



# PROCEEDINGS OF THE 2016 RESEARCH SYMPOSIUM ON CUSTOMARY LAND MANAGEMENT IN ZAMBIA

TENURE AND GLOBAL CLIMATE CHANGE (TGCC) PROGRAM



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Cover Photo: Demarcating customary land in Maguya Chiefdom, Zambia

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PROGRAM

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# ACRONYMS AND ABBREVIATIONS

CBU	Copperbelt University
CFP	Community Forest Program
COMACO	Community Markets for Conservation
COP	Chief of Party
CSO	Civil Society Organization
DFNRMP	Decentralized Forests and Other Natural Resources Management Project
IAPRI	Indaba Agricultural Policy Research Institute
LGAF	Land Governance Assessment Framework
MLNREP	Ministry of Land, Natural Resources and Environmental Protection
MSU	Michigan State University
NSDI	National Spatial Data Infrastructure
STDM	Spatial Tenure Domain Model
TGCC	Tenure and Global Climate Change program
UNZA	University of Zambia
USAID	U.S. Agency for International Development

# EXECUTIVE SUMMARY

This report is a summary of the proceedings of the Zambia Customary Land Management Research Symposium that was held at Mulungushi Conference Center on April 6 and 7, 2016. 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.

The 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. In particular, it provided an opportunity to hear presentations on Zambia that had been shared at the World Bank's Annual Land and Poverty Conference in March 2016.

The symposium was informed by presentations on technical research by researchers from various institutions on land tenure, governance, and administration. Technical presentations were complemented with plenary discussions to provide participants the opportunity to seek clarification and contribute to enriched understanding.

# I.0 INTRODUCTION

The symposium was opened by TGCC's Chief of Party (COP), Dr. Matt Sommerville, as convener of the workshop. Participants then introduced themselves and agreed to ground rules for the symposium.

## I.1 OPENING REMARKS

As part of Dr. Sommerville's welcoming remarks, he presented a synopsis on the dissemination of research products and outputs that the TGCC program had initiated in support of land governance in Zambia. Additionally, he informed participants that the symposium had been convened to provide a platform for the meeting of minds and was aimed at strengthening knowledge and sharing research products among researchers and stakeholders.

## 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 were consolidated on a Dropbox website for future reference by participants.

# 2.0 HIGHLIGHTS OF TECHNICAL PRESENTATIONS

## 2.1 LAND GOVERNANCE AND LAND AUDIT

### 2.1.1 Overview of Land Governance Assessment Framework Process

Dr. Augustine Mulolwa from the University of Zambia (UNZA) presented draft findings of the Land Governance Assessment Framework (LGAF) process and land governance study undertaken to provide an assessment and audit of Zambia's land outlook.

The presentation illuminated both positive and negative factors that had a bearing on land governance and administration in Zambia. Dr. Mulolwa described the LGAF panels, which focused on land tenure recognition, institutional arrangements, dispute resolution, transparent processes, the economic benefit of transfer of public land to private use, public land management, urban land use, planning and development, rights to forest and common lands, rural land use regulations, provision of land information, land valuation and taxation, and the review of institutional arrangements and policies.

The draft research findings also submitted key policy recommendations for linking the LGAF to the reform process and incentives as well as monitoring progress of land governance. It also captured lessons learned and next steps obtained from the study.

### 2.1.2 Ministry of Land: Land Audit

Garikai Membele of the Ministry of Land, Natural Resources and Environmental Protection (MLNREP) observed that there has never been a comprehensive National Land Audit in Zambia, thereby creating administrative and management challenges as it was not realistic to manage land efficiently in the absence of accurate records. Overall the presentation outlined tenure and land administration limitations.

A land audit has been embarked upon to update the understanding of state and customary land distribution. It was acknowledged that land administration and governance in Zambia has some constraints that are compounded by the absence of a land audit and which impair efficient administration and governance of land in the country.

The land audit will therefore ascertain the number of titled, developed, and undeveloped parcels in the country. It was evident that the ongoing land audit will investigate and compile a comprehensive, accurate, and reliable database of all land parcels in Zambia in order to enhance good governance, decentralization, transparency in land administration, and forestry and environmental management, and thus contribute to sustainable socioeconomic development. The presentation demonstrated the commitment of the Government of Zambia to improving the overall state of land administration and governance in Zambia through strategic interventions aimed both to support tenure security for citizens and to contribute to improved revenue to the treasury.

Institutional dynamism within customary areas, components of the land audit, scope of the National Spatial Data Infrastructure (NSDI) project, and spatial patterns in the commodification of traditional land

were discussed. It was appreciated that as African populations and economies grow, the need for an explicit integration of land policies with broader development objectives was increasingly critical.

## **2.2 IMPACT EVALUATION ON CUSTOMARY LAND MANAGEMENT**

### **2.2.1 Determinants of Forest Tenure and Forest Condition in a REDD+ Area in Eastern Zambia**

Ms. Mercedes Stickler of the U.S. Agency for International Development (USAID) highlighted key lessons learned from an impact evaluation on forest tenure and forest condition. The presentation highlighted the need for stronger rights and leadership to foster better land and resource management. She observed that stronger rights and leadership appeared to lead to better resource management.

The presentation stressed the association between forest governance and deforestation and the need for stronger evidence linking forest tenure and condition. Good and efficient governance of forest resources and the distribution of benefits remain central to the success of REDD+ policies and measures. The presentation also described the USAID Community Forest Program (CFP) as an initiative designed to reduce deforestation on customary and reserved lands and contribute to establishing the largest REDD+ program in Zambia.

The key findings included characteristics that had significantly been associated with forest condition, drivers of perceived forest tenure security, and characteristics that are associated with tenure security. The presentation highlighted possible program implications including equity, governance and accountability, and the likelihood of reducing deforestation.

### **2.2.2 Evidence from Early Agroforestry Adopters**

Dr. Heather Huntington of Cloudburst shared findings on tenure security and climate-smart agriculture adoption with special attention on Eastern Province. The presentation focused on agroforestry practices and benefits as well as limitations that served as inhibitors to the uptake of agroforestry technologies among local communities in Eastern Province. The presentation on determinants of tenure security and climate-smart agriculture adoption and initial impacts in Eastern Province highlighted evidence on the technologies and uptake nexus among communities that had been observed by the study.

## **2.3 CUSTOMARY LAND DOCUMENTATION**

### **2.3.1 Geography of Zambia's Customary Land**

The geography of Zambia's customary land was presented by Dr. Nick Sitko, who shared highlights of a study undertaken on prospects for smallholder development. The presentation described an approach to investigate spatial data to quantify the amount of customary land in Zambia and to examine the prospects for agricultural commercialization, based on population densities, market access conditions, and agro-ecological suitability.

The study was undertaken by Michigan State University (MSU) and the Indaba Agricultural Policy Research Institute (IAPRI). It observed that approximately 51 to 54 percent of Zambia's land remains under customary tenure and, by implication, is available for smallholder utilization. Populations in the study area were clustered in five percent of the customary land with reasonably good market access conditions. Good market access conditions were observed to generally be located in regions with high levels of rainfall variability due to historical infrastructure investments.

On the other hand, due to high population density, market-accessible regions had witnessed a rapid increase in land commodification, land alienation, and declining fallow rates. Therefore the study

proposed that land and economic development policies must be attentive to the changing dynamics in customary land areas in order to ensure the future viability of the smallholder farming sector.

It was argued that in order to estimate the amount of customary land available for smallholder production it was required to account for not only land that is administered as state land, including farm blocks and urban settlements, but also land use categories ostensibly under customary control where smallholder cultivation was either prohibited, such as in national parks, or subject to ambiguous or competing regulatory frameworks, such as in forest reserves and game management areas.

### **2.3.2 Lessons Learned from CSO-led Systematic Registration of Customary Land**

Lessons learned from CSO-led systematic registration on customary land in Zambia were shared by Mr. Christopher Mulenga of TGCC. It was observed that the vast majority of Zambia's rural land lacks formal documentation, thereby impacting community and household land rights.

Other important aspects learned from the study included tenure security as a necessary strand relevant to improving investments in climate-smart agriculture by local communities. The study further profiled critical concerns that had been catalogued and informed by spatial data that was captured with a view to informing systematic household land registration.

The initiative aspired to create local capacity to support issuance of customary land-holding certificates and to document community resources, including elements that were covered in the study process. Important principles included being low-cost and spatially explicit, applying general boundaries principles, and registering household and communal rights and ownership, among other issues.

### **2.3.3 Experiences of Customary Certification in Mungule**

The presentation shared experiences from the customary land certification initiative in Mungule Chiefdom, which deployed the Social Tenure Domain Model (STDM). Leah Tembo, in collaboration with Headman Mungule and a representative of STDM, underlined practical experiences on the community initiative to strengthen tenure that had gained momentum in Mungule Chiefdom resulting in insurance of customary certification of land.

The initiative was based on grassroots-anchored customary spatial data collection capacities that have been internalized locally and have enabled generation of spatial data, local maps, and issuance of customary certificates of landholding using community infrastructure. The presentation further underlined the viability and efficacy of a community-centered planning process in strengthening sustainable land administration and tenure domain of customary land.

The presentation noted that urbanization is an inevitable reality in Mungule Chiefdom, which has created urgency to put safeguards in place. Community-led data collection (profiling, enumeration, and mapping) provides an informed basis for engaging with both local and traditional authorities while at the same time safeguarding land rights for the poor. Therefore there was a dire need for formal record systems which can be validated by the entire community so that people's land rights (especially for women) are not violated.

## **2.4 MANAGING THE FOREST COMMONS**

### **2.4.1 Charcoal Production and Miombo Woodland Degradation**

Dr. Cliff Dlamini presented findings on research that examined charcoal production and Miombo woodland degradation. From the findings he observed the significance of the Miombo forest system in Zambia, as it constitutes about 72% of Zambia's forest and contributes an estimated 3.7 to 6.7% of gross domestic product.

Despite the important contribution of the Miombo forest system in supporting livelihoods, deforestation in Zambia has continued at an alarmingly high rate, presenting sustainability concerns. On the other hand, it was noted that ecological sustainability of the Miombo forests could be achievable if the forests are harvested in a sustainable manner, due to its strong capacity for regeneration.

The presentation also shared study methods and data analysis tools. The findings underlined the need to integrate indigenous management systems into modern ways of forest management so as to attain improved management of the Miombo forest system.

It was noted that the results demonstrated a strong correlation between number of bags and cut over areas. It was intriguing to note that there was evidence to support sustainable management practices for charcoal production in Miombo forests. However, the high intensity of charcoal production has impaired sustainable production of charcoal as a useful silvicultural practice, which has been compounded by the effects of climate change.

The presentation made some policy recommendations including the need to apply forest policy to site-specific considerations, informed by scientific understanding and ecological diversity, as well as the need to integrate traditional management systems into modern ways of forest management.

#### **2.4.2 Challenges and Opportunities of Promoting Community Forest Management**

A presentation on challenges and opportunities of promoting forest management was shared by Dr. Vinya from Copperbelt University (CBU), highlighting incentives that promote community forest management as well as principles of natural resource devolution. Insights of experiences gained through the joint forest management initiative that Zambia had explored were shared. Dr. Vinya argued that there was a need to appreciate that sustainable forest management requires appreciation of the nexus of forest resources, people, and legislation provisions.

Lessons from two local forests confirmed the importance for local communities to have legal control to serve as incentive for sustainable natural resource management. He observed that without incentives to reach resource dependent communities, communities will not be motivated to address sustainable use and management of natural resource management.

Disillusionment among forest-dependent communities was largely associated with the failure of the government to honor its obligations regarding benefit sharing, ownership of forest resources, and future expectations. This underscored the need for people to have legal control of natural resources in order to have incentive for sustainable resource management. It was clear that without incentives communities will not be motivated to contribute to sustainable use of natural resources.

Dr. Vinya stressed the need to simplify management plans so that they are understood by local communities and enable security of rights for the communities, including equitable benefit-sharing with appropriate practice.

The presentation further highlighted important lessons that had been accrued from experiences in community forest management in Zambia through joint forest management. These lessons had informed new efforts and initiatives on enhanced forest management interventions in the recent years. Specifically the case of the Decentralized Forests and Other Natural Resources Management Project (DFNRMP) was highlighted. The program will incentivize ownership of natural resources and promote benefit-sharing with communities.

It was noted that the new Forest Act and Urban and Regional Planning Act provide for organized management practices and community involvement in improving management of forest resources. Additionally, the importance of scaling benefits beyond timber products was highlighted.

### **2.4.3 Community Markets for Conservation (COMARO) Experiences**

Dr. Dale Lewis shared an innovative development model that COMACO has pioneered and deployed as a strategy aimed to contribute to strengthened natural resource management. The presentation highlighted principles that anchored the innovation including “the wheel,” which turns each annual farming cycle with key activities that support its mission; and, “the axle,” which is the extension support plus business that drives the wheel. The model was designed to reduce poverty among poor vulnerable local communities and is based on a signed natural resource management commitment.

The model was designed to constitute a wheel to turn and support communities to start to appreciate the benefit of natural resource management. As the wheel turns, communities start to appreciate the benefit of natural resource management operating in the Luangwa Valley ecosystem, ultimately removing middle men and taking food crops into the market.

Some achievements of the model included fire control and monitoring. There was an observed correlation between the degree to which the interventions championed by COMACO reduced fire.

Implementation of the model generated lessons learned regarding the importance of the private sector to stimulate accountability to the commitment to natural resource restoration and integrity. When communities gain confidence in natural resource stewardship, including soil management, it triggers systemic change that makes a positive contribution to people’s improved welfare. The presentation concluded by underlining that partners plus leadership, skills, and vision equals community conservation plans.

### **2.4.4 Role of Customary and State Institutions in Reducing Forest Degradation**

A presentation from Dr. Rose Makano elaborated on the role of customary and state institutions in reducing forest degradation. She observed that forests provide diverse ecosystems and goods and services necessary for human survival. In her submission, she noted that weak institutional collaboration between customary and state institutions have contributed to the loss of natural resources in Zambia.

She highlighted the status of forest and land coverage including that customary land has reduced to 40%. It was noted that the structural and functional roles that shape people’s behavior are influenced by cultural dynamism and the erosion of rules and regulations. This includes the traditional roles that are handed over from one generation to another orally or through observation. Additionally she observed that weak institutional collaboration between customary and state institutions contributes to over-exploitation of forest resources and often results in forest loss due to unsustainable harvesting practices.

The presentation also examined institutional definitions, aspects of human behavior, and the nature of rules and aspects that sustain forest management. The study findings examined relationships between customary and state institutions in Zambia’s centralized system and local level governance structures. Written rules and regulations were argued to be significant to attainment of sustainable forest resources integrity. It was observed that the challenge of inadequate convergence between formal and informal systems often affect management of natural resources. This has inevitably affected the need to link the structures in legal and formal ways.

It was observed, however, that there were similarities between traditional rules and national statutes as well as efforts by the government and by non-state actors in forest management. Evidently, the natural resource management approaches that existed within the traditional norms and were established through unwritten behavior were largely in support of sustainable natural resource management. Lessons that had been learned from community-based natural resource management practices in Zambia and how they have had an impact on forest resource management were also shared.

It is important to establish how the devolution of power has been framed in the law as the lack of devolution appears to have inhibited impacts at the local level. Importantly, the need to integrate traditional knowledge on community-based natural resource management in national law as a way to institutionalize such practices is still a challenge. This will become increasingly important with the emergence of the new Forest Act of 2015.

Decentralization and devolution of management of forest resources can confer responsibility and ownership onto local community stakeholders. The presentation interrogated the extent to which the Forests Act of 2015 recognizes the need to devolve resource management responsibility to the lowest structures of local level institutions of the affected local communities.

It was underlined that policy and legislative frameworks needed to be matched with practice and decentralized decision making and management. Alienation of local communities or lack of inclusiveness of land and resource tenure, property and access rights, and integrated land use planning seem to promote unsustainable forest resource use resulting in forest resources degradation.

Key implications for forest resources management in Zambia relate to the need for policy and legislative frameworks to address issues of land and resource tenure, property and access rights, and integrated land use planning. In an effort to promote sustainable forest resource management, the Government of Zambia repealed the Forests Act of 1973 and the Forests Act of 1999 and enacted the Forest Act of 2015. The extent to which the new law addresses livelihood security and certainty of attainment of forest management objectives with local communities needs to be evaluated.

Empowerment and capacity-building remains necessary to assist local communities to refrain from unsustainable management of forest resources. It was noted that additional efforts are needed to reduce or stop forest resource degradation; and that forest loss will worsen due to the energy deficit.

The presentation made recommendations that included measures to strengthen customary and state institutions in order to enhance attainment of the 2030 Agenda for Sustainable Development.

## **2.5 CUSTOMARY LAND, AGRICULTURAL PRODUCTIVITY AND LARGE SCALE INVESTMENTS**

### **2.5.1 Impacts of Three Models of Land and Agricultural Productivity in Zambia**

Mr. Crispin Matenga shared three models that are deployed in agricultural commercialization. The research examined various grower schemes with reference to two commercial farming enterprises to understand the implications of the models on land and agricultural husbandry in Zambia.

The synthesis attempted to contribute to understanding the customary land, agricultural productivity, and large-scale investment dynamics. The presentation illuminated study findings that found there was no mass displacement of local communities in the agriculture models that were examined except in plantation agriculture. It noted intensified land pressure especially in areas where the out-grower model was being pursued. The commercial model provided highest employment, though it was predominantly casual. It was also observed that women were paid less than men in all three models. The plantation model employed more older people than young ones. Across models, wage employment and own farming was an important basis for livelihoods and catalyzed emergence of accumulating classes around the commercial model.

### **2.5.2 Relationships between Large-scale Investors and Local Communities**

Ms. Mitelo Subakanya from IAPRI shared findings of a research study that investigated relationships between large-scale agricultural investors and local communities by examining the status of Chobe Agrivision and Amatheon in Zambia. The presentation highlighted the methodological approach used in

the study and key findings and also highlighted some challenges that were associated with initial contacts and expectations faced by large-scale investments to the local communities.

The study observed some negative environmental hotspots such as increasing scarcity and diversion of water channels, which caused local communities to be concerned about expansion that interferes with the local context. The study noted that investors appear to have challenges in explaining the out-grower scheme arrangements and motivation to local communities, causing high community expectations which led to tension.

The findings summarized some policy recommendations relevant to minimize creation of the tense relationship and noted the need for trade-offs to be communicated to local stakeholders.

### **2.5.3 Land Acquisition for Large-Scale Investment on Customary Land**

Dr. Roy Chileshe examined mechanisms and processes used in land acquisition for large investment on customary land. He shared highlights of case studies from a graduate thesis that examined land acquisition for large investment on customary land.

Large acquisition on customary land is on the rise in Zambia, which has led to mixed feelings. Local communities expressed that large acquisitions of land posed an infringement on traditional land. The presentation elaborated on land acquisition processes and the consequences of large-scale land acquisition on local communities.

The study established that there has been inadequate consultation with local affected communities. It also noted capacity constraints to negotiate with local communities due to power differentiation that has led to land alienation. There is a need to investigate participatory processes in large-scale land acquisition.

### **2.5.4 Effects of Policy Changes on Land Use and Livelihoods in Customary Areas**

David Kafwamba from UNZA shared study findings showing how land use policy and livelihoods interplay in customary areas in Chongwe. The study observed that the landscape from the colonial era has a linkage to macro and micro relationships, with special attention on how policy shifts impact the interplay. Evolutionary changes have led to bush gardens, food crops, and agriculture intensification. The study also examined colonial engagement with land use and livelihoods, noting that this had a bearing on access to land.

Socialist policies on land use and livelihoods have had effects due to expansion of agriculture resulting in loss of agri-genetics practices. The emergence of free market approaches has stimulated constraints that have resulted in reduced yields.

Due to the challenges on agricultural production that have triggered introduction of various subsidies, there has been an influx of people from outside the area, stimulating land fragmentation and enclosure of communal spaces and resulting in a policy failure to engage with local dynamics to assume responsive architecture.

## 3.0 PLENARY SESSIONS

The technical presentations summarized in the previous section were complemented by a plenary discussion which gave participants the opportunity to seek clarification from presenters, and deepen their appreciation and understanding on the various issues.

During the plenary discussion, participants discussed experiences, practicalities, and threats of the research findings. One such discussion focused on implementing customary land certification as informed by experiences from Eastern Province and Mungule Chiefdom in Lusaka Province

The legality and management of potential conflicts of land under customary certification appeared to present an area of concern despite it seemingly having been accepted as an approach by MLNREP.

Against this consideration, participants observed a need to secure intergenerational interests associated with customary land that may be threatened by customary certification or titling. Hence it was suggested that appropriate safeguards should be put in place to ensure that customary certification does not lead to disputes around land equity, access, and management.

## 4.0 CLOSING REMARKS

The TGCC COP, as the convener of the symposium, committed to continuing to contribute to information sharing and dissemination through an annual research symposium, which will provide a platform for researchers and stakeholders to engage on issues of land tenure, administration, and governance in Zambia.

He reiterated the need to retain active communication with participants and the research community in general so as to create an active network. He observed that there were aspects that will require further elaboration, including the need to reduce legal ambiguities on land holding, particularly of customary land, which can only be addressed by undertaking further research clarifications.

# ANNEX I: SUMMARY OF GROUP DISCUSSIONS

Participants undertook group discussions divided into three constituencies, CSOs, researchers, and planners, using some core guiding questions to stimulate discussions and enquiry. The groups were given guiding questions to inform the discussions. Below are key highlights of what was discussed by each group.

## CSO GROUP DISCUSSION

The highlights under the CSO segment focused on the need for enhanced CSO collaboration with government through measures that include:

- Establishment of memoranda of understanding to inform working relations;
- Involvement of CSO as agents of change to carry out awareness- and capacity-building projects; and,
- Strengthening of the institutional framework.

Aspects considered important in the promotion of collaboration with academia included better sharing of information and research engagements.

The group also noted the need for collaboration among CSOs through improved networking and sharing of experiences as well as improved legal framework

## RESEARCHERS GROUP DISCUSSION

The discussion by researchers was informed by two important considerations: how to link research to land management and identification of research gaps.

The research group noted important expectations including:

- A focus on evidence based policy;
- The need for forums to exchange ideas, e.g. annual research symposium;
- Undertaking common research meetings with stakeholders; and,
- The need to understand value of natural resources, e.g. forests and the fire management system.

Other issues discussed and shared included disputes and conflicts management systems, access to customary land affected by aspects of gender, and the need to investigate/audit private sector land utility.

Issues identified related to land documentation included:

- The use of more effective technology to document land status;
- The need to know where populations are based for planning purposes, rural populations;
- The need for security of tenure for them to invest; and,

- Causes and factors leading to illegal land allocation.

The impact of removing some natural resources was also discussed, including elements concerning the difference between wetlands environment and other land areas and defining common resources.

## **PLANNERS GROUP DISCUSSION**

This group discussion captured gaps associated with inadequate harmonization, the absence of legislation to mandate stakeholders working together, weak structures e.g. District Development Coordinating Committees, as well as the absence of clear regulations.

The discussion also undertook stakeholder identification and identified:

- Donors/financers (work with planners who are custodians of information);
- Land administration substructures;
- Local leaders;
- MLNREP; and,
- Target beneficiaries.

It also observed the need for generating terms of reference for each stakeholder. Additionally, the group discussed the importance of legislation, such as the Urban and Regional Planning Act no. 2015 section 21-25, the Decentralization Act, and the Land Act of 1995.

# ANNEX 2: PARTICIPANTS

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