



**MINISTRY OF TOURISM, ENVIRONMENT AND NATURAL  
RESOURCES**

RECLASSIFICATION AND EFFECTIVE MANAGEMENT OF THE  
NATIONAL PROTECTED AREAS SYSTEM PROJECT

**REVIEW AND SYNTHESIS OF LESSONS LEARNED  
CONCERNING OPTIMUM FORMS OF  
COMMUNITY MANAGEMENT STRUCTURES FOR  
MULTIPLE RESOURCE MANAGEMENT IN  
ZAMBIA AND SOUTHERN AND EASTERN AFRICA**

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# TABLE OF CONTENTS

<b>ACKNOWLEDGEMENTS</b>	<b>4</b>
<b>ACRONYMS</b>	<b>5</b>
<b>EXECUTIVE SUMMARY</b>	<b>6</b>
<b>CHAPTER ONE: INTRODUCTION</b>	<b>8</b>
1.1 Background	8
1.2 Problem statement and justification	9
1.3 Objective of the consultancy	10
1.4 Tasks	10
1.5 General Methodology	11
<b>CHAPTER TWO: COMMUNITY STRUCTURES</b>	<b>12</b>
2.1 Types of community structures for natural resource management	12
2.2 Community structures as legal entities	14
2.3 Multiple natural resource management	16
2.4 Objectives of community structures	19
2.5 Benefits to communities	20
2.6 Membership of community structures	22
2.7 Performance of community structures	25
2.7.1 Strengths	26
2.7.2 Weaknesses	26
2.7.3 Opportunities	26
2.7.4 Threats	26
2.8 Partnerships for capacity building	28
2.9 Other parallel structures	29
<b>CHAPTER THREE: POLICY AND LEGISLATION</b>	<b>30</b>

<b>3.1</b>	<b>Zambia</b>	<b>30</b>
3.1.1	Zambia Wildlife Act and the Policy on National Parks and Wildlife of 1998	30
3.1.2	Forest Act of 1973; 1999 and Forest Policy of 1999	30
3.1.3	Fisheries Act of 1974 as amended in 2007	30
3.1.4	Lands Act of 1995	31
3.1.5	Land (Perpetual Succession) Act CAP 186	31
3.1.6	Companies Act	31
3.1.7	Societies Act	31
3.1.8	Cooperatives Act	31
3.1.9	National Biodiversity Strategy and Action Plan (NBSAP) of 1999	32
3.1.10	National Policy on the Environment (NPE) of 2005 (adopted in 2007)	32
3.1.11	Zambia Forestry and Provincial Forestry Action Plans	32
3.1.12	Decentralisation Policy of 2002	32
3.1.13	Citizens Economic Empowerment Act	32
3.1.14	Fifth National Development Plan and Vision 2030	32
<b>3.2</b>	<b>Botswana</b>	<b>33</b>
3.2.1	Tribal Grazing Land Policy of 1975	33
3.2.2	Wildlife Conservation Policy of 1986	33
3.2.3	Other policy and legal instruments	33
<b>3.3</b>	<b>Namibia</b>	<b>33</b>
3.3.1	Policy on the establishment of Conservancies of 1992	33
3.3.2	Policy on Wildlife Management, Utilisation and Tourism in Communal Areas of 1995	34
3.3.3	Policy on the Promotion of Community Based Tourism of 1995	34
3.3.4	1996 Amendment to the Nature Conservation Ordinance of 1975	34
<b>3.4</b>	<b>Malawi</b>	<b>34</b>
3.4.1	Forest Policy and Act of 1997	34
3.4.2	Other policy and legal instruments	34
<b>3.5</b>	<b>Tanzania</b>	<b>35</b>
3.5.1	Forest Policy of 1998 and the Forest Act of 2002	35
3.5.2	Land Act of 1998 and Village Land Act of 1998	35
<b>3.6</b>	<b>Discussion</b>	<b>35</b>
	<b>APPENDICES</b>	<b>40</b>
	<b>APPENDIX 1</b>	<b>40</b>
	<b>CASE STUDIES OF COMMUNITY STRUCTURES FOR NATURAL RESOURCE MANAGEMENT</b>	<b>40</b>
	<b>ZAMBIA</b>	<b>40</b>
1.	Community Resources Boards (CRB)	40
2.	Forest Trusts	41
3.	Fisheries Management Committee (FMC)	42
4.	Lands Safe Investment Trust, Chief Luembe's area, West Petauke GMA, Nyimba District	43
5.	Mukuni Community Development Trust, Livingstone	46
6.	Kabulwebulwe Development Trust in Mumbwa	47
7.	Conservation Trading Centres (CTC)	48
	<b>BOTSWANA</b>	<b>49</b>
8.	Community Trust or Cooperative	49

<b>NAMIBIA</b>		<b>51</b>
9.	Conservancies in Namibia	51
<b>MALAWI</b>		<b>52</b>
10.	Village Natural Resource Management Committees (VNRMC)	52
<b>TANZANIA</b>		<b>54</b>
11.	Forest Committees and Village Natural Resource Management Committees (VNRMC)	54
<b>APPENDIX 2 LIST OF PEOPLE INTERVIEWED AND ITINERARY</b>		<b>56</b>
<b>APPENDIX 3 REVISED INTERVIEW GUIDE</b>		<b>58</b>
<b>BIBLIOGRAPHY</b>		<b>58</b>

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The authors attempted to articulate the views of stakeholders as accurately as possible. We however take full responsibility for any mistakes and apologise in advance.

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# ACRONYMS

ADC	Area Development Committee
ADMADE	Administrative Management Design for Game Management Areas
AWF	African Wildlife Foundation
BRE	Barotse Royal Establishment
CAMPFIRE	Communal Areas Management Programme For Indigenous Resources
CBNRM	Community Based Natural Resource Management
CBO	Community Based Organisation
CDC	Constituency Development Committee
CHA	Controlled Hunting Area
COMACO	Community Markets for Conservation
CONASA	Community Based Natural Resource Management and Sustainable Agriculture
CRB	Community Resources Boards
CTC	Conservation Trading Centre
CURE	Coordinating Unit for the Rehabilitation of the Environment
DANIDA	Danish International Development Agency
DDCC	District Development Coordinating Committee
DWNP	Department of Wildlife and National Parks
FNDP	Fifth National Development Plan
FMA	Fisheries Management Area
FMC	Fisheries Management Committee
FMC	Forest Management Committee
GEF	Global Environmental Facility
GMA	Game Management Area
IRDB	Integrated Resource Development Board
IUCN	World Conservation Union
SNV	Dutch Development Organisation
JFM	Joint Forestry Management
LIRDP	Luangwa Integrated Resource Development Project
MOT	Ministry of Tourism
MENR	Ministry of Environment and Natural Resources
MTENR	Ministry of Tourism, Environment and Natural Resources
NASCO	Namibian Association of Community Based Natural Resource Management Support Organisation
NBSAP	National Biological Diversity Strategy and Action Plan
NEAP	National Environmental Action Plan
NGO	Non Governmental Organisation
NLWCCDP	North Luangwa Wildlife Conservation and Community Development Project
NRCF	Natural Resources Consultative Forum
NPE	National Policy on Environment
PFAP	Provincial Forestry Action Plan
SLAMU	South Luangwa Area Management Unit
SWOT	Strengths, Weaknesses, Opportunities, Threats
UNDP	United Nations Development Programme
VAG	Village Action Group
VDC	Village Development Committee
RMC	Village Natural Resource Management Committee
WCS	Wildlife Conservation Society
WMA	Wildlife Management Area
WDC	Ward Development Committee
WWF	Worldwide Fund for Nature (still World Wildlife Fund in the US and Canada)
WMSA	Wildlife Management Sub Authority
ZAWA	Zambia Wildlife Authority
ZFAP	Zambia Forestry Action Plan

## EXECUTIVE SUMMARY

The creation of community structures for natural resource management in Zambia and the region represents an effort to forge mutually beneficial partnerships. These partnerships should, however, be based on appropriate policies, regulatory and governance frameworks for improved natural resource management and socio-economic, cultural and ecological benefits to communities and other stakeholders.

There has been a tendency to create community structures in the natural resources sub sectors. Community Resources Boards (CRB) for wildlife, Forest Trusts for forestry and Fisheries Management Committees are examples.

To compound the problem, authority for natural resource management is *fragmented* in a variety of Government institutions and scattered in different pieces of legislation. There is also limited capacity in these institutions to implement their mandates while communities are not adequately empowered with authority and appropriate packages of incentives for participation. This makes the whole approach of community based natural resource management *ineffective* despite the many important steps that have been taken to create an enabling environment.

This report is a synthesis of the lessons learned from community structures for natural resource management in Zambia and the region as one step in a policy direction that recognizes a single community structure for multiple natural resource management in a given area. Rather than aim to create new ones, it is better to upgrade the most established structure in a given area to become a legal entity so that it is able to enter into agreements with the appropriate Government Departments and statutory institutions for natural resource management. This should be seen as part of a *necessarily* long process to build capacity in community structures and improve performance. While there should be efforts deliberately designed to achieve this, community structures should be seen to be demanding and using it.

In terms of *composition* two types of community structures were found namely those with membership made up of community members and those whose membership includes other stakeholders thereby taking the character of a governance structure. In terms of *legal status*, five different types of community structures were found including Committees, Boards, Companies, Societies and Trusts. Other types of existing community structures include Constituency and Ward Development Committees which are currently not involved in natural resource management. One of the functions of central Government earmarked for devolution to the district and sub-district level by the Decentralization Policy of 2002 is natural resource management. In light of this community structures *specialized* in natural resource management should be represented on the Development Committees at the appropriate level notwithstanding the overlap in area of coverage and membership.

Most types of community structures were intended to address multiple natural resource management through an integrated approach but the *devolved* authority originates from a

single resource institution and legislation hence the multiplicity of community structures for natural resource management under different legislation.

The **objectives** for community structures for natural resource management highlight biodiversity conservation, community development and institution building consistent with the principles of sustainable development which emphasizes economic advancement, poverty reduction and environmental protection. **Membership** of the community structures ranges from those whose membership is determined by legislation to those that are required to define their own membership. As a way of enhancing internal legitimacy, community structures should define their own membership. **Benefits** include a percentage of income from user fees and access to selected resources. Where benefit sharing mechanisms are in place, they have little or no impact at household level. Communities should be empowered economically as an incentive for their participation in natural resource management. Opportunities available under various Government initiatives should be taken advantage of.

The main **lessons** indicate that where an appropriate mixture of economic and other incentives is in place, including clear resource rights, strong institutional arrangements and markets for natural resource products including tourism, the magnitude of benefits increases, stronger partnerships emerge and biodiversity conservation begins to take place. It is important however that an enabling environment is created especially to support the devolution of rights and promote the appropriate incentives for stakeholder participation and security of tenure on customary land to avoid incidences of land alienation which do not benefit the community.

In general the **performance** of community structures is poor largely due to limited capacity, inadequate benefits, poor governance and inadequate policy and legislation.

It is **recommended** that there should be a single community structure for natural resource management in a given area. The characteristics of such a single structure should include acquisition of full legal status, linkages with Government and traditional authorities and a plan for capacity building. Full legal status will also allow community structures to enter formal partnerships with other legal entities. Registration as a Society provides the minimum level of becoming a legal entity.

Attention should also be given to *governance* including issues of transparency and accountability in decision making and financial management. The single community structure for natural resource management in a given area should ultimately have control over natural resources within their area of jurisdiction in the form of clear management rights which form part of an incentive package to justify natural resource management at the local level against other land uses and as a basis for partnerships.

# CHAPTER ONE: INTRODUCTION

## 1.1 *Background*

The Government of the Republic of Zambia through the Ministry of Tourism Environment and Natural Resources (MTENR) has established the Reclassification and Effective Management of the National Protected Areas System Project after securing funding from Global Environment Facility (GEF) and the United Nations Development Programme (UNDP). The main purpose of the project is to strengthen the enabling frameworks and capacities for managing the National Protected Areas System. The project is putting in place appropriate policy, regulatory and governance frameworks in order to provide new tools for public, private, civil society, and community management partnerships.

The Project is assisting Zambia to review and reclassify its protected area systems and develop models for more effective and sustainable protected area management through participatory approaches and capacity enhancement. This process is nested within the framework of the National Biodiversity Strategy and Action Plan (NBSAP).

High levels of rural poverty coupled with food insecurity and limited income sources put a serious strain on natural resources and threaten biological diversity inside and outside protected areas.

Community based natural resource management (CBNRM) is a deliberate strategy to promote sustainable rural livelihoods while reversing the threats to and galvanizing support for biodiversity conservation. CBNRM is an approach based on transferring of *responsibility* and *authority* for natural resources management to defined communities together with the necessary incentives facilitated by enabling policy and legislation. Experience in Zambia thus far, suggests that the potential for CBNRM achieving its objectives is high. However, there is considerable slippage between stated intentions and actual practice.

Several pieces of legislation and policy documents provide for one form or another of co-management and grant some rights for natural resource management to the local community (MTENR 2005; CONASA 2001; 2002; MENR 1999). The Wildlife Act No 12 of 1998 allows for co-management of Game Management Areas (GMA) between the Zambia Wildlife Authority (ZAWA) and the Community Resources Board (CRB) and devolves authority to CRBs for wildlife management. Joint Forest Management (JFM) also provides for co-management of forest resources for the benefit of forest residents and stakeholders in support of sustainable resource management. Similarly, the revised Fisheries Act of 2007 provides for the creation of Fisheries Management Committees (FMC) as co-management structures in Fisheries Management Areas (FMA).

While the Wildlife Act (1998), as an example, provides for community participation in the management of wildlife resources in GMAs, residents have limited *formal*, legal



rights to benefit from the management of any natural resources. Progress in GMAs is hampered by the existence of a multiplicity of sector authorities. Most of them have limited capacities while the primary stakeholders, the community, have little decision-making authority. The forestry and fisheries sectors are in a similar situation.

## **1.2 Problem statement and justification**

Zambia has one of the highest percentages of land dedicated to protected areas which includes protected areas for wildlife, forests, fisheries/aquatic life and national or historical monuments. In spite of this, Zambia like many developing countries has limited financial resources for natural resources and environmental management (Changa Management Consultants 2006; Murphree 2004; Jenkins & Edwards 2002; MENR 1999). Outside protected areas, there is no formal management of natural resources.

Environmental degradation in Zambia has been reported to be worsening across the country despite the preparation of a National Environmental Action Plan in 1994 (MTENR 2005b). Mechanisms for promoting stakeholder participation, especially the private sector and communities in environmental and natural resource management are *ineffective*; incentive mechanisms are *absent*, property rights to resources and land are not clearly defined and valuation of natural resources has been *distorted* leading to serious environmental threats (MTENR 2005a). Poor resource valuation especially where proprietorship does not rest with those who share land with resources leads to replacement of wildlife and forests by other land uses that are of higher economic benefit to communities occupying the land. This is particularly so if the costs of conservation are not matched or exceeded by its economic benefits (Murphree 2004; Whiteside 2000; Hachileka et al 1999).

The mobilization of communities and sharing of benefits including income from utilization of natural resources provides incentives for community participation (MTENR 2005a; Child 2004; Hachileka et al 1999; Marks 1999). Unfortunately, most community structures have limited capacity to effectively participate in natural resource management and the benefits of doing so are inadequate leading to a level of performance in CBNRM which is below expectation (Blaikie 2006; Struhsaker et al 2005; MTENR 2005a; Hutton et al 2005; Hulme & Murphree 2001; Oates 1999; Marks 1999; Gibson & Marks 1995).

This is not to ignore the fact that the mobilization of communities has led to improvements in prospects for natural resource management inside and outside protected areas (Hulme & Murphree 2001). However the success of these initiatives is open to debate as most empirical data indicate that resource depletion is still a serious threat to biodiversity despite the adoption of CBNRM approaches (Struhsaker et al 2005; MENR 1999; Oates 1999). The problem could, however, have been worse if community participation had not been deliberately introduced in one form or another.

The emphasis on community structures arises from the fact that most of the land in Zambia is customary land and some of it is highly endowed with natural resources. Most of it, however, is vulnerable to abuse and is undeveloped. The level of poverty is high.

Villages are scattered and far from Government services and markets (WCS 2007; Metcalfe 2005; Manning 2005; van Dixhoorn personal communication). Additionally, since resource ownership is *centralized* in the State, communities see little benefit from maintaining natural resources especially at household level (Hachileka et al 1999).

Centralized resource ownership and centralized management through a system of protected areas was intended to protect resources considered as being of local, national and global significance. It is nonetheless both costly and difficult to control and manage natural resources centrally (Murphree 2004; MENR 1999).

In the face of the problems mentioned above, the situation has quickly deteriorated to *de facto* open access resource tenure. It is characterized by the owner of the resources being far away so everyone helps themselves to the resources and nobody takes responsibility. The fragmentation of authority for natural resource management, inadequate coordination of efforts, concentration in protected areas and formation of different community structures for the management of single resources has further compromised natural resource management.

This report is a review of the lessons learned from community structures for natural resource management in Zambia and in the region as a contribution to policy debate through the Natural Resources Consultative Forum (NRCF) to allow for a single community structure for multiple natural resource management in a designated area.

### **1.3 Objective of the consultancy**

The objective of this consultancy was to conduct a review and synthesis of lessons learned concerning optimum forms of community management structures for multiple resource management in Zambia and in Southern and Eastern Africa.

### **1.4 Tasks**

1. Prepare an inception report on the work to be carried out in the consultancy;
2. Review the existing forms of community management structures for multiple resource management in Zambia and in Southern and Eastern Africa;
3. Review and synthesise lessons learned concerning optimum forms of community management structures for multiple resource management in Zambia and in Southern and Eastern Africa;
4. Present a detailed report on the review and synthesis of lessons learned concerning optimum forms of community management structures for multiple resource management in Zambia and in Southern and Eastern Africa and the way forward in designing a single community management structure for multiple resource management in Zambia to key stakeholders for endorsement;
5. Write final report to the Ministry of Tourism, Environment and Natural Resources.

## **1.5 General Methodology**

As the target group in the enquiry was more or less *pre-determined*, a non-probability sampling approach was adopted. Semi-structured or in-depth interviews using open-ended questions were used to obtain views from stakeholders (Bernard 2002). Where possible, focus group discussions were held especially with representatives of existing community structures.

Interviews and focus group discussions were arranged in advance. An interview guide was prepared but it served only as a list of issues to be raised.

The approach was qualitative. A literature review and a field visit to Masaiti, Bangweulu Swamps and the Luangwa Valley were undertaken. Summaries of case studies are attached in appendix one. Seven case studies from Zambia and four from the region were reviewed. A list of the persons interviewed and the itinerary are attached as appendix two.

## CHAPTER TWO: COMMUNITY STRUCTURES

This chapter highlights the different types of community structures for natural resource management. It also examines the objectives, benefits, membership and performance of the structures and highlights the existence of parallel structures at community level. Lessons learned and recommendations for the way forward are highlighted.

### **2.1 Types of community structures for natural resource management**

A community structure may be created under relevant legislation by an Act of Parliament or by the prospective members. The primary purpose of the structure is to support the community in achieving the stated objectives. The proponents and participants or intended beneficiaries must be the community members. Community structures may be distinguished by *composition* or by *legal status*.

In terms of composition, there are those that are composed of community members only and those that have community members with representatives of other stakeholders. Lower level structures such as Village Action Groups (VAG) and Village Resource Management Committees (VRMC) are composed of community members only while higher level structures such as Community Resource Boards (CRB), Forest Management Committees (FMC) and Fisheries Management Committees (FMC) have other stakeholders (Local Authority, Traditional ruler or a representative, Private Sector, Government Departments or anybody they chose) as members partly to promote stakeholder participation and partly to improve governance.

In terms of legal status, there are **FIVE** main types of community structures:

**Committees or Boards:** These are formed under sector-specific natural resource legislation for purposes of co-management. Their formation, membership, objectives, functions and mechanisms for benefit sharing are prescribed in the legislation which also regulates them. Examples include *Community Resources Boards (CRB)* and *Fisheries Management Committees (FMC)* in Zambia.

**Societies, Trusts or Cooperatives:** These are community based organizations (CBOs) which are legal entities in their own right. They are required to obtain formal registration upon fulfilling stipulated conditions. By definition CBOs define their own membership and objectives, are self-regulating and have legal personality to enter into formal contracts with other legal entities.

They are required to meet statutory requirements on an annual basis including audited accounts, minutes of the Annual General Meeting and details of any changes in the name of the organization or composition of the highest decision-making organ.

Examples include *Mukuni Development Trust* in Livingstone, which has entered into contracts with tour operators to give a percentage of income from tourists visiting Chief Mukuni's area (AWF 2006).

Forest Trusts under Joint Forestry Management (JFM) in Zambia are registered as Societies and relate to the Forestry Department through a *memorandum of understanding* (PFAP II 2005).

Other examples include *Community Trusts* in Botswana and *Conservancies* in Namibia. In Botswana, one of the main conditions for communities to obtain secure access to a wildlife quota, which they can use to go into joint ventures with the private sector, is that they register as a **Trust** or **Cooperative** (Rozemeijer & van der Jagt in Shackleton & Campbell 2000). In Namibia groups of farmers or communities must define their boundaries and membership, show capacity to manage funds, produce a constitution supporting sustainable management and utilization of game as well as a benefit-sharing mechanism among the members before they can be registered and their boundaries gazetted as a Conservancy (Jones & Mosimane in Shackleton & Campbell 2000; Child et al 2001). These community structures are considered as legal holders of the rights for natural resource management devolved from Central Government.

**Companies:** This option is mainly used for purposes of doing business and entering into business partnerships.

Giving community structures the status to engage in business profitably and diversifying their sources of income from natural resources is a significant step in capacity building. This type of structure offers the option of a non-profit making organization (company limited by guarantee under section 19 of the Companies Act), which allows the conducting of business not for distribution among shareholders but investment in the stated objectives of the company.

The *Community Markets for Conservation* (COMACO) is a registered company limited by guarantee which is a partnership involving *an international NGO (Wildlife Conservation Society), the District Council and the Community Resources Boards*. At community level, COMACO establishes *Conservation Trading Centres (CTC)*, which provide stable prices and a guaranteed market for agricultural produce for farmers complying with conservation farming techniques and a local land use plan (WCS 2007).

Another example is the *Mukuni Cultural Tours Limited* formed under the *Mukuni Development Trust* in Livingstone mentioned above already.

**Traditional authorities:** Although traditional authorities no longer have the same authority over resources as they had before, they still have an influential role in society especially in land administration (Mbewe 2007; Hansungule 2007). Traditional authorities historically owned and administered natural resources including land on behalf of their subjects until natural resource ownership was nationalized (MENR 1999).

The Barotse Royal Establishment (BRE) provides an elaborate system of community structures for natural resource management through a representative structure, a set of rules and regulations about accessing and using resources, a system of *courts* to monitor the performance of the rules and centralized ownership of all resources in the kingdom by the *Litunga* on behalf of the community (Mbikusita-Lewanika undated).

The BRE demonstrates clearly how elaborate, equitable and comprehensive some traditional systems for resource management are. The effectiveness of such systems is, however, eroded by various factors including modernization, migration, nationalization and a break down of customs and of ultimate traditional jurisdiction. However, the positive synergies of this system should be cultivated especially as traditional authorities still play an influential role in all matters in their areas.

The poor performance of community structures is positively related to perceptions among the general membership of poor accountability and lack of transparency among the leaders including traditional rulers (Dalal-Clayton & Child 2003). Experiences in JFM in Malawi suggest that where tribal composition is more diverse, traditional leadership is not held in high respect but in such areas community structures tend to be more successful (Kayambazinthu in Shackleton & Campbell 2000). The **lesson** is that regardless of the type of community structure, of critical concern is *whether* and *how* that structure addresses its objectives and enhances *governance* in its administration and activities.

## **2.2 Community structures as legal entities**

In Zambia the CRB is the most established, most visible and most tested of the community structures and is covered by appropriate policy and legislation. Although the CRB is created under an Act of Parliament and therefore has legal status under the Wildlife Act No 12 of 1998, it has no legal *personality* of its own as it has no formal status outside wildlife legislation. Furthermore, the CRB does not have the same rights to other resources as it does to wildlife. This limited authority is part of the problem with community structures created under sector legislation (AWF 2006; Murombedzi 2003). To overcome this legal technicality, the recently created Forest Trusts for JFM in Zambia are registered as Societies giving them full legal status and personality (PFAP II 2005).

Community Trusts as CBOs have both legal status and legal personality and can therefore negotiate contracts with other legal entities. In Zambia Trusts are very few and do not have any rights to any natural resources (Metcalf 2005) except the new Forest Trusts which have not really been tested yet. The description of the Mukuni Development Trust in Livingstone though located in open areas provides an important model for natural resource based economic development supported by local empowerment through acquisition of legal status and improved land and resource tenure (AWF 2006). The Kabuwebulwe Trust in Mumbwa is the legal owner of the land and the Kafumba Kwale Community Lodge which was built with support from DANIDA.

In Namibia and Botswana and recently under the new Forestry Act in Zambia, communities have to organize themselves into legal entities before they can be granted any rights to resources in their areas following clearly laid down procedures and stipulated requirements.

Community structures created as legal entities are better placed to *acquire* the necessary recognition including rights to natural resource management and to *access* other types of support. Recognition of community structures as legal entities creates opportunities for economic empowerment through *partnerships* and *joint ventures*.

The **lesson** is that there are important advantages and opportunities where community structures have acquired legal status.

## **Recommendations**

2.2.1 Community structures should have full legal status as legal entities with legal *personality*. This status will allow community structures to enter into formal agreements, joint ventures and partnerships with other legal entities including Government agencies as an *equal* partner. This is also part of capacity building (AWF 2006).

As a first step, a community structure may be registered as a Society for the purpose of acquiring legal status under which a company limited by guarantee (non profit making organization) may also be registered for business development and partnerships. Where bigger capital projects and assets are involved, a Trust may be incorporated under the Lands (Perpetual Succession) Act which requires initial registration as a Society anyway.

2.2.2 Community structures should define their own boundaries within which they have jurisdiction and where devolved rights can be exercised. Communities should also be aware of the status of resources within their area.

Guidance is required to ensure ecosystem wide coverage through negotiation rather than declaration. Additionally, smaller units of jurisdiction within an ecosystem or an established management unit should have a uniform approach to avoid a multiplicity of management structures and approaches in the same area as is likely in Mumbwa and Lupande GMAs where each has six chiefdoms and consequently, six CRBs.

2.2.4 A community structure for natural resource management should have a constitution that is approved by the membership and the appropriate authorities. The constitution must demonstrate the communities' interest in and commitment to natural resource management. The constitution should be in place before the community applies for recognition. It is also a requirement for formal registration.

This will allow communities to take time to develop their constitutions and promote ownership of the process. The constitution must define a governance structure to promote transparency and accountability including the keeping of books of accounts and opening of bank accounts. It must also indicate the willingness and interest of the community to participate in sustainable resource management and use as well as define a mechanism for benefit sharing and membership participation. (Also see recommendations 2.4.1; 2.6.4; 2.6.5; 2.6.6; 2.7.1; 2.8.2)

- 2.2.5 Community structures should be subjected to performance reviews by the appropriate partners including financial and participatory system audits and compliance with other statutory requirements.

Where community structures are granted rights for resource management the granting Government Department or Statutory Institution should provide performance criteria and standards for compliance while at the same time, they need to be seen to be taking practical steps to help their community partners to improve. This could include representation of the relevant institutions on the community structure. (See 2.5.3)

- 2.2.6 Community structures as legal entities should aggregate at district level for information sharing and advocacy.

### **2.3 Multiple natural resource management**

Although none of the existing community structures reviewed have the official mandate as the single community structure for multiple natural resource management, the more established community structures under *wildlife* legislation in Zambia are addressing issues under *forestry* and *fisheries* already. The combination of objectives for community structures and the context within which the objectives are set suggest a multiple natural resource management approach by a single structure. For example, the first function of the CRB is *to promote and develop an integrated approach to the management of human and natural resources* and some community structures are even named as such e.g. Village Natural Resource Management Committees (VNRMC).

Additionally, there is already an understanding that where a community structure for wildlife (CRB) is present, a new structure for forestry (Forest Trust) should not be created. The opposite should also be true provided that the community structures are legal entities and they are given the necessary management rights or authority. A similar understanding could be reached with Fisheries where this is possible as is the case on the Bangweulu Swamps where the Fisheries Management Committee works closely with Mulakwa CRB on resource protection.

The Fisheries Amendment Act of 2007 provides for consultations with the CRB before forming a Fisheries Management Committee where a Fisheries Management Area (FMA)



is declared within an existing GMA. The same should apply to Forest Trusts when an FMA is declared in an existing JFM area.

The **lesson** is that an approach that promotes multiple natural resource management by a single community structure in a given area is already being practiced to a certain extent *unofficially*. Such a single community structure for multiple natural resources management, however, must have the necessary *characteristics* and *capacity* to perform its functions in a multiple stakeholder environment. It is cheaper and more efficient in terms of transaction costs for all involved if there is a single community structure responsible for all natural resources under their jurisdiction. The multiple natural resource management approach must, however, be facilitated by an enabling policy environment.

## **Recommendations**

2.3.1 There should be a single community structure for multiple natural resource management in a given area. Apart from becoming a legal entity this structure must:

- Be representative of its membership
- Be committed to natural resource management
- Have the status to develop formal relationships with other stakeholders
- Have capacity to fulfill its objectives and exploit opportunities for economic development
- Hold devolved rights for all natural resources (above ground) in the area

Existing community structures that meet the necessary requirements should become the single community structures for natural resource management in their areas.

2.3.2 A single community structure for multiple natural resource management must have a formal linkage with the appropriate organ of Government for external legitimacy. This linkage should be formalized either through a *memorandum of understanding or agreement* as is the case with Forest Trusts under the Forest Act of 1999 or through a *Statutory Instrument* that not only confers the status of single community structure for natural resource management and the associated bundle of rights in a specified area but also provides *guidelines* and *regulations*.

2.3.3 The procedure for acquiring the status of a single community structure for multiple natural resource management in a given area and fulfilling the necessary conditions should be clearly elaborated as it is for Community Trusts in Botswana, Conservancies in Namibia and Forest Trusts in Zambia. As it might be a lengthy process, the application process should therefore be broken down in stages and should include the following steps:

- Initial application to the relevant body
- Definition of membership and production of a membership list

- Elaboration of a structure and election of a representative management committee with ability to manage funds
- Opening of a bank account
- Preparation of a constitution supporting sustainable management and utilization of resources
- Preparation of a plan for the distribution of benefits
- Formation and registration of the appropriate legal entity to the satisfaction of the district and other relevant authorities
- Preparation of a land use or management plan or resource inventory
- Preparation of an action plan
- Full application of resource rights

2.3.4 The structure should also have a formal linkage with the traditional authority. The traditional authority in a given area should have a specific role to play in support of the community structure for natural resource management. This role should however be *ceremonial* rather than *executive* as is the case with CRBs where chiefs are *patrons*. Chiefs should however be sensitized on how to perform this role.

2.3.5 Community structures should prepare a *management plan* first as an indication of their commitment to natural resource management. Alternative community centred ways of developing management plans are now available in the region. The plan is developed and reviewed in a poster format that includes a zonation map, objectives and an action plan that it is easily displayed at public meetings (Stuart-Hill personal communication). The management plan should be gazetted so that it is a legally binding document enforceable by the holder of management rights (PFAP II 2005).

2.3.6 Community structures should be granted full rights for natural resource management with both authority and responsibility within their area of jurisdiction. In line with regional *best practice* (Murphree 2004; Jones & Murphree in Child 2004; Jones 2004; 2003) and current *challenges* (MTENR 2005a; MENR 1999), policy should:

- Cover all natural resources in a given area in terms of management, control and utilization within stipulated and negotiated limits
- Recognize and develop linkages with other sectors through integrated planning
- Reward good actions rather than concentrate on punishment
- Be broad based to provide a range of options for the holders of devolved rights to justify natural resource management at community level
- Be flexible enough to cater for diversities in culture, social organization, resource densities, climatic conditions and other realities that might affect performance.

- Recognise the community structure that fulfils the necessary conditions as the holder of the devolved rights and create an enabling environment for these rights to be exercised

Adequate time, support and resources should be provided to community structures directly or indirectly to allow them acquire the necessary capacity and skills for holding these rights. (See also 2.5.2; 2.7.2; 3.6.1)

2.3.7 Policy should provide incentives to promote the performance of community structures in natural resource management. Hutton & Leader-Williams (2003) introduced the term “incentive-driven conservation” to *motivate people to conserve wild living species*. A mixture of economic and other incentives including, devolution and proprietorship increases chances of conservation taking place particularly as they are also a basis for the development of partnerships. Incentives could include a bigger share of resource utilization or licence fees working towards 100% retention of revenue where it is produced (Dalal-Clayton & Child 2003), direct negotiation with private operators, de-control of the quota in terms of animal fees, animal auctions (Shackleton & Campbel 2000) and other financial measures such as subsidies (positive) or penalties (negative), empowerment through livelihood enhancement (Hutton & Leader-Williams 2003), training, improved communication and engagement (Rozemeijer 2003).

An incentive mechanism should be graduated to provide incremental benefits and responsibilities according to the level of performance and compliance with agreed benchmarks. This should be seen within the context of promoting an ecosystem or landscape approach which captures all concerns, threats and mitigation measures within an integrated framework while building strong community structures.

When a community structure is recognized as the holder of devolved rights, negotiations should be held with the state and traditional authorities to confer the status of “*holders of land and resource rights*” subject to agreed conditions. This does not imply alienation of customary land but formalizing of such an allocation of land through a legal document. (See 3.6.4)

## **2.4 Objectives of community structures**

The two main objectives of the different community structures are *biodiversity management* and *community development*. The **lesson** is that both of these objectives require additional capacity to achieve. Given the difficulties that are being experienced in the running of community structures, future directions for CBNRM suggest that there should be much more emphasis on *institution building* through increased and extended *engagement* of the community in a process of internal capacity building (Murphree 2004; Jones & Murphree in Child 2003; Rozemeijer 2003). This will require investment in the community structures so that they have access to the necessary technical services both on a short term and long term basis.

The Zambia Wildlife Act provides for Community Resources Boards to have full time secretariats to carry out their day to day activities. This has generally not been achieved except for a few leading to a situation where board members are performing jobs that are meant for full time employees. This partly accounts for the poor performance of most community institutions (Changa Management Consultants 2006). Presently, ZAWA has employed Unit Leaders that will act as Secretaries and technical advisors to CRBs at ZAWA's cost.

## **Recommendation**

2.4.1 Providing capacity to community structures should be seen as an objective both for community structures themselves and supporting organizations. Practical steps should be taken to achieve it.

## **2.5 Benefits to communities**

One of the pillars of community participation in natural resource management, in *policy* and *practice*, is the delivery of economic benefits in the form of incomes, jobs and rural development (Blaikie 2006; MTENR 2005a; Jones 2004; Morembedzi et al 2003; Child 2003). However, the actual availability and distribution of benefits is challenging (NRCF 2007; MTENR 2005; Murphree 2001; Whiteside 2000; Hachileka et al 1999; Marks 1999; Lewis & Phiri 1998) as benefits are not enough, opportunities for generating them are limited, capacity for exploiting them low and mechanisms for distributing them inadequate. Other benefits are ecological and cultural in the form of *services* which communities are supposed to manage in a sustainable way. Unfortunately, unsustainable harvesting of resources leading to general environmental degradation and natural resource depletion continues in light of the limited benefits and capacity to address the situation.

It is this poor delivery of promised benefits to rural communities and inadequate management of natural resources in spite of community participation that is the basis of skepticism about community based natural resource management (Blaikie 2006; Struhsaker et al 2005; MTENR 2005; Hutton et al 2005; Oates 1999; Gibson & Marks 1999). It is also the motivation for approaches that promote economic empowerment (CONASA 2004; Jones 2004; Hutton & Leader-Williams 2003; Child 2003; Western in Western & Wright 1994) and clear resource rights as incentives for natural resource management at local level.

One of the reasons why the CRB is the most established community structure for natural resource management is the 50% share of hunting revenue. It is anticipated that future revisions of this mechanism will be on account of good performance in meeting identified and mutually agreed benchmarks.

Opportunities for generating benefits will differ from place to place depending on available resources, market value of the resources, human and resource densities and accessibility (Jones & Murphree in Child 2004). The **lesson** is that where densities of

high value resources are higher more benefits will be generated. However, a high human population might jeopardize the impact of these benefits and their distribution. Another **lesson** is that the distribution of benefits is likely to be easier and more equitable where membership is well defined and a membership list exists.

Where producer or user groups are organized in small, focused, productive and self-reliant groups, distribution of benefits and general mobilization are likely to improve. This approach has been adopted by the DANIDA/GRZ CBNRM Mumbwa Project, the North Luangwa Wildlife Conservation and Community Development Project (NLWCCDP), the Community Markets for Conservation (COMACO) and the Forest Trusts for Joint Forestry Management (JFM).

A single source of benefits e.g. safari hunting is therefore doomed to failure in areas of low resource densities (Jones & Murphree in Child 2004) unless the generation of income from other resources (e.g. forestry, fisheries licences, tourism) is possible under a single structure for multiple natural resource management in that particular area. Since benefits are simply not enough to go round and influence behaviour priority should be given to the creation of the necessary environment for community participation in economic activities.

Another **lesson** is that adopting an enterprise approach to natural resource management at various levels ranging from producer groups targeting households to community owned business entities will combine biodiversity management with sustainable use and increase socioeconomic, ecological and cultural benefits through diversification. Economic activities can serve as an incentive for compliance to land husbandry practices. Where the community structure is a legal entity and enters into partnerships, the potential for increasing the magnitude of benefits also increases.

## **Recommendations**

- 2.5.1 There should be a deliberate effort to introduce compatible economic activities for community members including developing markets and adding value at source as a way of diversifying sources of income within a framework that links livelihoods with natural resource management.
- 2.5.2 For areas with wildlife and other natural resources the ultimate benefits should be in the production, management and utilization of the available natural resources based on devolved rights to recognized community structures. There should, however, be adequate incentives and an enabling policy environment to make conservation as the economically justified land use option of choice. Community Tourism, Community Game Ranching, granting quotas to communities to negotiate or auction with the private sector require authority, regulation and special conditions to empower communities to do them.
- 2.5.3 Partnerships with the private sector should be developed to enhance capacity for wealth creation based on sustainable use of the available resources.

2.5.4 A benefit sharing mechanism must be developed not only at the higher policy level but also at the level of the community structure. It should evolve with experience and respond to the situation on the ground including the magnitude of benefits available to be shared, size of membership and potential for generating benefits through business development and partnerships. Deliberate proportional distribution of benefits will ensure equity and could include the following options based on regional best practice (Simasiku & Simwanza 2007):

- Direct cash payments to individual members
- A revolving or social fund to respond to household level financial pressures
- Allocations to a number of villages collectively where the amounts are negligible at household level
- Support to social services – roads, schools, vulnerable groups, farming activities etc.

The community structure should select the most suitable option(s) depending on their specific circumstances through consultation with stakeholders.

2.5.5 Government should invest in the activities of community structures as legal entities dedicated to natural resource management with linkages to other issues and stakeholders in sustainable development. They provide a credible partner for development provided that deliberate steps are taken to build capacity. Such structures should be able to access Government funds to allow them to engage in productive activities to contribute to wealth creation, environmental protection and poverty reduction in line with general Government policy and obligations to the relevant international instruments.

Opportunities created under the Fifth National Development Plan, the Citizens' Empowerment Act, Vision 2030, Policy on Environment and Decentralisation Policy such as financing, preferential treatment of disadvantaged groups should be exploited.

## **2.6 Membership of community structures**

Individual natural resource sector legislation prescribes the membership of community structures which it creates such as CRBs and Forest Trusts (PFAP II 2005; MOT 1998). Other types of structures such as Community Based Organisations define their own membership and areas of coverage (boundaries) (Shackleton & Campbell 2000).

Prescription of membership represents a desire to impact entire communities and to promote equity. Where organizations define their own membership, conditions for membership are set and only those who fulfill those conditions can become members. The definition of membership should include mechanisms for reaching disadvantaged or vulnerable groups in order to avoid discrimination.

Policy expects communities to accept natural resource management as the main land use. Communities are required to promote it and bear the opportunity cost of conservation. In return, such a community should be considered as a natural resources producer community and should be benefiting the members who bear the opportunity cost. This is why membership should be defined more clearly. However, whether membership should be at individual or chiefdom level, or based on participation or customary land tenure and how to provide for governance is a matter requiring further debate (AWF 2006).

Most community structures have large and loosely defined membership spread over a very wide geographical area usually coinciding with chiefdom boundaries (Zambia) or administrative boundaries (Botswana) or open to all (Namibia) (AWF 2006). In some cases ordinary community members do not even see themselves as members because there is little or no interaction with the community structure in their area. Some VAGs under Shakumbila CRB in Mumbwa are over 20km apart. Asked about their financial situation, VAG members responded that they did not even know that the CRB received significant amounts of money. The **lesson** is that mobilization of membership and participation over wide geographical areas is difficult and expensive.

Another **lesson** is that where mobilization, participation, capacity building and information gathering concentrate on the lower structures, the higher structures are stronger than where these efforts are captured only at the highest level. This also improves internal governance from increased peer pressure. Membership should therefore be defined and conditions agreed at the lowest level. Increased contacts, training and planning at VAG level improved the performance of CRBs in the South Luangwa Area Management Unit (SLAMU) (Child 2003). An audit of 8 CRB finances in Mumbwa and discussing the findings both at CRB and VAG level (Malenga 2004) led to increased community participation in financial decision making.

Where membership is defined and membership requirements agreed, it is more likely to exclude vulnerable groups which are still likely to be excluded even when membership is not defined. The **lesson** is that special conditions or exceptions to ensure that vulnerable groups are not excluded should be put in place. Under the DANIDA/CBNRM Mumbwa Project, communities were asked to identify the vulnerable groups who were then selected to form their own groups. These included women, widows, widowers, the elderly and the physically handicapped.

Where the benefits of membership are clear and desirable, defining membership through setting requirements and roles provides a mechanism for mobilizing communities provided that the process is open and inclusive. Membership registers were maintained at the VAG level during the time when the Luangwa Integrated Resource Development Project (LIRDP) experimented with household distribution of cash from hunting revenue.

Communities are not unified homogenous entities but are in fact heterogeneous, fragmented and subject to manipulation by different interests which further complicates the definition of membership (Jones & Murphree in Chid 2004). Another **lesson** is that the current level of engagement and mobilization is not enough to enable community

structures acquire the necessary capacity as membership organizations serving their members' interests.

## **Recommendations**

2.6.1 A community structure must define its membership and prepare a membership list within the existing areas of jurisdiction based on participation and chiefdom boundaries (customary tenure). This must include a plan for mobilizing the broader community and how to involve them in decision making. The key component is that communities take responsibility for mobilizing themselves.

Criteria and conditions for membership should be defined to help determine membership and should include:

- Residence in a given area
- Regular attendance of meetings
- Compliance with good land husbandry principles
- Willingness to participate in activities and projects
- Payment of a membership fee where applicable
- No involvement in illegal activities
- Performance of allocated tasks and other membership roles
- Cooperation with other members

In the long term, however, the definition of membership should progress with debate towards alignment either with identified units of production (GMAs) or ecosystems which might fall outside administrative boundaries.

2.6.2 Community structures should have representative lower structures organized by democratic election from the grassroots to promote good governance, membership participation and interest in the affairs of the community structure. These lower structures are the entry point for *decision making*, *capacity building*, *information sharing*, *mobilization* and *distribution of benefits*.

2.6.3 Lower level structures should be further sub-divided into user groups or producer groups focusing on productive activities preferably natural resource based but not necessarily so provided they are environmentally sound.

2.6.4 Representative structures should be accountable to their lower organs and not the other way round. Downward accountability should be promoted through budgets, work plans, activity reports, financial reports, good record keeping, income and expenditure reporting using a regular schedule of meetings including an annual general meeting and monitoring (Dalal-Clayton & Child 2003; Child 2003; Child 2004).

The representative body of the community structure should be allowed to make decisions up to certain level beyond which a general meeting should be called.



- 2.6.5 Community structures should take interest in designing their own internal governance structures because if they are legal entities, then they are supposed to be self regulating and should not be over dependent on external stakeholders for good governance. This includes a commitment to and actually promoting reporting, communication, internal reviews, self evaluation and compliance with requirements.
- 2.6.6 Capacity building for good governance such as *leadership* and *membership* training in the different *roles* and *responsibilities* should be part of a deliberate regular programme that includes participatory monitoring and evaluation to strengthen internal capacity. Training should be carried out at the lowest level and should involve as many members as possible - not only a few selected leaders.

## **2.7 Performance of community structures**

The performance of most community structures of natural resource management in the region is affected by many different factors. Firstly, the extent to which policy and legislation create an enabling environment or provide *external legitimacy* particularly in devolving authority and responsibility for natural resource management to community structures including rights to benefit is very crucial.

Secondly, the level of *internal legitimacy* within the community structure derived from membership participation in decision making based on levels of accountability and transparency as well as the integrity of leaders is also important.

Thirdly, the lack of capacity in community structures is a common problem. The extent to which community structures are supported as part of a deliberate strategy by different stakeholders has a major influence on their performance.

In such circumstances and given the general consensus about the importance of this approach, innovative ways of mobilizing additional resources and different stakeholders to support capacity building need to be found. A formal or informal consortium of stakeholders with the requisite skills and experience can for example pool resources, develop a shared vision for developing the performance of community structures and understanding the critical issues for moving forward.

Examples of this approach include the Namibian Association of Community Based Natural Resource Management Support Organization (NASCO); the IUCN/SNV CBNRM Support Programme in Botswana; the Coordination Unit for the Rehabilitation of the Environment (CURE) in Malawi; and the CAMPFIRE Collaborative Group in Zimbabwe.

The main findings of the SWOT Analysis of the community structures gave the following general picture:

### 2.7.1 Strengths

- Cooperation with Government in natural resource management interventions and decision making processes
- Rights to some benefits as a result of this participation
- Improved relations with stakeholders
- A direct linkage with the traditional authorities

### 2.7.2 Weaknesses

- Low membership participation
- Inadequate and poor distribution of benefits
- Low transparency and accountability
- Limited capacity to achieve objectives

### 2.7.3 Opportunities

- Empowering policy and legal frameworks
- Stakeholder willingness for partnerships with communities including the private sector and NGOs
- Training
- Formal mechanisms for recognizing community structures

### 2.7.4 Threats

- Absence of an integrated approach to natural resource management
- Inadequate resource rights and limited devolution
- Inadequate capacity (finances and personnel) in Government Departments and statutory institutions for natural resource management and for supporting community structures
- Inadequate benefit and incentives for stakeholder participation
- Absence of a deliberate policy for CBNRM
- Natural resource depletion and environmental degradation

Given that there is institutional weakness and limited capacity at many levels, this means that there are improvements needed within the community structures (Jones & Murphree in Child 2004). More effort is required not only in creating an enabling environment for improved performance of community structures (MTENR 2005a; Jones 2003; 2004) but deliberate and quality support to improve capacity (Child 2004; Rozemeijer 2003).

Community members easily lose interest in the affairs of the community structure that they are supposed to be members of as a result of not having adequate information or not being involved by their leaders. Sometimes this is based on actual incidences of abuse of authority or lack of accountability and transparency in financial management. The **lesson** is that poor accountability or transparency in the community structure or a poor perception of the leadership by the general membership leads to apathy and affects participation negatively. Where the opposite is the case, performance of the community structures in terms of support and the number of projects started and completed improved (Dalal-Clayton & Child 2004). Chiundaponde CRB was dissolved after allegations of

abuse of funds and assets caused tension between the CRB, the Chief and the community. Attendance of VAG meetings was reported to be low in Mkhanya CRB because members did not see any benefit in doing so.

The Wildlife Management Sub Authority (WMSA) at chiefdom level during the era of the Administrative Management Design for Game Management Areas (ADMAGE) before CRBs was dominated by political, civic and traditional leaders. A lack of accountability to the community in decision making (Mbewe 2007; ADC 2000) was part of the justification for recommending that CRB leadership positions should be through democratic elections and not by appointment or on account of position. It was also on this basis that the role of traditional rulers was changed from an *executive* one to a *ceremonial* one. Another **lesson** is that special attention should be given to institutional development in order for community structures to be seen to be growing into stronger institutions with internal governance procedures providing direction and input from the membership in decision making regarding the affairs of the community structure.

Yet another **lesson** is that the creation of community structures and distribution of benefits alone is not enough to control resource depletion unless the linkage between the benefits and natural resource management is strong and demonstrated in livelihood terms. This will encourage communities to see natural resource management as the land use option of choice from an economic point of view. Otherwise, Whiteside (2000) found that communities in Sichifulo and Mulobezi GMAs were benefiting far much more from their agricultural and informal activities for their subsistence than from wildlife. In the South Luangwa Area Management Unit (SLAMU), high levels of snaring were found in one community even when that community was receiving the highest level of household cash income compared with other chiefdoms. Lewis & Phiri (1998) suggested that this may have been a result of poor linkages between the source of the income distributed to households and natural resource management. They also highlighted the need for investing in capacity building at community level.

The desired outcome of improved performance of community structures in natural resource management is a long process that requires much more effort, time, capacity and money than is presently available at all levels. This requires a revision of the assumptions on which CBNRM programmes have been based so far particularly regarding community mobilization and capacity building (Rozemeijer 2003). The Ministry of Tourism, Environment and Natural Resources (2005a) has stated that the lack of incentives for community and private sector participation in natural resources and environmental management has rendered CBNRM *ineffective*.

## **Recommendations**

- 2.7.1 Deliberate steps should be taken to improve accountability and transparency in financial management and decision making including employing accounting and executive staff, training, designing appropriate financial accounting and reporting systems for community structures and regular inspection (Malenga 2004; Dalal-

Clayton & Child 2003; Child 2003). There should be guidelines for financial management.

2.7.2 There should be adequate incentives for natural resource management including measures to address socioeconomic needs of people sharing land with resources and providing proprietorship rights to serve as a basis for developing beneficial partnerships as justification for conserving wild species (MTENR 2005a; Hutton & Leader-Williams 2003). There should be guidelines for partnership development. (See 3.6.1)

2.7.3 There should be an informal voluntary Working Group to determine the needs, further elaborate and validate issues, share information and work with the appropriate authorities and community structures to develop a capacity building strategy for CBNRM in Zambia. This should include determining the appropriate incentive packages and further elaborating what the enabling environment for CBNRM in Zambia should be using the recommendations of the National Policy on Environment.

## **2.8 Partnerships for capacity building**

Communities are interested in natural resource management and associated potential benefits including incomes, as seen by some of them drawing up by-laws and approaching Government Departments or statutory institutions for natural resource management to form community structures for natural resource management.

Where appropriate partnerships have been developed, the capacity of community structures for generating more income and for natural resource management has also improved. In Zambia, most areas where wildlife resources are relatively secured are those areas where CRBs, ZAWA, NGOs and the Private Sector have forged partnerships for law enforcement and generation of benefits.

The **lesson** is that partnerships are crucial for building capacity but they must be fair and based on negotiated agreements that stipulate the *roles* and *responsibilities* of the different parties. Agreements provide a basis for monitoring the performance of the different parties. They should be understood by all parties, have a *time frame* and a *termination* clause. Additionally, where appropriate incentive packages such as clear resource rights are in place, these provide a strong basis for partnership development as potential partners will take the community structure more seriously if it is also the official *holder* of devolved resource rights.

### **Recommendations**

2.8.1 Communities should demonstrate their capacity or provide a plan of how they intend to acquire it when they are applying for recognition and natural resource management rights. This could be in the form of a strategic plan, proposed partnership or project proposal. (See 3.6.3)

- 2.8.2 Deliberate steps should be taken to provide for institution building in community structures. Community structures should participate in defining and demanding capacity. Without access to technical services for improvement of capacity through full time secretariats community structures will not be able to function properly or progress beyond their current institutional limitations.

Institutional development includes strengthening the ability of the community structure to achieve its objectives and carry out critical day to day activities such as record keeping, information sharing, preparation of reports, organizing of meetings, follow-up, communication with other stakeholders and meeting of statutory requirements. These are also tools for legitimacy and governance and are a factor in attracting partners.

## **2.9 Other parallel structures**

Districts in Zambia are divided into *constituencies* for purposes of electing Members of Parliament. Constituencies are subdivided into *Wards* for local Government. Each of these structures has a *Development Committee* with a holistic people-oriented development mandate. There are plans to strengthen these structures under the decentralization policy.

In Malawi, community structures for natural resource management report to these peoples' committees at community level. They are also supported by the Forestry Department since co-management blocks are defined as Village Forest Areas (Kayambazinthu in Shackleton & Campbell 2000) with overlaps in area of coverage and membership between these two types of structures.

In Zambia, District Councils and the Development Committees under them do not have any mandate for natural resource management and do not derive any benefit from them. Under the decentralization policy, however, natural resource management is among the functions of central government to be devolved to district and sub-district level institutions. Community structures for natural resource management should therefore be seen to be part of the development committees as they address natural resources specifically and have formal rights to do so. The **lesson** is that there are *parallel* structures at community level some of which even overlap in terms of area of coverage and membership with community structures for natural resource management.

### **Recommendation**

- 2.9.1 Community structures for natural resource management should be represented on development committees and take a profile in the formal decentralized structures.

## **CHAPTER THREE: POLICY AND LEGISLATION**

**This chapter highlights the different pieces of policy and legislation in Zambia and the region that provide frameworks for the creation of community structures for natural resource management, their functions and activities. It also highlights lessons learned and makes recommendations for the way forward.**

### **3.1 Zambia**

#### **3.1.1 Zambia Wildlife Act and the Policy on National Parks and Wildlife of 1998**

These instruments provide for the management, conservation, regulation and sustainable use of wildlife, its habitats and ecosystems. They also create the Zambia Wildlife Authority and Community Resources Boards. The framework therefore provides for community participation in wildlife management including accessing of benefits in the form of 50% of hunting revenue and 20% of concession fees for “*harmonising the needs of human and natural resources*” in their areas of jurisdiction.

The Act refers to the community structure as *Community Resources Board (CRB)* while the Policy calls them *Integrated Resources Development Boards (IRDB)*.

#### **3.1.2 Forest Act of 1973; 1999 and Forest Policy of 1999**

These instruments provide for the management, conservation, regulation and sustainable use of forests. The 1973 Act did not provide for community participation and emphasized Government policing. The new Act introduces Joint Forestry Management (JFM) empowering NGOs and the private sector together with local communities to manage forestry resources thus incorporating community participation in forest management. It includes a mechanism for sharing benefits in the form of income from licence fees as an incentive for compliance as opposed to the 1973 Act which emphasized Government control, fines and punishment. As the new Act is still not implemented due to administrative reasons, the old Act is still in use. To address this legal vacuum of an enabling and approved piece of legislation not being implemented, Forest Trusts are created in pilot areas in Copper belt, Luapula and Southern Provinces under **Statutory Instrument number 47 of 2006**.

#### **3.1.3 Fisheries Act of 1974 as amended in 2007**

The Fisheries Act provides for the management, conservation, regulation and sustainable use of fisheries resources. The recent amendment introduces Fisheries Management Areas (FMA) and Fisheries Management Committees (FMC) and states their composition and functions. It also provides for a benefit sharing mechanism under which a fund to enhance the social and economic wellbeing of the community is established from licence and other fees.

### **3.1.4 Lands Act of 1995**

The Lands Act provides for the allocation and administration of land and identifies the two major categories of land tenure in Zambia namely state land and customary land. It also provides for the conversion of customary land to state land through alienation. A draft Land Policy of 2006 is in circulation which seeks to address the problems associated with the land delivery system in Zambia in order to ensure equitable access to land resources and promote national development.

Some issues of interest, among other things, include the creation of a new category of reserve land for all public lands, linking of natural resource management to land governance so that co-management initiatives include both resources and land management. It also proposes to introduce group rights for registration of village, family and clan land.

### **3.1.5 Land (Perpetual Succession) Act CAP 186**

The Land (Perpetual Succession) Act provides for the perpetual succession to land. Any group of people or entity may incorporate a Trust. The Trustees may be appointed by any community of persons bound together by custom, religion, kinship or nationality or by any body or association of persons.

### **3.1.6 Companies Act**

The Companies Act provides for registration of companies by a minimum of two people and their regulation. It provides for different types of companies including companies limited by shares and companies limited by guarantee. A company limited by shares operates for making profits for its shareholders. A company limited by guarantee does not have shareholders and is not permitted to do business for the direct benefit of its members. In this way, it carries the same status as a *non-profit making organization* which is permitted to undertake business activities for the development of its objectives.

### **3.1.7 Societies Act**

The Societies Act provides for the registration of any association of ten or more persons whatever its objects provided that they are not registered as companies, trades union, or cooperatives.

### **3.1.8 Cooperatives Act**

The Cooperatives Act provides for the registration and regulation of producer groups. Although it is commonly used for facilitating agricultural development among small scale farmers it can be used for any productive activities where there is advantage in acting as a group and acquiring legal status.

### **3.1.9 National Biodiversity Strategy and Action Plan (NBSAP) of 1999**

The NBSAP proposes actions for the conservation, protection and sustainable use of Zambia's biodiversity and ecosystems as proposed in the Convention on Biological Diversity to which Zambia is a signatory.

### **3.1.10 National Policy on the Environment (NPE) of 2005 (adopted in 2007)**

The NPE is an assessment of the performance of environmental management interventions, constraints as well as legal, economic and other actions needed including incentives to create an enabling environment for effective environmental and natural resource management. It also proposes to reduce the *fragmentation* of authority for environmental management through a coordinating mechanism.

### **3.1.11 Zambia Forestry and Provincial Forestry Action Plans**

ZFAP and PFAP were intended to pilot devolution of authority for sustainable use and management of forests to local communities based on benefit sharing and partnerships with the Government, NGO and the private sector. The programme included revision of policy and legislation with the new Forest Policy and Act of 1999 being some of the outcomes.

### **3.1.12 Decentralisation Policy of 2002**

The Decentralization Policy provides for the devolution of selected responsibilities (including natural resource management) from central Government to lower levels at provincial, district and sub-district levels together with matching funds. This is intended to reduce costs of service delivery, reduce duplication of work and improve the amount of development financing available. It is expected that this policy will also improve community participation in development, enhanced accountability and improved responsiveness of Government to its clients and the quality of public service.

### **3.1.13 Citizens Economic Empowerment Act**

The Citizens' Empowerment Act provides mechanisms and opportunities for citizens to be empowered economically particularly those that have been marginalised.

### **3.1.14 Fifth National Development Plan and Vision 2030**

These are integrated long term development aspirations and frameworks intended to facilitate economic growth and equitable sharing of its benefits. In essence they provide strategies for poverty reduction. Among the key economic sectors identified in the Fifth National Development Plan are wildlife, forestry and fisheries.



Seen in totality, the framework above provides for community participation, development of partnerships, registration of organizations to acquire full legal status, creation of an enabling environment and a national economic development context for sustainable use of natural resources with the welfare of citizens as the starting point.

## **3.2 Botswana<sup>1</sup>**

### **3.2.1 Tribal Grazing Land Policy of 1975**

This policy rationalises land utilization in communal areas and commercialises it where possible to avoid the “*tragedy of the commons*”. This resulted in three main land categories: arable (commercial and communal), grazing and reserved land.

### **3.2.2 Wildlife Conservation Policy of 1986**

This policy renamed the reserve areas as Wildlife Management Areas (WMA) comprising areas generally not suitable for arable agriculture but important wildlife migration routes and buffer zones around protected areas. The policy was also intended to identify those areas where wildlife management and utilization are the primary forms of land use. This initiative provided for wildlife management outside state protected areas.

### **3.2.3 Other policy and legal instruments**

The following policies and pieces of legislation form part of the framework that empowers communities to participate in natural resource management in Botswana - *National Conservation Strategy of 1990; Tourism Policy of 1990; Tourism Act 1992; Wildlife Conservation and National Parks Act of 1992.*

Collectively these instruments provide for increased community participation and benefit from wildlife resources and natural resources in general as well as development of tourism. They recognize that conservation policies should have a national orientation, be ecosystem based and local in approach.

## **3.3 Namibia<sup>2</sup>**

### **3.3.1 Policy on the establishment of Conservancies of 1992**

This policy provides for the establishment of conservancies on both communal and commercial land for farmers or groups or communities provided they comply with the laid down conditions including registration of a legal entity and expressing a commitment to sustainable natural resource management on their land in their constitution.

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<sup>1</sup> Rozemeijer and van der Jagt in Shackleton & Campbell (2000)

<sup>2</sup> Jones & Mosimane in Shackleton & Campbell (2000); Also Child et al (2001)

### **3.3.2 Policy on Wildlife Management, Utilisation and Tourism in Communal Areas of 1995**

This policy grants rights over wildlife to communities that are organized in Conservancies.

### **3.3.3 Policy on the Promotion of Community Based Tourism of 1995**

This policy enables local communities to share in the benefits of tourism activities through concessionary rights to lodge development within conservancy boundaries. Previously all revenues went to central Government.

### **3.3.4 1996 Amendment to the Nature Conservation Ordinance of 1975**

This amendment specifies conditions for the establishment of communal area conservancies. The policy and legal framework in Namibia has been described as one the strongest legal foundations for CBNRM in Africa. It grants the same rights to wildlife to all people (to redress apartheid era inequalities) and creates a legal basis for community based organisations that are committed to sustainable use of natural resources on their land. It also provides an entry point for the devolution of management rights over wildlife and other natural resources to local communities.

## **3.4 Malawi<sup>3</sup>**

### **3.4.1 Forest Policy and Act of 1997**

These instruments provide an enabling framework for community based natural resource management in forestry. The framework removes restrictions of access to woodlands and use of minor products for local communities within a locally regulated framework; promotes equity and participation by local communities; promotes coordination of the Forest Department with other Government agencies on cross-sector issues; recognizes the role of women and empowers Village Natural Resources Management Committees (VRMC) to formulate by laws for the management of Village Forest Areas (VFA).

### **3.4.2 Other policy and legal instruments**

The following instruments are an integral part of the enabling environment for working with communities in Malawi: *Statement of Development Policy 1987-1996 of 1997*, *Vision 2020 National Long-term Development Perspective of 1998*.

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<sup>3</sup> Kayambazinthu in Shackleton & Campbell (2000)

This overall framework provides a national level context for the community participation in natural resource management at the local level.

### **3.5 Tanzania<sup>4</sup>**

#### **3.5.1 Forest Policy of 1998 and the Forest Act of 2002**

These instruments establish a legal framework for the promotion of private and community based ownership of forests and trees under a wide range of conditions with agreements that specify *responsibilities, rights* and *benefits* for partners. It also establishes Joint Forestry Management Agreements for Government and Village Forest Reserves with appropriate user rights and benefits to local communities.

#### **3.5.2 Land Act of 1998 and Village Land Act of 1998**

These laws provide for the allocation, classification and administration of land.

### **3.6 Discussion**

Most policy and legal frameworks for natural resource management in the region go quite far in creating an enabling environment for community participation. They recognise communities as co-managers of natural resources at the local level through *devolution* of authority and responsibility for natural resource management; grant rights to communities and provide mechanisms for sharing *benefits* from sustainable utilization within national level historical and political contexts (Jones 2003; 2004; Child 2004). The frameworks also place natural resource management within a broader national development context.

Unfortunately most policy and legal frameworks do not go far enough to facilitate CBNRM. They create community structures and provide mechanisms for participation in natural resource management (mainly wildlife) and benefits but do not give full rights for management of all resources in a given area (Jones 2003). Resource ownership remains with the State while the capacity of the State to police its resources is limited thus perpetuating the “tragedy of the commons”. Land tenure, though customary and therefore under traditional ownership, remains insecure and vulnerable to incompatible use through alienation without an overall integrated planning perspective from an environmental, ecological and socioeconomic perspective (AWF 2006; MOL 2006; Manning 2005).

Most frameworks in the region therefore provide *partial* and *fragmented* devolution, *incomplete* rights and *limited* benefits (Child 2004). This is what is meant by “*inadequate implementation of policy and legislation*” being one of the threats to community participation.

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<sup>4</sup> Kihyo (1998). Also Forestry and Bee Keeping Division Extension and Publicity Unit (2006); Iddi (undated)

The **lesson** is that communities do not have adequate control over resources on their land. Where secure and better defined resource rights form part of an *incentive package*, it has led to better performance in developing partnerships and in achieving conservation targets. Conservancies in Namibia and Community Trusts in Botswana have not only seen an improvement in income generation, job creation and social development but have also witnessed a recovery of biodiversity partly because of clear resource rights to wildlife (Stuart-Hill & Taylor; Rozemeijer as cited by Jones & Murphree in Child 2004).

Rights granted to community structures cover the use, management and benefits from natural resources but do not cover ownership, control, disposal and exclusion of others. Strictly speaking, the rights that communities have are for the management of benefits not resources because policy does not confer upon them adequate authority over all resources under their jurisdiction. As far as customary land is concerned, rights are not exclusive as they are held communally - a situation which provides no incentives for development or security of tenure (MOL 2006; MTENR 2005).

For example while communities are entitled to a percentage of income from exploitation and access to minor forest products, they have no authority to control the exploitation of the resources by other users on their land (Kayambazinthu in Shackleton & Campbell 2000). Tourism and timber licences on customary land where communities have management rights over wildlife or forestry are issued by the State. While safari hunting takes place on customary land, tourism concession agreements for safari hunting are signed by the Zambia Wildlife Authority, Community Resources Boards and Hunting Companies in Zambia. Communities are not fully involved in negotiating the agreements (Changa Management Consultants 2006). In Malawi communities are unable to control urban entrepreneurs collecting forest products for sale.

When policy grants community structures the necessary rights as recommended in the National Policy on Environment, attention should be paid to developing the appropriate conditions and procedures for exercising these rights. While traditionally, the chief holds these rights over land and resources, the *offices* of traditional authorities have lacked the necessary guidelines to make use of these rights to the benefit of their communities. The draft Land Policy (2006) proposes that co-management agreements for natural resource management should include land to help enforce land use control and that no land alienation should take place without consultations with the local community.

In this vein, Chiefs Mukuni and Sekute have set aside land for natural resource management and devolved authority to Community Development Trusts to negotiate tourism development with the private sector and natural resource management. This avoids the problem of land allocations by the traditional authorities that are not effective in harnessing the economic potential of their areas and not beneficial to the community. Another **lesson** is that mutual understanding between the traditional authority and the community structure as a legal entity should be *nurtured* so that it not only interfaces with the private sector but facilitates the development of natural resource management on customary land where the potential exists.

This should include formal allocation of land for natural resource management, development and utilization within customary land in writing without alienation. In the case of Chief Mukuni, the allocation of land to the Community Development Trust has been formalized in a *petition* signed by the Trustees to the Minister of Lands which has been deposited with the Registrar of Deeds (AWF 2006; Patricia Jere undated; personal communication). Under JFM, once a suitable area is identified and verified regardless of land tenure, the applicants are required to prepare a management plan which is submitted to the Forestry Department. The management plan is formalized by a Government Gazette Notice published by the Ministry of Tourism, Environment and Natural Resources making the management plan a legally binding document confirming the land use without changing the land tenure (PFAP II 2005).

Whether or not adequate resource rights are provided, however, will make no difference if community structures are still weak internally, incentives for community resource management remain inadequate and policy does not devolve clear rights and adequate authority to communities. The *measure* of what is adequate is the extent to which new institutional arrangements allow communities to control natural resources in their areas and benefit from them through organized community structures.

It is, therefore, better to consider the current level of devolution, rights and benefits as the *first steps* of a long process that will take time to develop (Jones & Murphree in Child 2004; Rozemeijer 2003). Ultimately, however, full devolution is desirable but it should be implemented in a *step-by-step* approach under which the level of devolution is increased based on the performance of the community structure on agreed parameters within an appropriate framework.

Furthermore, policy encourages communities to take an interest in the conservation and sustainable use of natural resources present on their land e.g. *co-management arrangements and conservancies*. This usually goes with the opportunity to negotiate business deals and partnerships with the private sector in order to generate more benefits as is the case under part 3 of the Zambia Wildlife Act. This, however, is severely constrained by the lack of the appropriate legal status, inadequate land and resource rights, inadequate negotiating skills, lack of capital and inadequate technical support services to the community structures.

In Zambia, policy does not adequately provide security of tenure for customary land other than the option of alienation which implies conversion of customary land to state land (AWF 2006; Ministry of Lands 2006). This has the disadvantage of depriving communities of their land in perpetuity in favour of *investors* and the *urban elite*.

Ways of securing customary land while making it available for compatible forms of development and improving resource rights to communities need to be found as a way of empowering communities to benefit from it. And where alienation is absolutely necessary, conditions should be negotiated with the investor or communities should form a legal entity to hold land which they then use as a basis for developing partnerships but

only on small strategic parcels of land (AWF 2006; Manning 2005). Yet another **lesson** is that communities risk losing their land to individuals if the *status quo* continues.

Wildlife Management Areas in Botswana and Game Management Areas in Zambia which are established with wildlife utilization and management as the primary forms of land use present an important opportunity. Given high levels of human settlement and activities in some GMAs to the point of threatening wildlife habitat through encroachment, important areas for natural resources should be identified, formalized and enforced by the community structure provided incentives are in place.

A final **lesson** is that the economic justification of natural resource management as the primary land use has to be strong and communities should be empowered through clear rights to enforce it and benefit from it more than is currently the case particularly in GMAs in Zambia.

### **Recommendations**

- 3.6.1 Policy must confer adequate and clear resource rights to communities that fulfill the laid down conditions. These rights must include rights to *manage, benefit* and *sell* within a framework that is transparent and accountable to all stakeholders (Child 2003).
- 3.6.2 There must be guidelines and regulations covering the responsibilities that go with the full rights when they are conferred on communities.
- 3.6.3 Notwithstanding the recommendation that communities must demonstrate their capacity or plans to acquire it before being granted rights (see 2.8.1), flexibility is required because empowering communities with the necessary *bundle of rights* and *guidelines* on how to exercise them provides a practical opportunity for communities to acquire capacity. Capacity can only be acquired by doing.
- 3.6.4 When communities agree to adopt natural resource management as a land use option and zone a portion of their land for resource management, the traditional ruler must issue a letter to that effect which must be used to formalise the allocation without alienating the land to the extent that the allocation is a legally binding document. This might be achieved through a Gazette Notice or by submitting a petition to the Registrar of Deeds in the Ministry of Lands.
- 3.6.5 Where the appropriate community structure exists or is created as a legal entity, the traditional ruler should devolve the responsibility for managing the resources and negotiating partnerships to that community structure to enhance partnerships between the private sector and a legal entity representing the community thus promoting transparency, good governance and equity.
- 3.6.6 Where alienation is necessary, it must be on negotiated terms to apply before and after the alienation and it must preferably cover only small strategic parcels of

land. The community structure as a legal entity must consider the option to alienate small strategic parcels of land to itself on behalf of the community for purposes of developing partnerships in which the community holds a bigger stake as the traditional and legal holders of the land and resource rights.

# APPENDICES

## APPENDIX 1

### CASE STUDIES OF COMMUNITY STRUCTURES FOR NATURAL RESOURCE MANAGEMENT

#### ZAMBIA

##### 1. Community Resources Boards (CRB)<sup>5</sup>

The main objective of the CRB is to promote and develop an integrated approach to the management of human and natural resources in their areas. Specific objectives include negotiation of co-management agreements with the private sector, managing wildlife within quotas specified by ZAWA, appointing village scouts and reconciling land uses through management plans.

A community within existing chiefdom boundaries in a Game Management Area (GMA) or open area with interest in wildlife may apply to the Zambia Wildlife Authority to form a Community Resources Board (CRB). A CRB may have between 7 and ten members including a representative of the local authority and a representative of the area chief. The CRB may invite any other person to be a member.

A group of up to 200 households elects a Village Action Group (VAG). The Chairpersons and Secretaries from the VAGs form a CRB. The area chief is designated as patron. A CRB can only be officially registered if ZAWA is satisfied that the right procedures were followed in terms of *democratic* elections. Once this procedure is completed, the CRB becomes the single co-manager of wildlife resources at community level in that particular GMA and is entitled to 50% of all income generated from trophy hunting in Game Management Areas (GMA) and 20% of hunting concession fees. 5% of the income goes to the traditional authority separately. All residents in a chiefdom where the CRB is formed are considered as members through their elected representatives.

The term CRB is derived from the Act while it is referred to as *Integrated Resource Development Boards* (IRDB) in the policy. Each CRB has three sub committees namely Resource Management, Finance and Community Development. In some areas CRBs are planning to or carrying out *fisheries* and *forestry* related activities. Currently there are 63 CRBs all over Zambia. The CRB is the most established community structure for natural resource management in Zambia.

#### Performance of the Community Resources Board

##### Strengths

- Increased cooperation among stakeholders and support for conservation

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<sup>5</sup> Zambia Wildlife Act No 12 of 1998. Also ARD (2000); Changa Management Consultants (2007); CONASA (2001)



- Employment creation through the village scout programme
- Access to and decision making in the distribution of benefits

### **Weaknesses**

- Low levels of membership participation in decision making
- Poor attendance of meetings
- No full time staff
- Poor distribution of benefits with no impact at household level
- Domination by powerful stakeholders
- Community interests not always served

### **Opportunities**

- Support from the private sector and NGOs
- Recognition of communities as partners through the legal framework
- Combination of a democratic system (elections) and a traditional system (chief)

### **Threats**

- Limited capacity for supporting community structures
- Resource depletion
- Inadequate implementation of policy and legislation
- No full national policy on CBNRM
- Communities not fully empowered - no control of resource use by others

## **2. Forest Trusts<sup>6</sup> (Village Resource Management Committee (VRMC) and Forest Management Committee (FMC))**

The main objective of the Forest Trust is to promote forest management and equitable distribution of benefits. Specific objectives include production and implementation of management plans, collection of licence fees, issuing of permits and resolution of forest related disputes. Forest Trusts engage Forest Resource Guards who are gazetted by the Forest Department.

Forest Trusts are formed as part of Joint Forest Management (JFM). Under JFM NGOs and the private sector together with communities can get together to manage forest resources in local forests and on customary land. Forest Trusts may be formed by individuals, communities, NGOs or the Forest Department (FD) following the laid down procedures. A Village Resource Management Committee (VRMC) is formed at village level. Representatives of various VRMCs, with representatives of the area Chief, Forest Department, the District Council form a Forest Management Committee (FMC) at forest level. Forest Trusts are legal entities registered as Societies under the Societies Act. They relate with the Forest Department through a *memorandum of understanding*.

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<sup>6</sup> PFAP II (2005). Also Mbewe (2007)

Forest Trusts have only been formed in Luapula (Lukangaba and Mwewa); Copperbelt (Katanino and Shibuchinga) and Southern Province (Dambwa, Ndoni and Namwala) under statutory instrument 47 of 2006 since the new forestry legislation is not yet in force.

Under JFM, communities have free access to minor forest products, a 40% share of all revenue generated (not yet implemented) and support from the Forest Department to registered user groups to access financial support for their income generating activities.

### **Performance of the Forest Trusts**

#### **Strengths**

- Community participation in forest management through legal entities
- The JFM plan is a legally binding document
- Appointment of Honorary Forest Resource Guards
- MOUs signed between the Forest Trust and the Forestry Department

#### **Weaknesses**

- Poor attendance of meetings
- No funds for activities
- Very few benefits

#### **Opportunities**

- Training in forest management, business management, income generation and leadership
- Support from the traditional authorities to the implementation of JFM
- Legal status makes it possible for Forest Trusts to access funding from anywhere

#### **Threats**

- Limited benefits; no mechanism for sharing revenue from high value resources
- The Honorary Forest Resource Guards lack incentives and authority
- Communities have been given only partial authority
- Programmes are too dependent on donor support
- Current interventions are too sector specific
- Inadequate private sector participation
- Uncooperative traditional leaders
- Poor communication between Forest Department and communities

### **3. Fisheries Management Committee (FMC)<sup>7</sup>**

The main objective of the Fisheries Management Committee (FMC) is to promote and develop an integrated approach to the management and sustainable utilisation of natural and fisheries resources in a Fisheries Management Area (FMA). Specific objectives

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<sup>7</sup> Fisheries Amendment Act No 22 of 2007

include co-management, development and implementation of management plans and stakeholder mobilization.

Once the Minister declares a Fisheries Management Area, he also appoints a Fisheries Management Committee comprising six representatives of the local fishing community elected by the local community, a representative of the chief, the local authority, an NGO working in the area, the fishing industry and any other two persons. An officer from the Fisheries Department is also appointed by the Minister as Secretary to the FMA.

The local community within the Fisheries Management Area is entitled to a portion of fishing and aquaculture licence fees for economic and social development. Before enactment of the Fisheries Amendment Act of September 2007, Fisheries Management Committees were piloted in Luapula and Kariba fisheries. In Luapula, the most notable was in Chiengi where it operated under a Natural Resource Management Committee in Chief Puta's area. Several committees were established in the Lake Kariba fishery, which are playing an active role in controlling, licencing and policing of fishing activities.

### **Performance of the FMC**

#### **Strengths**

- Community response in some areas is very good
- Well established and generating income in some areas especially on Lake Kariba
- Raising awareness in the community about the need for management of fisheries

#### **Weaknesses**

- Limited understanding of legislation
- Limited capacity for implementation

#### **Opportunities**

- Support from traditional authorities and other stakeholders
- Legal framework to formalize community structures and devolving management authority to them

#### **Threats**

- Inadequate capacity and support from the Fisheries Department and the District Council to support community structures.

## **4 Lands Safe Investment Trust, Chief Luembe's area, West Petauke GMA, Nyimba District<sup>8</sup>**

The main objective of the Land Safe Trust is to encourage investment in partnership with communities, supporting traditional structures without alienating land except under specific circumstances in which case only small parcels should be allowed with conditions. More specifically, it aims to empower CBOs for conservation and generation of benefits especially from agriculture and natural resources. It provides a framework for

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<sup>8</sup> Manning (2005)

rural development based on deliberate community development plans. Trustees are the Area Chief, the investor, and representatives of an NGO in the area, the CRB, District Council, ZAWA, and Forestry Department.

The Land Safe model promotes good governance in the development process. The model supports decentralization of authority for natural resource management to the district and sub district level in line with the Decentralization Policy of 2002. It serves to illustrate the institutional linkages that are necessary to improve the performance of community structures such as the CRB.

Its non-profit making status provides for the reinvesting of profits in the achievement of the set objectives while the Trust status allows for the partnership to hold land use rights to customary land without alienating it. The intention is to extend the rights that CRBs have over wildlife to other resources to give the Trust responsibility over all resources.

Some customary land is rich in natural resources but the resources face a threat from unsustainable exploitation by food insecure communities without alternative sources of livelihood. Under such circumstances conservation of natural resources is difficult without focusing on economic development and wealth creation. Emphasis has to therefore be on ownership of resources on customary land, decentralization of authority, a holistic view and a plan for community development in order to generate benefits. A diagram of the model is presented on the next page.

#### **Performance of the Land Safe Model** (the model is not fully implemented)

##### **Strengths**

Partnership to enhance governance and capacity through synergy

##### **Weaknesses**

Most institutions are weak

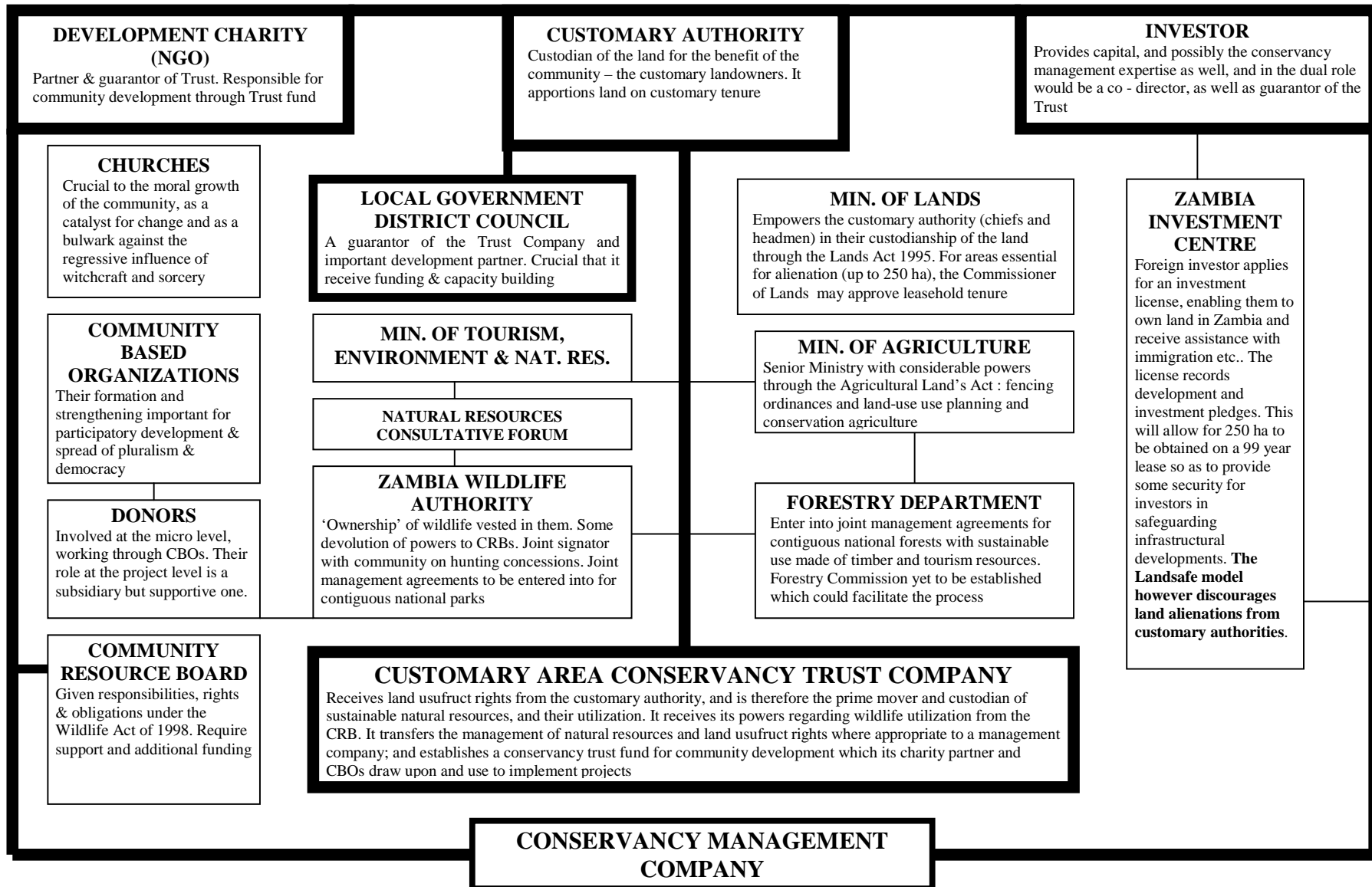
Limited funding and difficult to access

##### **Opportunities**

Willingness among stakeholders to cooperate

##### **Threats**

Partnership may be too dependent on one partner or donor



## **5. Mukuni Community Development Trust, Livingstone<sup>9</sup>**

The main objective of the Mukuni Community Development Trust is to facilitate improved livelihoods through sustainable use of natural resources within a landscape conservation approach. It also seeks to support equitable distribution of benefits.

Each of the 12 villages in the Mukuni chiefdom elects a board which sends a representative to the board of Trustees at chiefdom level. The Trust was registered in 2003 in an open area on customary land to provide a community structure that is fully representative and legal but more importantly, one that promotes a holistic landscape approach to the management of all resources within the area. Natural resources are the main assets that these communities have but communities do not benefit from them beyond subsistence. Moreover, the resources do not have any legal protection or organized utilization.

Most of the Zambezi River frontage is alienated without adequate ecological plans, environmental impact assessments or development plans. Some investors are not genuine because they have acquired the land for speculation. This type of alienation does not benefit communities in any way and in fact disempowers them.

However the area is rich natural resources and in spite of its vulnerability, it has a high potential for enterprise development based on biodiversity and tourism. Such areas are important candidates for community conservation areas. The chief has allocated a portion of land for natural resource management and tourism development and devolved its management to the Trust. This allocation is formalized in a petition to the Minister of Lands. The main benefit to the community is that their legal status has allowed them to negotiate a percentage of income from tourist activities in their area.

In the same way that the Trust deals with the private sector in negotiating investments and benefits and the District Council in developing by laws, it can deal with statutory natural resource management institutions and negotiate rights to manage and benefit from natural resources on customary land without necessarily alienating the land except where it is absolutely necessary.

### **Performance of the Trusts**

#### **Strengths**

- A stable and growing source of income from the tour operators
- Customary land remains as such unless under special circumstances
- Chief and community partnership through the Trust promoting good governance principles through participation, transparency and accountability
- The Trust provides a legal entity (the Trust) to partner with the private sector rather than a customary personality (the Chief)

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<sup>9</sup> African Wildlife Foundation (2006)

- The Chief has given the Trust the authority to negotiate economic activities with the private sector to optimize land use and allocation
- The Trust has developed by laws for the management of natural resources which have been approved by the District Council

### **Weaknesses**

- Limited capacity for proposal development, negotiations with other stakeholders, business management, marketing, job, wealth creation and consolidation of lower structures

### **Opportunities**

- Technical support from the African Wildlife Foundation
- Willingness of the private sector to partner with the community

### **Threats**

- Mistrust among stakeholders
- No independent Trusts in Zambia hold any natural resource management rights except those formed under natural resources legislation.

## **6 Kabulwebulwe Development Trust in Mumbwa<sup>10</sup>**

The general objective of the Trust is to provide a legal framework for the promotion of wildlife conservation and tourism development in Kabulwebulwe Chiefdom. It also seeks to provide ownership of interventions and a mechanism for community participation in decision making regarding the development process.

The Trust is a local governance structure intended to provide ownership, guidance and legitimacy of a capital project on behalf of the whole community. Kabulwebulwe Trust was registered as a Society in December 2003 and incorporated as a Trust in November 2005.

The Trust was formed under the GRZ/DANIDA Community Based Natural Resource Management (CBNRM) Mumbwa Project at the time when the idea of a community lodge was initiated. The initial motivation was to create an opportunity for the community to own a capital project to generate income from the GMA to counter threats from the community to deliberately encroach on wildlife habitat. The CRB was the community partner for the Project but when an application for land was made, the Department of Lands advised that the CRB had no *legal personality* and could not hold land. Consequently, the Lands Department recommended the incorporation of a Trust under the Lands (Perpetual Succession) Act CAP 186.

A Board of Trustees is the highest decision making body of the Trust. It comprises representatives of the different villages in the chiefdom (headmen), a representative of the chieftainess, a representative of the CRB and the ZAWA Ranger in Charge. Of the

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<sup>10</sup> Kabulwebulwe Trust Deed (2005)

11 Trustees, the Chieftainess and her representative are *original* or permanent Trustees while the rest are elected from among the headmen to ensure adequate representation of the chiefdom while the CRB representative and ZAWA Ranger in Charge at Nalusanga represent the main stakeholders. Original trustees hold office *ad infinitum* unless the community passes a vote of no confidence. Electable trustees hold office for a period of two years. The role of the private sector was seen to be external through partnership development. Unfortunately the search for a partner was deferred until title deeds are obtained to assist the community enter into a potential partnership from a point of strength.

Decisions and proposals must be agreed by both the original and elected trustees. This is intended to ensure that major decisions such as acquisition or disposal of assets, contracting loans and choosing partnerships are based on consensus. Operations are not at full capacity yet. In the mean time, the lodge has been handed over to the community on condition that the selection of a partner is subject to the approval of the District Council which should also have access to the books of accounts.

### **Performance of Kabulwebulwe Trust**

#### **Strengths**

- Registration and incorporation of community based institution as a legal entity
- Interim agreement to keep the lodge operational while substantive partner is sought

#### **Weaknesses**

- Limited capacity for the management of the Trust
- Lack of a private sector partner
- No benefits

#### **Opportunities**

- Potential benefits in income and capacity when the lodge is operational
- The Trust is a forum for consultations on development issues within the chiefdom
- Government support for community participation in tourism development

#### **Threats**

- The land may be lost by the community if it is used as collateral for a loan or if it is poorly managed
- The Trust may be subjected to both internal and external manipulation
- Mistrust among stakeholders

## **7. Conservation Trading Centres (CTC)<sup>11</sup>**

The general objective of the CTC is to support community land use plans and production systems that support wildlife and watershed conservation using agricultural input loans, guaranteed prices and market access as incentives. The CTC is a partnership between the

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<sup>11</sup> Wildlife Conservation Society (2007)



community through the CRB, District Council and an international NGO, Wildlife Conservation Society (WCS) under an approach called Community Markets for Conservation (COMACO). The partnership provides an opportunity for the community structure to acquire additional capacity for achieving their objectives.

Conservation Trading Centres are community based commodity depots providing a marketing and extension service to producer groups and cooperatives in a given area. The approach promotes sustainable agriculture through conservation based farming.

It promotes a conservation approach that addresses the most widespread and potential threat to wildlife habitat (extensive agriculture) in rural areas by promoting compliance with good land husbandry practices using market access and guaranteed good prices as an incentive for adopting conservation based agriculture. This is expected to improve household income and mobilize support for conservation objectives.

A network of field depots or warehouses operates under the parent company Community Markets for Conservation (COMACO) which organizes the trading, marketing and warehousing.

### **Performance of the Community Trading Centres**

#### **Strengths**

- Community mobilization for conservation using economic activities
- Promoting compliance with community developed land use plans
- Improving household food security through improved production

#### **Weaknesses**

- Community members skeptical about new approaches
- Transforming hunters and farmers from illegal and environmentally unsustainable practices and attitudes difficult

#### **Opportunities**

- Willingness among stakeholders to work with communities
- Accessing markets for products for household income generation

#### **Threats**

- The model depends on mobilizing funds upfront to pre-finance the production
- High operational costs make the programme expensive to sustain

## **BOTSWANA**

### **8. Community Trust or Cooperative<sup>12</sup>**

The main objective of the Community Trusts is to give part of the responsibility for managing and administering wildlife to communities. Specific objectives include

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<sup>12</sup> Rozemeijer & van der Jagt in Shackleton & Campbell (2000)

capacity building in the production of land use and management plans to be utilized by communities before they can access wildlife user rights, increasing opportunities for local communities to benefit from wildlife and other natural resources and tourism.

Any Community Based Organisation (CBO) recognized by the Department of Wildlife and National Parks (DWNP) as *accountable* and *representative* of community interests (among other conditions) is eligible for acquiring the rights to benefit from wildlife resources in a given area. The CBO selects its own structure for representation elected from the general membership. All residents of a given area for a period of five years are considered as members.

A community or communities living inside or adjacent to a Controlled Hunting Area (CHA) zoned for community management can apply for a quota on condition that it organizes itself in a participatory and representative manner and this is verified by district authorities and the Department of Wildlife and National Parks (DWNP). Controlled Hunting Areas are administrative blocks used by the DWNP for allocating hunting quotas.

If the CBO wishes to have secure access to a quota for developing joint ventures with the private sector, it can apply to lease the CHA on condition that it is registered as a legal entity (Trust or Cooperative) and satisfies the district authorities as an authentic organization.

The CBO must also produce a constitution that stipulates its functions and objectives as they relate to natural resource management. The constitution must also provide mechanisms for ensuring accountability and responsibility to community members.

The CBO must also produce a land use and management plan approved by wildlife and land authorities for a period of 15 years thus promoting a reasonable planning horizon for interventions to be tested and results to be evaluated. The rights to wildlife and the associated income are the basis of significant benefits to the community.

## **Performance of the Community Trusts**

### **Strengths**

- Source of funds for development
- Mechanism for decision-making regarding quotas, benefit distribution, development of business deals with the private sector and agreements with support agencies
- Improved capacity for negotiations
- Representative of community interests

### **Weaknesses**

- Little capacity to manage funds
- Operations not always transparent and accountable
- Powerful village institutions get closer to private sector operators and lose contact with their membership

- The upper class in the community participates more in community organizations and benefits more – elite capture.

### **Opportunities**

- New alliances with NGOs and the Private Sector
- Comprehensive legal framework has created an enabling environment
- Wildlife management is promoted outside state protected areas
- Part of the responsibility for wildlife management given to communities

### **Threats**

- Stakeholder conflicts
- Allocation of rights to a limited number of communities depriving the majority of district residents *politically* difficult
- Inadequate Government facilitation; inadequate follow up

## **NAMIBIA**

### **9. Conservancies in Namibia<sup>13</sup>**

The main objective of the Conservancies is to establish an economically based system for the management of wildlife and other renewable resources on communal land and promotion of partnerships between the local community and Government in natural resource management.

Groups of farms or communities in communal areas interested in conservation and utilization of wildlife in association with their traditional farming activities may form a conservancy. The conservancy is run by a conservancy management committee which makes day to day decisions but for major decisions it either calls for general meetings or refers them to the Annual General Meeting. The Conservancies define their own membership and must register them.

Conditions for gaining recognition as Conservancies:

- Defined geographical area with agreed boundaries by communities
- Defined membership with registered community members – the community defines its own criteria for membership and draws up a membership list
- Representative management committee with ability to manage funds
- Legal constitution which provides for the sustainable management and utilization of game
- Plan for the equitable distribution of benefits from consumptive and non-consumptive use of game

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<sup>13</sup> Jones & Mosimane in Shackleton & Campbell (2000). Also Child et al (2001)

Once the conditions are met and the Conservancy registered, the boundaries are gazetted and the local community can assume rights to huntable game and concessionary rights over commercial tourism activities which translate into significant income.

The rationale for creating conservancies is to apply the same principles for wildlife management on commercial or private land to communities. This also allows rural communities to undertake tourism ventures even on State land.

### **Performance of the Conservancies**

#### **Strengths**

- Strong community response and more Conservancies being formed
- Increased local participation in wildlife management, protection and monitoring
- Increased community based tourism enterprises, more jobs and income

#### **Weaknesses**

- Limited capacity for conflict management, communication, facilitation, monitoring, tourism development
- Communities have no control over use of resources by others

#### **Opportunities**

- Policy reforms empowering local communities economically and institutionally providing a sense of identity and control
- Community-private sector partnerships

#### **Threats**

- Competition from other natural resource users especially agriculture and livestock
- No secure land rights for the communities therefore not enough incentives
- No focus on a broad range of natural resources
- No overall policy for Community Based Natural Resource Management (CBNRM); no legislation in other line ministries to support community management of renewable natural resources
- No integrated approach to planning for natural resources

## ***MALAWI***

### **10. Village Natural Resource Management Committees (VNRMC)<sup>14</sup>**

The main objective of the Village Natural Resource Management Committees (VNRMC) is to assist village heads in the management of village woodlots and forests in government protected areas close to their villages. The VRMC also promotes reforestation. They are formed at village meetings through elections under the guidance of the Forest Department to manage Village Forest Areas (VFA) which are designated co-management blocks, as a consequence of Government conviction that sustainable

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<sup>14</sup> Kayambazinthu in Shackleton & Campbell (2000)

forest management cannot take place without local involvement. The approach also takes advantage of the fact that sometimes traditional rules are respected more than Government rules.

Through co-management of forests by the Forest Department and communities, user rights are guaranteed with some empowerment regarding decision making and legislation. Management plans and local legislation designed through these structures are approved by Government. Once the VRMC is formed, the community is granted unrestricted access to minor forest products.

### **Performance of the VRNMC**

#### **Strengths**

- Communities mobilized to participate in natural resource management
- Community structures have the mandate and cultural backing to hold power
- Communities have a sense of ownership, control and management

#### **Weaknesses**

- Poor coordination among stakeholders
- Gender discrimination
- Limited capacity in the community to protect forests
- Limited benefits
- Poor distribution of benefits

#### **Opportunities**

- Improved relations between Government and communities
- Training and capacity building for communities including resource management
- Removal of restrictions to access and utilization of minor forest resources

#### **Threats**

- Unclear how the new community structures (VNRMC) relate to more traditional structures - Village and Area Development Committees (VDC and ADC).
- Where tribal composition is more diverse, traditional leadership is not held in high respect
- Delays in formalising local legislation; co-management still top-down
- Legislation and management plans not fully implemented
- Enterprise development could lead to over exploitation
- Communities are not adequately empowered to control and manage resources

## **TANZANIA**

### **11. Forest Committees and Village Natural Resource Management Committees<sup>15</sup> (VNRMC)**

Forest Committees are formed at sub-village level comprising the sub-village chair and representatives. Several forest committees from various sub villages then form a Central Coordinating Committee or Village Natural Resource Management Committee (VRMC) or a similar appropriate structure for Village, Group or Private Forest Reserves.

Joint Forest Management is only introduced if it is approved by the Village Assembly to ensure accountability and transparency. The JFM Committee is part of the Village Government structure. All residents of the village that enters into a JFM agreement or the members of the particular community, group or individuals that declare a Village, Group or Private Forest Reserve through their elected representative structures are considered to be members of the VRNMC.

For communities to officially become part of Participatory Forest Management in Tanzania, they need to meet two conditions

- ✓ an approved management plan and signed joint forestry management agreement with Government and other forest owners on public lands
- ✓ Communities (as villages, groups or private individuals) declare and gazette a Village Land Forest Reserve on community or private land

Benefits include rights to minor forest products, exemption from annual cultivation fees in plantation areas, employment, income from sales of plantation products and fines for unauthorized activities in the forest.

#### **Performance of the Forest Committees**

##### **Strengths**

- Participatory forest management is expanding and attracting support
- Some forests are recovering due to improved local management
- Improved stakeholder relations

##### **Weaknesses**

- Limited capacity for forest management and achievement of objectives

##### **Opportunities**

- Enabling policy framework

##### **Threats**

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<sup>15</sup> Kihyo (1998); Also Forestry and Bee Keeping Division Extension and Publicity Unit (2006); Iddi (undated)

- Low revenues since villages only have rights to minor forest products and fines from illegal activities which have reduced due to improved community policing
- Uncertainties in benefit sharing mechanisms.
- Inadequate communication among the stakeholders
- Fragmentation of authority for forest management (Central Government; District Councils; Communities)
- Limited funding
- Inadequate empowerment of communities for management

## **APPENDIX 2 LIST OF PEOPLE INTERVIEWED AND ITINERARY**

<b>Name</b>	<b>Position</b>
1. Mr John Mulombwa	Provincial Extension Officer, Forest Dept. Ndola
2. Mr Godfrey Musonda,	Extension Officer- Planning and Management, Forest Dept. Ndola
3. Mr T P Chupa	Forest Dept, Ndola
4. Mrs R C Chasaya	Forest Dept, Ndola
5. Mrs Chinyama	Extension Officer-Publicity and Training, Forest Dept, Ndola
6. Mr Boniface Nkandu	Chairman Serenje VRMC, Katanino Joint Forestry Management Area
7. Mr Leonard Chembo	Honorary Forest Officer
8. Mrs J Ngoma	Operations Manager, Kaloko Trust
9. Mr Abiud Chisenga	Senior Extension Assistant, Forest Dept, Masaiti
10. Mr Daudi Siingwa	Senior Wildlife Police Officer, Samfya
11. Mr Henry Chilufya	Senior Technician (District Forest Officer), Samfya
12. Mr B Malambo	Fisheries Assistant
13. Mr Gaston Musonda	Chairman, Mulakwa CRB, Samfya, Bangweulu GMA
14. Mr Fidelis Kunda	Secretary, Mulakwa CRB, Samfya, Bangweulu GMA
15. Mr Frazer Mayuka	Vice Secretary, Mulakwa CRB, Samfya, Bangweulu GMA
16. Mr Alfred Mwelwa	Village Scout
17. Mr Gideon Mwanga	Village Scout
18. Mr Chilufya Ngosa	Village Scout
19. 17. Mr Jacob Kasuba	Village Scout
18. Mr Smart Lembalemba	Village Scout
19. Mr Andrew Chanda	Chairman, Chinsanka VFMC
20. Mr P Maboshe	Provincial Fisheries Officer, Mansa
21. Mr N Phakati	Regional Prosecutor, ZAWA, Mansa
22. Mr Gershom Lusenga	Interim Chair, Chiundaponde CRB
23. Mr Andrew Katemba	WWF Miombo Project Animator
24. Mr Edrick Kaluba	Nakapalayo Cultural Tourism Project Manager
25. Mr Chipulu Chirwa	Project Secretary
26. Mr Godfrey Sichali	Senior Wildlife Scout, Chiundaponde
27. Mr Flavian Mupemo	Technical Officer, Reclassification Project
28. Mr Paul Zgambo	ZAWA Eastern Regional Manager, Mfuwe
29. Mr Matthew Mushimbalume	Senior Warden, SLAMU, Mfuwe
30. Mrs Betty Ngoma	Extension Officer, SLAMU
31. Mr Michael Mkhanya Zulu	Chairman, Mkhanya CRB
32. Mr Isaac Banda	Executive Officer, Mkhanya CRB
33. Mr Edward Zulu	Book Keeper, Mkhanya CRB



34. Mr Agippa Mbewe	Finance Chair, Mkhanya CRB
35. Mr Moses Daka	Secretary, Mkhanya CRB
36. Hon Chief Msoro	Patron, Msoro CRB
37. Hon Senior Chief Nsefu	Patron, Nsefu CRB
38. Mr Boniface Kakumbi	Former Chair, Kakumbi CRB Chair
39. Ms Rachel McRobb	Coordinator, South Luangwa Conservation Society
40. Mr Whiteson Daka	Regional Extension Coordinator, WCS/Community Markets for Conservation
41. Mr Derek Mwanza	Secretary, Malama CRB
42. Mr Denis Mwanza	Community Liaison Assistant, Malama Area
43. Ms Annie Mijoni	Chair, Nsefu CRB
44. Mr Tindi Chimba	Community Liaison Assistant, Jumbe Area
45. Mr F K Musekela	Senior Technician, Forestry Dept Chipata
46. Mr Timothy Zulu	Fisheries Dept. HQ

## ITINERARY

Dates	Details	Remarks
9 Sept	Travelled from Lusaka to Ndola	Confirmation of meeting at Katanino JFM Area
10 Sept	Ndola and Masaiti	Meetings with Forestry Dept in Ndola and Masaiti; Serenje VRMC and Hon Forest Guards at Katanino JFM Area; Kaloko Trust
11 Sept	Travelled from Ndola to Samfya/Mansa	Confirmation of meetings and initial discussions with Forest Dept, ZAWA, WWF
12 Sept	Samfya/Mansa	Meetings with Forest Dept; Fisheries Dept; Mulakwa CRB; ZAWA
13 Sept	Mansa Travelled to Chiundaponde	Meetings with Fisheries Dept; Nakapalayo Cultural Tourism Project; ZAWA
14 Sept	Chiundaponde Travelled to Mpika	Meetings with CRB, WWF
15 Sept	Mpika	Meeting with Reclassification Project Site Manager <i>Proposed meetings with ZAWA Warden, North Luangwa Ecosystem Management Project Technical Advisor; Kabinga, Kopa and naBwalya CRBs cancelled due to the Malaila traditional ceremony at NaBwalya</i>
16 Sept	Travelled from Mpika to	Initial contacts with ZAWA

	Mfuwe	
17 Sept	Mfuwe	Meetings with ZAWA, Mkhanya CRB, Kakumbi CRB, Hon Chief Msoro
18 Sept	Mfuwe	Meetings with South Lungwa Conservation Society, WCS,
19 Sept	Mfuwe Travelled from Mfuwe to Chipata	Meetings with ZAWA, Malama CRB, Senior Chief Nsefu, Nsefu CRB
20 Sept	Chipata	Meeting with the Forestry Dept
21 Sept	Travelled to Lusaka	

### ***APPENDIX 3 REVISED INTERVIEW GUIDE***

1. Name of community structure
2. How was the structure formed?
3. Under which law is the structure established?
4. Who are the members?
5. What is the geographical coverage of the community structure?
6. What are the objectives and activities of the community structure?
7. What are the activities of the community structure?
8. What resources does the community structure deal with?
9. What are the benefits of membership?
10. Where do the benefits come from?
11. How are the benefits distributed?
12. What are the main achievements of the community structure?
13. What are the main problems of the community structure?
14. Any additional comments on the issues raised above.

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