water and flow regulation though noted that the values were difficult to estimate. Using the InVEST model for soil erosion and transport, the study identified savings of \$237 million per year, though it was unable to estimate the benefits from water quality improvements from intact forests. Agricultural services through pollination were also examined and resulted in an estimation of \$74 million per year, but Dr. Warr noted that these values were primarily concentrated where forests are adjacent to farming areas. Finally, forest-based tourism generates between \$110-179 million per year.

These values were estimated to reach \$1.25 billion per year, or 6.3% of Zambia's gross domestic product. In all, the presentation highlighted that while REDD+ is an element of forest value in Zambia, it should be considered in the context of larger forest finance. Dr. Warr stressed that addressing tenure and creating incentives for local management are among the most important interventions to support future realization of the benefits from forests. He also underscored the centrality of dealing with charcoal pressures to protect Zambia's forest ecosystems.

### **2.5.3 Reduction in Forest Land: A Need for a Balanced Land Management System**

Dr. Donald Chungu presented on the integrated land use assessment results that were developed through joint collaboration between the Forest Department, the Food and Agriculture Organization of the United Nations, and the Finnish government. He focused the discussion on the competing demands for forests and the changes in forest land and agricultural land and settlements between 2000 and 2015. He described the methodology, using high resolution satellite imagery alongside field inventory techniques. In terms of results, he outlined a reduction of forest land since 2000 of 0.6% per year or approximately 276,000 hectares lost per year. Alongside this reduction he described an increase in agricultural land and settlement areas, noting that the greatest percentage loss of forests has occurred in Central, North Western, Western, and Copperbelt Provinces. He outlined options for land management, contrasting decisions related to crop production and impacts on a range of ecosystem services, arguing for an approach that balances crop production with the need to preserve habitats and biodiversity, and improve water quality and flow. Dr. Chungu called for multi-sectoral strategies to support the development of land management plans in a way that balances land use conversion and conservation.

### **2.5.4 Land Tenure Systems and Implications for Forest Carbon Management in Zambia's Forest Ecosystems**

Dr. Felix Kalaba described drivers of deforestation and the relationship to forest carbon and REDD+ objectives in two state forests in Copperbelt. After describing the activities eligible for REDD+ financing, he provided an overview of the two forests, which have varying accessibility and distance to markets. He underscored the importance of interacting with local institutions and the role of stability in these institutions to manage access to forests. He generally found that customary institutions were more able to deal with illegal practices and harvesting as they could dispense justice quickly. He also noted that sanctions in the customary system were more able to consider local context; for example, relaxing rules around charcoal production to allow orphans to raise funds for schools. Additionally, he found that in state forests and areas that were heavily composed of migrants, taboos that had long supported local

management had been relaxed. As a result, the mixed ethnic communities used the forest to a greater and less sustainable extent than historical residents of the areas. Based on these results, Dr. Kalaba underscored the importance of strengthening local institutions and building on existing rules and customs. He noted that customary systems have the potential to provide for long-term carbon storage opportunities because state land is often regarded as open access and therefore has a higher degree of deforestation than other areas.

### **2.5.5 Assessing the Knowledge, Attitudes, and Perceptions of the Local People Towards Uncontrolled Bush Fires in Mumbwa GMA**

Mr. Isaac Ng'ombelo described the degradation of GMAs due to bushfires despite the efforts of both community resource boards (CRBs) and the DNPW. CRBs are supposed to be representative bodies to encourage local participation in wildlife management and one of their main responsibilities in Mumbwa GMA is to support reduction and control of bushfire. The research presented sought to understand why fire management has not been successful in the GMA and whether there were issues related to lack of sensitization associated with bushfire management. The research examined knowledge, attitudes, and negative perceptions of local people toward rules and whether these factors could be improved/examined.

The research integrated results from Kabulwebulwe, Mundelema, and Chibulluma Chiefdoms in Central Province through interviews with 100 respondents in the three chiefdoms, including community members, local leaders, and wildlife officers. Largely community members perceived fire as a threat to wildlife in the Mumbwa GMA, though the rules around fire were known only to approximately 50% of the population. An even greater percentage of the population was not aware of the existence of a fire management plan, though a large proportion of the population believed that there was a need to implement fire regulations. Similarly, despite feeling that fire was a great threat, most people felt that they use fire responsibly. Alongside these analyses there was a general understanding that only a third of community members participated in activities associated with village governance and benefits or wildlife management. The study found that membership in these organizations played a large role in relation to conservation of wildlife. As a result the study concluded that people are largely not aware of the rules around wildlife, nor do they participate in groups that would help them better respond to these needs. The study recommends that CRBs expand their outreach into local communities and support environmental education around GMA rules and management, and that non-functional village action groups should be rehabilitated. This also requires greater engagement of the DNPW to support CRBs and broader capacity-building efforts.

### **2.5.6 Lessons for REDD+ Implementation: Insights from Assessment of Forest Governance in the Joint Forest Management (JFM) Systems in Zambia**

In the second session on forest management, Dr. Jane Kwenye presented examples from JFM in Katanino Forest that explored the quality of forest governance in one of Zambia's few JFM forests, and its relevance to participation in REDD+. She underscored the role of good governance related to participation, accountability, effectiveness, and efficiency and transparency in decision-making and implementation around the institutions and processes involved in JFM. The study examined the practice in the forest management system in relation to an ideal forest governance regime. She examined six indicators for each element of good forest governance alongside a four-point Likert Scale, based on interviews with 120 participants. She found that ideal forest governance conditions were not observed in any of the categories but that marginally weaker scores were observed related to transparency, equity, and accountability. As a result, she stressed the need for mechanisms to strengthen transparent and accountable decision-making and institutional processes in Katanino, as well as improved benefit-sharing mechanisms. She highlighted the need for greater intersectoral collaboration to ensure that

there are mechanisms for enhancing implementation and enforcement of laws. She stressed that many sectors have impacts on the forest sector.

### **2.5.7 Security of Tenure for Smallholder Farmers: Impact on Adoption of Agroforestry**

Dr. Gillian Kabwe described her emerging research on agroforestry adoption by smallholder farmers. She noted the importance of trees for providing evidence of ownership, the potential for improving crop yields, and the role of fruit trees in particular as providing supplemental income. As a result, she explored whether the use of trees on arable lands enhances tenure security and whether people with land titles are more likely to have trees on farms than non-participating farmers. She noted that as individuals invest in a piece of land, others will respect the boundaries of the land. She also hypothesized that agroforestry adoption has been limited in Zambia due to the lack of documented rights of land ownership, and that the lack of clear rights, responsibilities, and benefits from existing forest policy and management activities has been partially responsible for the lack of success in general in Zambia's forest programs. Dr. Kabwe examined the experiences of communities around Katanino Local Forest Reserve. She found limited evidence of documentation by local community members, and found that individuals with local documents (not title) were more likely to be immigrants and therefore unwilling to invest in the land. However, in general she found that individuals surrounding the forest reserve felt relatively insecure on their long-term land ownership claims. Individuals were both using chief's letters to acquire land through customary practices by being put on a village list, and applying for title to land. Nevertheless, adoption of agroforestry practices is extremely low in the area (under 3%). Therefore the work will have to dig deeper into the dynamics associated with adoption. Dr. Kabwe highlighted the need for improved extension alongside better seed delivery systems to develop farmer-extension-research linkages. She sees opportunities in using trees on farms to increase the diversity of production, including the harvesting of forest products. As a result, there will be increased efforts to enhance agroforestry along the edges of forest reserves to enrich buffer zones and enable households to meet their needs, while reducing pressure on forest resources.

### **2.5.8 Rate of Encroachment in Zambia's Forest Reserves and Community Market for Conservation's (COMACO) Model in Establishing Community Conservation Plans**

Mr. Kennedy Kanja outlined forest cover loss in Mphomwa Forest as well as Mwekera Forest, due in each case to farming and charcoal production. He described COMACO approaches to support forest reserve recovery and management support through resettling illegal settlers, supporting alternative sources of income, providing training in climate smart agriculture, and using JFM plans. He provided information on COMACO's initiatives associated with community conservation plans that aim to instill a sense of ownership of natural resources through participatory planning. He noted that community conservation areas have been set aside by communities for regeneration and protection for the benefit of surrounding communities and the promotion of sustainable resource use to benefit communities through market access for honey, mushrooms, carbon, wildlife caterpillars and other products. Finally, he outlined the COMACO approach to support district advisory committees and roundtables at the provincial level to promote the sharing of information on conservation strategies happening in the districts.

### **2.5.9 Questions**

Participants raised concerns over permits and licensing processes in Zambia, noting that it is not clear that any benefits from forest permits ever return to the local communities. Presenters agreed and stressed the importance of benefit sharing, noting that at the local scale it is not an issue of the policy or act, it is simply a question of implementation, and that local communities are generally completely

unaware of the forest policy. In terms of participation of disabled in forest groups, presenters noted that broad participation is part of the process of identifying user groups.

Presenters acknowledged the existence of sectoral silos in terms of dealing with rural land management issues, and that there is a history of crucial stakeholders, including traditional leaders, being left out. They highlighted the importance of decentralization but also questioned whether it will be fully implemented. They underscored that traditional leaders need to be brought more fully into the decentralization process and acknowledged as central players/actors.

With respect to opportunities for investors to take advantage of local communities, presenters discussed ways to protect communities through more participatory area development that includes both chiefs and communities. Presenters noted that though the processes are often criticized for not being inclusive, there are stages for the chiefs and councils and other departments to review and build stronger consultation into rights recognition. Some highlighted that Zambia has strong multi-sectoral structures and that these should continue to be supported. One of the presenters highlighted that there is a differentiation between the right to trade in forest products and full ownership of the products, and that there needs to be more consideration of communities being given full rights. With respect to large-scale investments there was a recognition that mining rights overwhelm all other rights and that most investment plans focus on technology and new inputs and spend insufficient effort on community governance structures.

Some participants highlighted that in communities that had started JFM, many were unaware whether the program still continues, noting that they have been largely dysfunctional in the absence of outside support. Presenters suggested that it is important to build on existing practices and knowledge around resource use and law enforcement, but also that the training programs for household rights are too short and based on cursory training. The question remains as to whether the governance structures can still work when donor funding is pulled.

Presenters discussed the challenge of addressing charcoal as it is the primary energy source for over 70% of Zambia's population. Since it is seen as an easy investment, there was a request to look at the efficiency of charcoal production and the use of stoves. They highlighted that the stoves are not affordable and therefore will not be in demand.

With respect to illegal logging of the mukula tree, participants highlighted the corruption of the process and the inability of police to cooperate with the Forest Department. At the higher level some participants suggested that there is political interference in solving the problem.

#### **2.5.10 Views of Traditional Leaders**

Chief Maguya described the forest management challenges facing his chiefdom, noting that there are existing structures for traditional leaders to manage forests. He underscored that chiefs are fighting for tobacco companies to replant trees that have been used for tobacco curing and that they are supporting the establishment of community forest management committees. He described poor collaboration with the Forest Department, as the department allocates permits and licenses without the chief's agreement. He also noted that the department charges for permits but communities do not receive anything from this process.

# 4.0 CONCLUSIONS & SUMMARY

## 4.1 SUMMARY

In summarizing the discussions of the two-day meeting, the facilitator underscored key questions/areas of tension moving forward:

1. What is the role of the traditional authorities in planning? There is a preference for government not to do it for chiefs but rather to teach them how to plan for their areas.
2. There is a capacity gap in decentralized planning mechanisms where district planners do not have the resources to undertake a robust process.
3. There is an evolution occurring in peri-urban areas where customary structures are interacting with new land markets resulting in new pressures and relationships with chiefdoms
4. The land market exists and cannot be ignored.
5. There is a concern in the dialogue that customary and state authorities are battling for a discrete amount of power and concern that as one system gets stronger the other feels marginalized.
6. Zambia has a gap in terms of models for recognizing collective tenure rights and pilots are needed to build these experiences.
7. There is a need to demonstrate the value of commons resources in order to protect them for the long run.
8. There is a challenge in licensing processes that do not engage both traditional leaders and department officials.
9. There is a skills gap for both community leaders and technocrats that needs to be bridged to be able to manage resources sustainably.
10. Action on land issues will require substantial political will and a willingness to address issues of corruption in resource use and management.
11. Market forces are influencing land and resource demand, which in turn is placing pressure on chiefs, communities and government.

USAID's representative, Stephen Brooks, thanked participants for their active engagement in this symposium, noting that he had seen an evolution in the topics and discussions during the course of his engagements in Zambia. He noted the benefits that such forums bring to integrating the views of multiple stakeholders and welcomed continued participation in the dialogues that were begun at the symposium.



# ANNEX I: PARTICIPANTS

<b>Name</b>	<b>Organization</b>
Matt Sommerville	TGCC
Gwendoline Chanda	Mazabuka Council
Donald Chungu	CBU
Kennedy Kanja	COMACO
Langiwe Phiri	Makole
Joyce Banda	Chipata
Bernard Miti	Lusaka
Garth Miyanda	Luangwa
Evaristo Siwakwi	SHDP
Raymond Kaima	ZLA
Stephen Brooks	USAID
Jane Kwenye	CBU
Marrien Kalapula	Lundazi Council
Kondwani Simukoko	Petauke Council
Maxwell Mutema	Land Consultant
Tozyanmwai Jenianjenya	Livingstone City Council
Chimambo	ZAAB
Raphael Chikwanpu	Habitat for Humanity
Sydney Mupeta	Researcher
Catherine Tembo	USAID
Christopher Mulenga	Platinum Consulting
Moses Nyoni	The Nature Conservancy
Joseph Tembo	CBU
Linda Nyondo	ZDM
Cooper Chibomba	Ministry of Local Government Solwezi
Bob Chiwala	Shakumbila Royal Establishment
Ephraim Munshifwa	CBU
Felix Kalaba	CBU
Seb Scott	Grassroots Trust
Miljan Sladoje	International Growth Center
Gillian Kabwe	CBU
Liswaniso Mwalushi	The Commuter Magazine
Paul Zulu	Sport Aid Development
Emmanuel Tembo	UNZA
Isaac Ng'ombelo	CBU

Ephraim Seutinea	Ministry of Lands and Natural Resources
Henry Machina	Indaba Agricultural Policy Research Institute
Wilma Nchito	UNZA
Alastair Anton	Decentralized Forests and Other Natural Resources Management Project
Likumbi Kapihya	Zambia Governance Foundation
David Katungula	Peoples Process on Housing and Poverty in Zambia
Susan Kirimena	TIZ
Chilandu Lungu	TIZ
Stephen Nyirenda	African Community Project
Veronica Mwiche	MLNR
Benjamin Warr	Betterworld
Mulenga Mutale	Researcher
Mufalali Sumalumo	ALD
Muyaya van Buseba	UNZA
Jackson Simumba	UNZA
Barnabus Simukale	UNZA
Rose Mukuma	UNZA
Rodgers Lubilo	Frankfurt Zoological Society
Victor Siamudala	The Nature Conservancy
Karen Laurenson	Frankfurt Zoological Society

# ANNEX 2: AGENDA

## ZAMBIA LAND MANAGEMENT RESEARCH SYMPOSIUM 2017 MULUNGUSHI INTERNATIONAL CONFERENCE CENTER

<b>Day 1: Wednesday, 31 May 2016</b>	
8:30 – 9:00	<b>Introduction and Objectives:</b> <i>Facilitator Patricia Mupeta-Muyamwa</i>
9:00 – 9:15	<b>Official Opening and Photo:</b> <i>Permanent Secretary for the Ministry of Lands and Natural Resources (MLNR)</i>
9:15 – 11:00	<b>Policy and Legal Update</b>
	Land Policy and National Land Titling Program <i>Planning Department MLNR</i>
	Urban and Regional Planning Act Implementation <i>Ministry of Local Government and Housing</i>
	Views from House of Chiefs
	Moderated Discussion
11:00 - 11:15	<b>Break</b>
11:15 - 13:00	<b>Peri-Urban Land Management</b>
	<ul style="list-style-type: none"> <li>• Urban expansion and encroachment into customary (communal) land: Experiences from Zimbabwe <i>Maxwell Mutema</i></li> <li>• Urban Influence, customary land tenure systems and rural livelihoods in Zambia: A case of Lufwanyama District, Copperbelt Province <i>Ephraim Munshifwa</i></li> <li>• Dual land tenure and expansion of small towns: The case of Lundazi, Eastern Province <i>Marrien Kalapula</i></li> <li>• Land tenure and peri-urban housing development: Spatial planning and legal perspectives <i>Mutale Mulenga</i></li> </ul>
	Views of Traditional Leaders
	Questions and Panel Discussion
13:00 - 14:00	<b>Lunch</b>
14:00 - 15:30	<b>Land Governance: State and Customary Institutions</b>
	<ul style="list-style-type: none"> <li>• The legality of customary land documents within the existing formal legal system in Zambia <i>Raymond Kaima</i></li> <li>• Assessing rights to common lands and forests <i>Emmanuel Tembo</i></li> <li>• Reconciling state and customary resource records for land-use planning</li> <li>• Assessing customary land tenure institutions for land administration in Sandwe Chiefdom: Good governance perspectives <i>Joseph Tembo</i></li> </ul>
15:30 – 15:45	<b>Break</b>
15:45 – 17:15	<b>Community Rights Recognition and Registration</b>
	<ul style="list-style-type: none"> <li>• Experience from the Nature Conservancy's Kaindu Community Game Ranch <i>Moses Nyoni</i></li> <li>• Best Practices in Community Rights Recognition Paper <i>USAID</i></li> <li>• Small Group Discussion</li> </ul>
	Moderated Discussion
<b>Day 2: Thursday, 1 June 2017</b>	
8:30 - 8:45	<b>Morning Agenda</b>
8:45 - 10:30	<b>Managing the Commons: Forest Commons Management</b>
	<b>Policy Update: Forest Management</b>

	Forest Act and Community Forest Statutory Instrument <i>Department of Forests (TBC)</i>
	<ul style="list-style-type: none"> <li>• Benefits of forest ecosystems in Zambia and the role of REDD+ in a green economy transformation <i>Ben Warr</i></li> <li>• Reduction in forestland: A need for a balanced land management system in Zambia <i>Donald Chungu</i></li> <li>• Security of tenure for smallholder farmers: impact on adoption of agroforestry <i>Gillian Kabwe</i></li> </ul>
	Questions
10:30 - 10:45	<b>Break</b>
10:45 – 13:00	<b>Managing the Commons: Forest Commons Management (continued)</b>
	<ul style="list-style-type: none"> <li>• Forest Tenure Assessment and Implementation of IFSL Program <i>Kaala Moombe (TBC)</i></li> <li>• Lessons for REDD+ implementation: Insights from assessment of forest governance in the Joint Forest Management System in Zambia <i>Jane Kwenye</i></li> <li>• Rate of encroachment in Zambia’s forest reserves and COMACO’s model in establishing community conservation areas <i>Kennedy Kanja</i></li> <li>• Land tenure systems and implications for forest carbon management in Zambia’s forest ecosystems <i>Felix Kalaba</i></li> </ul>
	Views of Traditional Leaders
	Questions and Panel Discussion
13:00 – 14:00	<b>Lunch</b>
14:00 – 15:00	<b>Conclusions and Summary</b>
15:00 – 17:00	<b>Follow on Small Group Discussions</b>

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