



Ministry of National Development Planning  
Interim Inter-Ministerial Climate Change Secretariat

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## **ZAMBIA INTEGRATED FOREST LANDSCAPE PROJECT**

### **RESETTLEMENT POLICY FRAMEWORK**

20 January 2017

## **EXECUTIVE SUMMARY**

### **PROJECT BACKGROUND**

The Zambia Integrated Forest Landscape Project (ZIFLP) encompasses a series of investments from the BioCarbon Fund, Global Environmental Facility and the International Development Agency that lead ultimately to results-based payments for carbon storage and reduced carbon emissions resulting from reduced deforestation and degradation. The Project falls under the umbrella of a REDD+ project as defined by the United Nations Framework Convention on Climate Change. It, therefore, must be compliant with the safeguard policies for an internationally recognized REDD+ project.

Given that some of the ZIFLP activities related to forest management, agricultural investments or protected area investments may require resettlement, this Resettlement Policy Framework (RPF) has been prepared to address such risks. An Environmental and Social Management Framework (ESMF) report and a Process Framework (PF) report have also been prepared as separate documents.

### **RESETTLEMENT POLICY FRAMEWORK OBJECTIVES**

The RPF objectives are to:

- Provide the parameters and clarify responsibility for the preparation of Resettlement Action Plans;
- Minimize and mitigate the occurrence of involuntary resettlement resulting from all components of the ZIFL Project;
- Ensure that the people that are adversely affected by sub-projects are fully compensated for the loss of assets, livelihoods and access rights, and successfully relocated;
- Ensure that the livelihoods of displaced people are re-established and their standard of living improved;
- Ensure that there is no impoverishment of people as a consequence of compulsory land acquisition or acquisition of assets, for purposes of implementing sub-projects;
- Assist adversely affected persons in dealing with the stress caused by compulsory land acquisition;
- Make all affected persons aware of the processes available for the redress of grievances and ensure the processes are easily accessible and immediately responsive;
- Establish a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the sub-project implementer and the affected persons; and

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- Provide adequate assistance in the form of transport, temporary accommodation, housing, training, capacity building, and services provision to the Project affected people (PAP).

### **PROJECT DESCRIPTION**

The Project Development Objective (PDO) of the ZIFLP is to improve landscape management and increase the flow of benefits for targeted rural communities in the Eastern Province (World Bank, 2016a). The targeted districts are: Nyimba, Petauke, Katete, Chipata, Lundazi and Mambwe, and the project components include:

- Enabling Environment;
- Livelihood and Low Carbon Investments;
- Project Management; and
- Contingent Emergency Response

#### **Component 1: Enabling Environment**

This first component is intended to help create conditions that will allow the livelihood investment of Component 2 to be successfully implemented. This entails supporting plans, partnerships, and regulatory conditions to help rural communities in the project area to be well placed and to have the capacity to adopt sustainable and low-carbon land management practices. The component would include support for (i) institutional strengthening and regulatory framework improvement in targeted districts across the province which are deforestation hotspot, for coordination of delivery of actions to address deforestation with stakeholders; (ii) support to planning processes at both district and local levels; and (iii) private sector engagement to foster partnerships for community based natural resource management, and leverage existing private sector investments to improve land management practices in the province. In addition this component will support establishment of the REDD+ architecture for GRZ to receive future results-based emission reductions payments for the Eastern Province. Enabling environment interventions will be financed through grant support from the BioCarbon Fund-ISFL and IDA credit.

#### **Component 2: Livelihood and Low-Carbon Investments**

Component 2 will finance on-the-ground activities that improve rural livelihoods and reduce GHG emissions. It has 3 subcomponents: Upscaling climate-smart agricultural practices, Community-based forestry management, and Wildlife management. These activities will be financed by IDA and GEF resources. Although the subcomponents are sectorial in nature, the cross-sectorial and landscape approach of the planning activities that will underlie the activities will ensure a landscape approach is retained.

#### **Component 3: Project management**

This third component will finance activities related to national and provincial-level project coordination and management, including annual work planning and budgeting; fiduciary aspects (financial management and procurement); human

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resource management; safeguards compliance monitoring; M&E and impact evaluation studies; and communication strategy and citizen engagement. Funds will cover the cost of management unit contract staff, and operations and maintenance (O&M) costs, such as office space rental charges, fuel and spare parts of vehicles, office equipment, furniture, and tools, among others. It will also finance the costs of project supervision and oversight provided by the National Project Steering Committee and National Technical Committee (or the Provincial Project Steering Committee), and other project administration expenses.

### **Component 4: Contingent Emergency Response**

This zero budget component is included to facilitate the use of IDA funds in the event of a disaster and to be able to respond quickly to a potential Government request to reallocate some funding from existing World Bank projects to provide emergency relief.

## **STAKEHOLDER CONSULTATIONS**

The RPF preparation included stakeholder consultations, and the key Project stakeholders identified for consultations included government ministries, government agencies, NGOs, royal establishments, community leaders and local communities in the study area.

Meetings were held with key officials and opinion leaders to gauge the level of awareness and involvement with the proposed Project, concerns of Project implementation, and to obtain relevant documents or baseline information. The consultations also served to gather information on institutional mandates and permitting requirements to inform the development of the Project.

## **ENVIRONMENTAL AND SOCIAL BASELINE**

The Project area lies in the Luangwa watershed with two distinct landscapes, the plateau and the valley. The major part of the province lies on the Central African Plateau which rises to an altitude of 900 – 1200 metres above sea level, whilst a smaller part of it lies in the Luangwa Valley at 300 – 600 metres above sea level.

Important considerations around land tenure, land and natural resource use and the drivers of deforestation are presented. Gender issues are also highlighted.

## **SAFEGUARDS REVIEW**

The RPF was developed by carrying out a number of activities including the following: literature review; stakeholder analysis; analysis of baseline environmental and social data; site visits and field assessments; interviews and focus group discussions; and the analysis of WB safeguard policies and Zambian policies, legislation and international agreements.

## **RPF PROCESSES**

This RPF details the processes, procedures and requirements through which the ZIFLP activities will be implemented to ensure compliance with WB safeguards and Zambian policies and legislation. It also details the measures through which the: negative impacts of involuntary resettlement resulting from all components of the Project will be minimized and mitigated; and people that are adversely affected by sub-projects will be fully compensated for the loss of assets, livelihoods, access rights, and successfully relocated.

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## **ACRONYMS AND ABBREVIATIONS**

ADC	Area Development Committee
AFOLU	Agriculture, Forest and Other Land Use
AIDS	Acquired Immuno Deficiency Syndrome
ARAP	Abbreviated Resettlement Action Plan
AWP&B	Annual Work Planning and Budgeting
BP	Bank Procedure
BSM	Benefit Sharing Mechanism
BioCF	BioCarbon Fund
CA	Conservation Agriculture
CAC	Camp Agriculture Committee
Cap	Chapter
CBD	Convention on Biological Diversity
CBNRM	Community Based Natural Resource Management
CBO	Community Based Organization
CCA	Community Conservation Area
CDD	Community Driven Development
CDP	Community Development Plan
CFMG	Community Forest Management Group
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
COMACO	Community Markets for Conservation
COMPACI	Competitive African Cotton Initiative
CRB	Community Resource Board
CSA	Climate Smart Agriculture
CSO	Civil Society Organization/ Central Statistical Office
DDCC	District Development Coordinating Committee
DDT	Dichlorodiphenyltrichloroethane
DNPW	Department of National Parks and Wildlife
DPCU	District Program Coordination Unit
EA	Environmental Assessment
EAC	Environmental Assessment Committee
ECZ	Environmental Council of Zambia
EHS	Environmental, Health and Safety
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EMA	Environmental Management Act
EPB	Environmental Project Brief
EPPCA	Environmental Protection and Pollution Control Act
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FD	Forestry Department
FMP	Forest Management Plans
FR	Forest Reserve
GEF	Global Environmental Facility
GHG	Greenhouse Gas
GMA	Game Management Area
GMO	Genetically Modified Organism

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GRZ	Government of the Republic of Zambia
HDI	Human Development Index
HIV	Human Immuno Virus
HR	Human Resource
HWC	Human Wildlife Conflict
ICCS	Interim Climate Change Secretariat
IDA	International Development Agency
ILUA	Integrated Land Use Assessments
IMF	International Monetary Fund
ISFL	Initiative for Sustainable Forest Landscapes
ISFM	Integrated Soil Fertility Management
ITCZ	Inter Tropical Convergence Zone
IUCN	International Union for Conservation of Nature
M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MDG	Millennium Development Goal
MLNREP	Ministry of Lands, Natural Resources and Environmental Protection
MNDP	Ministry of National Development Planning
MRV	Measuring, Reporting and Verification
MTEF	Medium Term Expenditure Framework
NAPA	National Adaptation Program of Action
NBSAP	National Biodiversity Strategy and Action Plan
NCCRS	National Climate Change Response Strategy
NDCC	National Development Coordinating Committee
NGO	Non-Governmental Organization
NHCC	National Heritage Conservation Commission
NP	National Park
NPU	National Program Unit
NRP	National Resettlement Policy
NTCA	Nyika Transfrontier Conservation Area
NWFP	Non Wood Forest Product
O&M	Operation and Maintenance
OP	Operational Policy
PCB	Polychlorinated Biphenyl
PDCC	Provincial Development Coordinating Committee
PDO	Project Development Objective
PF	Process Framework
PID	Project Information Document
PIU	Project Implementation Unit
PMP	Pest Management Plan
POP	Persistent Organic Pollutant
PPE	Personal Protective Equipment
PPCR	Pilot Program for Climate Resistance
PPCU	Provincial Program Coordination Unit
PPSC	Provincial Planning Sub-committee
PPU	Provincial Planning Unit
R&D	Research and Development
RAP	Resettlement Action Plan
REDD+	Reducing Emissions from Deforestation and Forest Degradation
REL	Reference Emission Level

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RPF	Resettlement Policy Framework
R-SNDP	Revised-Sixth National Development Plan
SADC	Southern African Development Community
SALM	Sustainable Agriculture Land Methodology
SESA	Strategic Environmental and Social Assessment
SI	Statutory Instrument
TFCA	Trans Frontier Conservation Area
TNC	The Nature Conservancy
ToR	Terms of Reference
UNCCD	United Nations Convention to Combat Desertification
UNCED	United Nations Conference on Environment and Development
UNFCCC	United Nations Framework Convention on Climate Change
UNIQUE	UNIQUE Forestry and Land Use
VPC	Village Productivity Committee
WB	World Bank
WDC	Ward Development Committee
ZEMA	Zambia Environmental Management Agency
ZIFLP	Zambia Integrated Forest Landscape Project

## **1. INTRODUCTION**

### **1.1 PROJECT BACKGROUND**

The Zambia Integrated Forest Landscape Project (ZIFLP) encompasses a series of investments from the BioCarbon Fund (BioCF), Global Environmental Facility (GEF) and the International Development Agency (IDA) that lead ultimately to results-based payments for carbon storage and reduced carbon emissions resulting from reduced deforestation and degradation (ICCS, 2016d).

The Government of Zambia is currently supporting a National REDD+ Readiness process, which includes the development of a National REDD+ strategy that provides a national vision on strategic options, actions and responses to support REDD+ in Zambia. Among other outcomes, the strategy provides overall guidance on actions to be undertaken in key sectors such as agriculture, energy and land use more broadly, as well as guidance on thematic and core design issues such as incentive payments, financing, benefit sharing, safeguards, carbon rights, conflict management, measurement, reporting and verification (MRV) systems, and Reference Emission Levels/Reference Levels, amongst others. A technical assistance program funded by the Forest Investment Program (FIP) and administered through the World Bank is currently ongoing to prepare the Investment Plan for the National REDD+ Strategy, and is complementary to ZIFLP. The ZIFLP is fully aligned with Zambia's National REDD+ Strategy.

The BioCarbon Fund's (BioCF) Initiative for Sustainable Forest Landscapes collaborates with countries around the world to reduce emissions from the land sector through smarter land use planning, policies, and practices. Through these catalytic efforts, millions of tons of emissions can be reduced but, just as important, the investments and capacity built can improve livelihoods, reduce poverty, and ensure the long-term sustainability of these countries' economies. The ISFL seeks to promote reduced greenhouse gas emissions from the land sector, from deforestation and forest degradation in developing countries (REDD+), and from sustainable agriculture, as well as smarter land-use planning, policies and practices. Operating at the scale of the jurisdictional landscape is considered one of the key design features of the ISFL. It is a prerequisite to allow national or jurisdictional governments to consider the trade-offs and synergies between different land-uses that may compete in a jurisdiction—such as agriculture, energy, and forest protection and successfully identify integrated solutions that serve multiple objectives. Adopting a landscape approach means implementing a development strategy that is climate smart, equitable, productive and profitable at scale and strives for environmental, social, and economic impact. The ZIFLP's engagement of the private sector in landscape conservation is another key design feature that sets ISFL apart from previous climate and forest initiatives. The ZIFLP will give recognition and show important role that the private sector plays in spurring innovation, leveraging cutting-edge expertise and knowledge, and mobilizing capital necessary to scale up successful land-use practices and accelerate the greening of supply chains.

The Zambia Integrated Forest Landscape Project fits within a longer-term program and vision of the Government of Zambia. It can be considered as constituting three phases: the Preparation phase, where the GRZ and the WB undertook a series of preparatory activities such as studies and project preparation. The Implementation phase is essentially all the activities that are included under the current ZIFLP. In this phase, financed by the BioCF grant, an IDA credit, and a GEF grant, the GRZ will create the necessary enabling environment and finance the livelihood investments in agriculture, forestry, and wildlife as well as the biodiversity conservation investments specific to the GEF. Financing from the GRZ itself and a range of other donors will be making the investments necessary to set the stage for emissions reduction purchases.

Finally, under the Emissions reduction phase, the BioCF will purchase carbon emission reductions under an ERPA that is to be negotiated and signed in the near future. The World Bank plans to process this project as an emissions reduction purchase project.

Given that some of the ZIFLP activities related to forest management, agricultural investments or protected area investments may require resettlement, this Resettlement Policy Framework (RPF) has been prepared to address such risks. An Environmental and Social Management Framework (ESMF) report and a Process Framework (PF) report have also been prepared as separate documents.

## **1.2 RESETTLEMENT POLICY FRAMEWORK OBJECTIVES**

The RPF objectives are to:

- Provide the parameters and clarify responsibility for the preparation of Resettlement Action Plans;
- Minimize and mitigate the occurrence of involuntary resettlement resulting from all components of the ZIFL Project;
- Ensure that the people that are adversely affected by sub-projects are fully compensated for the loss of assets, livelihoods and access rights, and successfully relocated;
- Ensure that the livelihoods of displaced people are re-established and their standard of living improved;
- Ensure that there is no impoverishment of people as a consequence of compulsory land acquisition or acquisition of assets, for purposes of implementing sub-projects;
- Assist adversely affected persons in dealing with the stress caused by compulsory land acquisition;

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- Make all affected persons aware of the processes available for the redress of grievances and ensure the processes are easily accessible and immediately responsive;
- Establish a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the sub-project implementer and the affected persons; and
- Provide adequate assistance in the form of transport, temporary accommodation, housing, training, capacity building, and services provision to the project affected people (PAP).

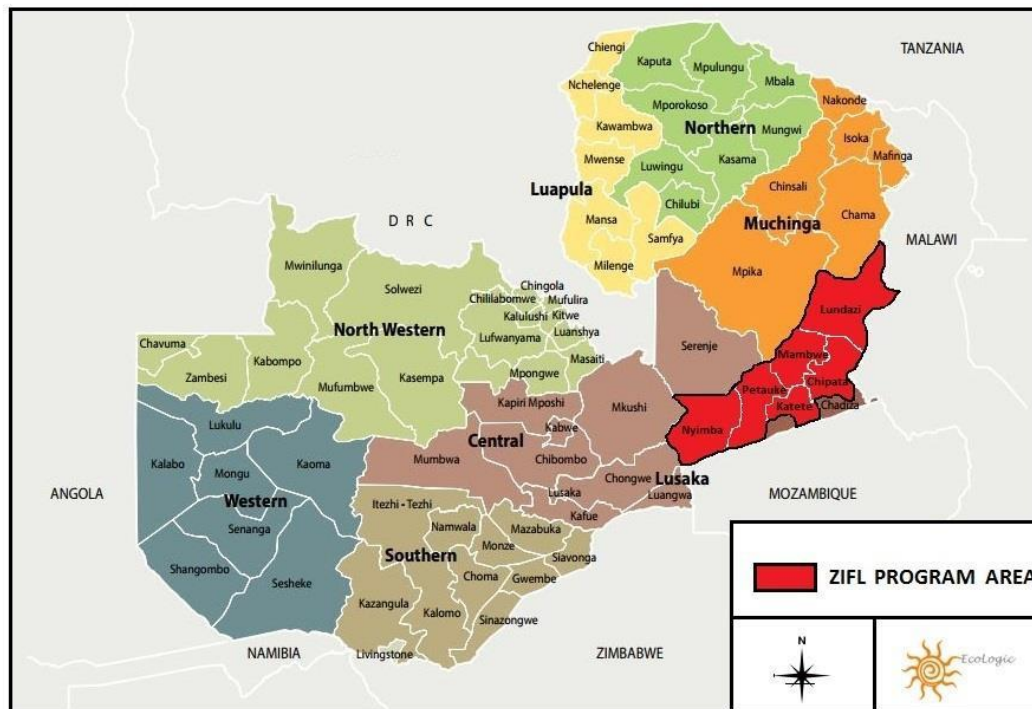
**1.3 PROJECT DEVELOPMENT OBJECTIVE**

The Project Development Objective (PDO) of the ZIFLP is to improve landscape management and increase the flow of benefits for targeted rural communities in the Eastern Province (World Bank, 2016a). The targeted districts are: Nyimba, Petauke, Katete, Chipata, Lundazi and Mambwe, and the project components include:

- Enabling Environment;
- Livelihood and Low Carbon Investments;
- Project Management; and
- Contingent Emergency Response

### 1.3. PROJECT DESCRIPTION

Figure 1: ZIFL Project Area



Source: Zambia Environmental Atlas, ZEMA, 2012

#### Component 1: Enabling Environment

This first component is intended to help create conditions that will allow the livelihood investment of Component 2 to be successfully implemented. This entails supporting plans, partnerships, and regulatory conditions to help rural communities in the project area to be well placed and to have the capacity to adopt sustainable and low-carbon land management practices. The component would include support for (i) institutional strengthening and regulatory framework improvement in targeted districts across the province which are deforestation hotspot, for coordination of delivery of actions to address deforestation with stakeholders; (ii) support to planning processes at both district and local levels; and (iii) private sector engagement to foster partnerships for community based natural resource management, and leverage existing private sector investments to improve land management practices in the province. In addition this component will support establishment of the REDD+ architecture for GRZ to receive future results-based emission reductions payments for the Eastern Province. Enabling environment interventions will be financed through grant support from the BioCarbon Fund-ISFL and IDA credit.

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Sub-Component 1.1. Institutional and Regulatory Framework. The sub-component will provide resources to support activities to strengthen the institutional and regulatory framework for implementation of the project and will focus on (i) Institutional strengthening at national level; and (ii) policy and regulatory reforms relevant to improved agriculture, forest and land management.

Specifically, the sub-component will support policy and regulatory reforms considered necessary to moving forward the ZIFLP. Investments would include consultants for specialized studies, consultation workshops, and legal consultants. The sections below outline policy gaps and needed reforms that were identified during the preparation phase.

Agricultural policy issues. Input Subsidies and Maize Price Support Policies. Public Expenditure is skewed towards fertilizer subsidies under the Farmers Input Support Program (FISP) and maize price support under the Food Reserve Agency (FRA). These two programs jointly account for anywhere between 50 to 70 percent of Government expenditures on agriculture. Although fertilizer and maize subsidies are categorized as Poverty Reduction Programs, they benefit only 10 to 20 percent of Zambia's smallholders, who are in fact the better-off households with the highest incomes. They crowd out essential productivity enhancing investments such as research and development (R&D) and irrigation. These expenditures do not bring about long-term, pro-poor growth, diversification, and do not foster competitive, private sector-driven food and cash crop production and marketing systems. The mismatch of expenditure priorities is undermining future sector growth, and is currently stunting the sector's poverty reducing potential.

The project will support policy dialogue to encourage policy makers to adopt a rules-based system to reform maize marketing policy and the fertilizer subsidy program by introducing higher degrees of transparency, predictability and cooperation towards the private sector. The project would also foster private-sector led input markets, for example the e-voucher input program currently being piloted in Southern and Central provinces.



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Forestry policy issues. The Government of Zambia has recently revised its Forest Act to enhance community-based planning and management of natural resources. The ZIFLP will help the GRZ implement critical components of its recently established Forest Act. In terms of driving policy reform and development the ZIFLP will provide funding for streamlining the application and registration process for villages and communities for seeking community forest management rights and also support an awareness initiative to communicate the benefits of obtaining community forest management rights. In the Eastern Province, several of the Act's provisions will be put in practice for the first time at the community level and there will be a need to develop processes and regulations to facilitate systematic implementation. For example, the application process for villages and communities to apply and register community forest management agreements is being developed. The project will provide support and inputs to Government policy development and for the implementation process with particular attention paid to supporting best management forestry practices such as those described in FAO's Sustainable Forest Management (SFM) Toolbox located at <http://www.fao.org/sustainable-forest-management/toolbox/en/>.

Wildlife policy issues. The Wildlife Act was approved by the GRZ in 2015. It notably redefines how the community resource boards (CRBs) function and more clearly defines rights and responsibilities of communities and the Government with respect to wildlife management. Specific regulations are missing to implement the provisions of the Act; this project will provide support to DNPW in their formulation and consultation. A major focus of the GWP is tackling poaching and reducing wildlife crime not just at specific sites but also at national and even global levels. Under the ZIFLP, support will be provided to wildlife crime initiatives of the GRZ at the national, sub-regional, and global level. As many actors are currently providing support to a range of countries in Africa on combatting regional wildlife crime, during the first year of the project financing gaps will be identified for ZIFLP support.

Sub-component 1.2 Regularization of land and resource rights. The sub-component will provide analytical and technical assistance support to carefully evaluate and where necessary expand past and ongoing efforts at documenting land rights to develop the regulatory and institutional preconditions for a larger-scale effort at rural land rights registration that, by feeding into the National Land Titling Program, could underpin adoption of sustainable low-carbon land management practices and private sector engagement. This will be achieved by (i) developing cost-effective systems to sustainably manage information on land rights and link it to land use; (ii) identifying new ways of private sector engagement based on an assessment of the extent and impact of existing arrangements; (iii) designing ways of documenting different types of land rights in ways that are supported by local stakeholders, provide incentives for sustainable land use and intensification as appropriate, and can be sustained; and (iv) exploring ways to link land rights documentation to key parameters of land use (crop cover, soil moisture, soil carbon) using remotely sensed imagery to allow continued monitoring and independent verification of the impact of different types of interventions.

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Sub-component 1.3 Private sector Engagement. The ZIFLP will seek to engage private sector agribusiness companies. They are important in the EP as many operate in outgrower schemes with large smallholder farmer networks. Activities will include assessment of the potential for private sector support for forestry activities such as outgrower schemes for woodlots/plantations. The project will try to influence these production networks to reduce land-based greenhouse gases associated with deforestation and agricultural production practices. Many of these companies do have interest in reducing land-based emissions, however are not aware of cost effective sustainable land management measures that they can promote or how premium pricing schemes can be implemented to better market their product. Thus the ZIFLP will provide business case analyses for private agribusiness companies working in the Eastern Province to help them fulfil their sustainability commitments. Such studies could also identify potential services from the World Bank Group's International Finance Corporation (IFC) to assist agribusiness companies with their zero deforestation commitments in the Eastern Province. To date, the BioCarbon Fund has begun working with the Competitive African Cotton Initiative (COMPACI), which is a producer group of two major cotton companies NWK Agri-services and Alliance Ginneries. COMPACI has a zero deforestation commitment instituted in their mandate but to date companies have not enacted such sustainability measures into their production. The ZIFLP will start by engaging the COMPACI group members and then proceed to work with other agribusiness companies in the Eastern Province.

Sub-component 1.4. District and local planning. The sub-component will provide resources to support the following activities: (i) Institutional strengthening at the sub-national level; (ii) Developing integrated district plans in six districts in the province; and (iii) Support for local planning instruments.

Sub-component 1.5. Technical framework for payments for emission reductions. There are substantial technical requirements that must be met in order for Zambia to eventually receive results-based payments for emission reductions at the jurisdictional level in accordance with the methodological guidance and the principles of results-based payments under the BioCF-ISFL.

**Component 2: Livelihood and Low-Carbon Investment**

Component 2 will finance on-the-ground activities that improve rural livelihoods and reduce GHG emissions. It has 3 subcomponents: Upscaling climate-smart agricultural practices, Community-based forestry management, and Wildlife management. These activities will be financed by IDA and GEF resources. Although the subcomponents are sectorial in nature, the cross-sectorial and landscape approach of the planning activities that will underlie the activities will ensure a landscape approach is retained.

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Before any investments are made in a community, there needs to be support to planning and community strengthening. This support will be funded through Component 1.1. Communities will be able to choose activities they want from a “menu” of possible sub-investments that will be available to them, tailored according to their geographic location, the type of landscape they are in, and based on available funding allocated to each broad type of investments. The full details of how the selection process will take place at the local level will be outlined in the Project Implementation Manual (PIM).

Potential criteria for selection of communities receiving investment support:

- Communities that have completed land use planning;
- Communities in hotspot deforestation districts (Petauke, Mambwe, Katete, Lundazi and Nyimba) with high risk of conversion to agriculture;
- Established Community Forest Management Group; and
- Potential to leverage on existing support

Sub-component 2.1. Upscaling climate-smart agricultural practices. The objective of this subcomponent is to provide financing for interventions that increase agricultural productivity, enhance agroecosystem resilience and reduce GHG emissions. These include conservation agriculture (CA) practices, integrated soil fertility management, agroforestry, and crop value chain development. Interventions will aim at enhancing the income and livelihood of the communities and farmer families through income generating and value added activities in the six districts targeted by the project, namely Chipata, Katete, Petauke, Mambwe, Nyimba, and Lundazi.

This component aims to scale up CSA practices for smallholder farmers through financing support for interventions that increase agricultural productivity, enhance agro-ecosystem resilience and reduce GHG emissions. The component’s objective would be achieved through the introduction of tested best practices in CSA and sustainable land management. Project funds will focus on strengthening agricultural extension by addressing CSA skills gap of extension officers and farmers in the form of targeted trainings (e.g., workshops, exchange visits, production of field manuals), and field-based learning (e.g., site visits, demonstration plots and pilots) provided by competent institutions such as ZARI, CGIAR, and relevant NGOS among others. Specific interventions the component will focus on include (a) conservation agriculture (CA) and integrated soil fertility management practices (ISFM), (b) agroforestry, and (c) agriculture and marketing value chains. The project will provide funds for these activities through various funding instruments, such as matching grants, micro loans, credit guarantee schemes, and technical support consultancies.

Sub-component 2.2. Community-based forestry management. The objective of this sub-component is to assist local communities and their organizations to improve the management and conservation of their natural resources, create income opportunities, and generate carbon benefits. This will be accomplished by developing and implementing participatory land and resource use planning and management – including fire control and prevention-and providing specialized technical assistance and training to identify viable investments from the sustainable production of timber and not-timber forest products. Activities to be supported will be consistent with the land and resource use plans developed at the village and district levels. The sub-component would finance specialized technical and extensions services, small works and equipment, operational costs and non-consultant services (e.g. workshops and study tours). More specifically, the sub component will support:

*Community Forestry Management Groups (CFMG).* Based on the Forest Act of 2015 and its regulations, the Project will assist Villages from selected Chiefdoms and Districts to identify and establish (CFMG). Support will include preparation and approval of Community Forestry Management Agreements, and their formal registration.

*Forest Management Plans.* The Project will support CFMGs to develop and implement forest management plans that are consistent with Village land use plans and follow the guidelines and specifications established in the Forest Act and its regulations. These plans will identify sustainable investments and activities that lead to improving livelihoods and reduce deforestation/degradation.

*Community Forestry Enterprises.* Based on the assessment and productive potential of natural resources identified in forest management plans, the Project will finance small scale investments that fulfil the dual criteria of generating monetary and non-monetary income, and generate carbon related benefits. Support will include technical assistance for resource management and production, establishment of small community enterprises, markets studies, and commercialization skills. Investments under this category may include the cultivation or extraction of any forest and non-forest product that can be sustainably managed in the communal forest area of reference. Some examples include: Bee keeping, sustainable charcoal, wood-lots for fire wood production, carpentries for furniture, medicinal herbs, eco-tourism and recreational activities, commercial timber plantations, grass harvesting and grazing of animals, etc.

*Fire management and prevention.* Fire is an important element in rural landscapes, and when management properly, it can be beneficial for agriculture, however, if it goes out of control can destroy forests and generate emissions. To reduce this risk, the Project will support activities to revive and enforce the village level fire ordinances that were functional and effective in the past; and draw upon the lessons from other regions, to prepare community by laws on fire management. The Project will also support local governments and communities on training and incentives for fire management and prevention and financing small works and equipment for fire line clearance and maintenance.

*Forest management near protected areas.* The Project will dedicate special efforts to work with Villages and communities in buffer zones and connecting corridors to reduce pressure on protected areas. The Project will work with existing CRBs and CFMG to develop and finance forest management plans that focus on alternative productive and conservation activities to protect or improve wildlife habitat. Efforts invested by communities in these activities could be compensated by revenues from the wildlife reserves and administered by CRBs, or capture other benefit sharing income from carbon markets.

Sub-component 2.3. Wildlife management. This sub-component will have two major focus areas: i) improved management of the complex of protected areas centred on Lukusuzi National Park in the Eastern Province; and ii) adoption of improved management practices of wildlife at the community level, which can contribute to improved livelihoods of targeted communities. The project will support (i) preparation of park management plans; (ii) investments in infrastructure such as guard houses or other park buildings, upgrading of existing roads and tracks to facilitate park management and ecotourism, provision of water holes, fencing (only in limited areas where judged necessary to minimize HWC); (iii) purchase of equipment such as radios for communication, park guard equipment, patrol equipment, etc.; and (iv) support to park patrols, with a particular focus on management of poaching.

With respect to *improved adoption of wildlife management practices*, the Project seeks to promote practices which will maximize opportunities for rural communities from adjacent wildlife resources. These investments will focus on rural communities of the EP in the vicinity of the Lukusuzi and Luambe National Parks. It should be noted that the activities to be supported will in most cases take place in the same communities targeted for agriculture and forestry investments and the various activities will be planned and implemented in coordination and so as to enhance synergies.

Specific activities to be supported to both contribute to economic returns to local communities from wildlife management and to minimize negative impacts will include:

- Consultations with adjacent communities adjacent to the protected areas and establishment of co-management processes and instruments;
- Mitigation of human-wildlife conflict (HWC) where necessary;
- Support to incipient ecotourism initiatives such as local ecotourism strategies, community training, infrastructure;
- Awareness-raising activities;
- Supporting local involvement and management of game management areas so as to maximize returns from photo safaris and hunting, both a potentially important source of funding to communities;

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- Improved management of subsistence hunting, where legally allowed, so as to provide food but to ensure sustainable management of game resources; and
- Possible extension of COMACO model where communities receive support for agricultural investments but are financially compensated for simultaneously protecting wildlife resources.

As concerns *direct support to protected area management*, the Project will focus on the complex of protected areas centered on Lukusuzi National Park. Lukusuzi National Park falls within the Nyika Trans-frontier Conservation Area (NTCA) adopted by the governments of Zambia and Malawi. The ZIFLP will support management investments in Lukusuzi National Park, in the surrounding game management areas, and in adjacent Luambe National Park.

*Livelihood restoration:* Since the Project will work with protected areas, the Project's Process Framework (in a separate document) outlines the process for providing livelihoods-related support during Project implementation to people affected by Project-induced restrictions of access to natural resources within protected areas, in Eastern province. As part of this process, Project implementation will include the preparation and subsequent implementation of Livelihood Restoration Plans, which will provide tailored livelihood support and benefit sharing for nearby communities. In cases where well-organized communities have produced their own investment plans (e.g. CRBs), this livelihood support will be channelled through the appropriate community mechanisms. Communities and households around the Project-supported protected areas will be provided with opportunities to restore their livelihoods to at least pre-Project levels. The LRPs prepared under this Project will take into account any ongoing livelihoods-related support from other sources.

In all of the targeted protected areas in Zambia, the Project will provide funding through the Department of National Parks and Wildlife (DNPW) to carry out the following activities:

- Preparation of park management plans;
- Investments in infrastructure such as guard houses or other park buildings, upgrading of existing roads and tracks to facilitate park management and ecotourism, provision of water holes, fencing (only in limited areas where judged necessary to minimize HWC);
- Purchase of equipment such as radios for communication, park guard equipment, patrol equipment, etc.;
- Support to park patrols, with a particular focus on management of poaching;

### **1.3. INSTITUTIONAL ARRANGEMENTS**

The major investments of the ZIFLP project are intended to be decentralized, to the lowest level possible, in order to have funds managed and controlled by beneficiaries. However, there are some project investments, which are national in scope such as those related to REDD+ policy, MRV, policies, national-level institutional strengthening, etc. Implementation of ZIFLP will therefore require implementing agencies at both the national and Eastern Province levels.

At the national level, the Interim Climate Change Secretariat (ICCS) under the Ministry of National Development Planning (MNDP) will represent the Government of the Republic of Zambia and will host the National Project Unit (NPU). The ICCS will be the National Implementing Agency for the ZIFLP.

At the provincial level, the Provincial Administration of the EP will host the Project Implementation Unit (PIU). The Provincial Administration of the EP will be the Executing Agency of the project. This arrangement follows the decentralization policy of government and aims to devolve decision-making to sub-national structures to enable more efficient project implementation.

Annual Work Planning and Budgeting (AWPB) for the project will be submitted through the NPU for World Bank's approval after clearance by i) the MNDP Permanent Secretary (PS) for the NPU national-level activities; and ii) the PS of the Eastern Province for the sub-national level activities.

#### **National level**

Overall project policy guidance will be provided by the ZIFLP National Project Steering Committee (NPSC), which will be chaired by the Permanent Secretary of the MNDP. The members of the NPSC will include PSs from the relevant line ministries, departments and agencies (MDAs), i.e., MOF; Agriculture, Lands; DNPW; Local Government, representative of the private sector, CSOs and NGOs. This fits into the existing government structures and current project oversight of ongoing ICCS programs.

There will additionally be a National Technical Committee (NTC) (using the existing platform) with representation from key MDAs such as the Directors of Forestry, Land, DNPW, Chairpersons of inter-governmental technical working groups, civil society and private sector. The NTC will be responsible for providing technical support and guidance to overall project implementation and advising on the national level investment proposals. The members of the NTC attending each meeting will depend



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on the agenda or technical advice sought by the NPU and will be at Director level.

The ZIFLP National Project Unit (as part of its core mandate, will be directly responsible for most of Component 1 and its management costs will be covered through Component 3. It will be responsible for the procurement of major studies and services related to the national component. In addition, the NPU will manage overall project reporting. It will be headed by a National Project Manager supported by an M&E officer, Finance Officer/Project Accountant, Procurement Officer, Internal Auditor, Communication Officer, and the Environmental and Social Safeguards Compliance Officer.

The Ministry of Finance has already established an informal working group on land, co-chaired by the Surveyor General (SG) and the Director, Ministry of Finance. This Group, which also includes Ministry of Local Government, House of Chiefs, etc., will provide technical guidance on Sub-component 1.2 Regularization of land and resource rights implementation. The SG will represent this group and regularly report on the status of the sub component to the ZIFLP National Project Unit. Formalization of the membership of this group, and description of its responsibilities will all be finalized at appraisal.

The NPU will be responsible for preparing the Annual Work Plan and Budget (AWPB) for the national component of the investment. In addition, the NPU will consolidate the AWPB for the entire project for submission to and approval by the World Bank.

### **Provincial level**

The Provincial Development Coordinating Committee (PDCC) chaired by the Eastern Province PS, will be responsible for providing policy support, guidance and advice to the ZIFLP in relation to sectorial issues in the province. The PDCC already in place, will comprise provincial heads of government ministries including but not limited to Agriculture, Land, DNPW, Forest, Local Government and representatives from the private sector and civil society. The Provincial Planning Sub-Committee of the PDCC, chaired by the Provincial Chief Planner will be responsible for the day to day oversight on the operations of the PIU including reviewing, advising and approving sub-project activities from the lower levels (districts and communities). The PPSC will also ensure that project activities are incorporated in the Provincial Integrated Development Plan (PIDP). The Provincial Planning Sub-Committee is expected to be reinforced by the inclusion of representatives from traditional authorities, CSOs, and the private sector.

The Project Implementation Unit (PIU):

This unit will be embedded into the Provincial Administration, Provincial Planning Unit (PPU). The PIU will be headed by a Provincial Project Manager (PPM) and report directly to the Provincial Chief Planner. For project progress reporting, the PPM will



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collaborate with the NPM. The PIU will be responsible for the day-to-day operations of the project's livelihood investments and will be supported by the PPSC. The PIU will oversee the planning, provide specialized technical support, and carry out fiduciary, safeguards and monitoring oversight of the project. The PIU will be supported by the following officers: M&E officer, Project Accountant, Procurement Officer, Internal Auditor, Communication Officer, and the Environmental and Social Safeguards Officers. The PIU will work in collaboration with the line ministry technical experts in the PPSC to provide management oversight and will be responsible for selection of the sub-grants for activities related to agriculture, forestry, and wildlife. The EP administration will be responsible for implementing small parts of Component 1, virtually all of Component 2, and their management costs will be covered through Component 3. The PIU will be responsible for preparing the Annual Work Plan and Budget (AWPB) for the Eastern Provincial level project investments, seeking advice from the EP PS before submitting to the NPU for consolidation, submission, and approval by the World Bank.

**District level**

At the district level, the District Development Coordinating Committee (DDCC) chaired by the District Commissioner provides policy guidance on projects in the district. Like the provincial level, the DDCC will comprise district heads of government MDAs including but not limited to Agriculture, Land, DNPW, Forest, Local Government and representatives from the private sector and civil society. The District Planning Advisory Sub-Committee (DPSC) consisting of technical staff, traditional representatives and civil society partners will provide the day to day overall coordination and will be responsible for advising, reviewing and recommending community sub-projects from Wards and Communities. The District Planning Officers under the guidance of the DPSC will ensure that the project is integrated in existing institutional structures and mandates of the district. Districts will be responsible for implementing interventions that fall under their authority and will provide coordination responsibility over community level micro-projects that cut across several communities. In such cases, District Development Plans (DDPs) will be prepared as appropriate. Where government MDAs do not have technical establishments in the districts back stopping and or implementation support will be provided from the provincial office.

**Community level**

At the community level, the structure will be similar, with overall coordinating responsibilities falling under the Ward Development Committees (WDCs) that will be constituted according to local government electoral procedures. The WDCs will consist of community representatives from the respective Zones, civic leaders, government agencies (e.g. agriculture camp officers, wildlife camp officers, traditional authority representatives and civil society partners. Communities will be responsible for implementing and managing interventions at the community level with managerial oversight from the districts and the PPU. If not already existing, Ward Development Plans (WDPs) will be prepared covering plans from the Zones in a given area.

The Ministries, Departments and Agencies (MDAs): The MDAs, i.e. Agriculture, Forest, Lands, DNPW, Local Government, etc. will play a critical technical role at the sub-

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national levels and ensure synergy with their respective national line ministries. They will be responsible for regular technical back stopping and ensuring linkages of project investments with development plans and policy. When required, they will provide technical assistance and support, based on agreed annual work plans with the NPU and PPU, against which regular advances will be made and accounted.

**2. RPF METHODOLOGY**

This RPF has been developed together with the ESMF and PF for the ZIFL Project. A number of activities have been undertaken in order to meet the safeguards requirements for the assignment including the following: literature review; stakeholder analysis; analysis of baseline environmental and social data; site visits and field assessments; interviews and focus group discussions; and the analysis of World Bank (WB) safeguard policies and Zambian policies, legislation and international agreements.

**2.1 LITERATURE REVIEW**

A literature review was undertaken with a view to gathering relevant secondary data, and the key sources of secondary data are listed under the References/ Bibliography section of the RPF. This process was crucial in the development of the RPF as it informed the stakeholder analysis, analysis of baseline environmental and social data, site visits and field assessments, interviews and focus group discussions, and the analysis of WB safeguard policies and Zambian policies, legislation and international agreements.

**2.2 STAKEHOLDER ANALYSIS**

A stakeholder analysis was carried out at the commencement of the assignment with a view to informing the stakeholder consultations, and the key stakeholders identified and consulted are listed in Annex 1.

**2.3 ANALYSIS OF BASELINE ENVIRONMENTAL AND SOCIAL DATA**

Secondary baseline environmental and socio-economic data was gathered through the literature review, whilst primary data was obtained from the stakeholder consultations and field work. The purpose of the baseline data collection was to:

- Scope the study area from a framework point of view, rather than obtain detailed quantitative data that would normally be associated with a site specific assessment; and:
- Provide information on host environment conditions to be able to analyze and predict the nature and significance of potential Project-related environmental and socio-economic impacts.

## **2.4 SITE VISITS AND FIELD ASSESSMENTS**

Site visits and field assessments to the study area, Lukusuzi and Luambe National Parks and surrounding areas, were carried out in order to undertake stakeholder consultations and fill gaps identified during the literature review. Two site visits were undertaken, 24 October to 1 November 2016 and 27 November to 1 December 2016.

## **2.5 INTERVIEWS AND FOCUS GROUP DISCUSSIONS**

Stakeholder consultations were on-going during the development of the RPF and included engagement with the key stakeholders listed in Annex 1. Interviews and focus group discussions were conducted in the following areas:

- Lusaka; Chilanga; Chipata; Lundazi; Mwasemphangwe; Chikomeni; Kakumba; Chitungulu; and Mwanya.

The key issues discussed are also given in Annex 1.

## **2.6 ANALYSIS OF WORLD BANK SAFEGUARD POLICIES AND ZAMBIAN POLICIES, REGULATIONS AND INTERNATIONAL AGREEMENTS**

The ZIFLP is required to comply with the WB Safeguard Policies and relevant Zambian policies and legal framework. An assessment of the WB Safeguard Policies and Zambian policies, legislation and international agreements was, therefore, undertaken so as to determine the safeguards and legal frameworks that would guide the implementation of the ZIFLP. The assessment results are given Section 3 of this RPF.

# **3. POLICY AND LEGISLATIVE FRAMEWORK**

This section of the RPF reviews the Zambian policy and legal framework and the WB resettlement policy framework that is relevant to the ZIFLP Project.

## **3.1 ZAMBIAN POLICY AND LEGISLATIVE FRAMEWORK**

### **Relevant Policies**

The Zambian resettlement policy framework consists of the National Resettlement Policy, and the legal framework for matters related to the compulsory acquisition of property, in particular land and the alienation of land, is provided for in the Zambian Constitution, Lands Act, and the Lands Acquisition Act. Whilst these three Acts provide the basis for land acquisition, various other national laws define the authority and responsibility of specific sectoral agencies. However, there is currently no specific law pertaining to involuntary resettlement in Zambia.

The Zambian policy and legal framework that are applicable to the ZIFLP are as follows:

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- National Resettlement Policy;
- Constitution of Zambia Cap 1;
- Environmental Management Act of 2011;
- Lands Act Cap 184;
- Lands Acquisition Act Cap 189;
- Local Government Act, Cap 281;
- Urban and Regional Planning Act of 2015;
- Arbitration Act No. 19 of 2000;
- Forests Act of 2015;
- Zambia Wildlife Act of 2015;
- National Heritage Conservation Commission Act, Cap 173 of 1989;
- Agricultural Lands Act Cap 187 of 2006;
- Land Survey Act Cap 188; and
- Valuation Surveyors Act Cap 207.

This policy and legal framework is discussed in Annex 2.

### **Policy and Legislation Assessment**

This section of the RPF discusses the priority policy and legislation that is applicable to the ZIFLP in the context of safeguard instruments.

#### ***National Resettlement Policy***

The National Resettlement Policy (NRP) sets out the Government objectives, principles and measures for dealing with resettlement as a strategy for rural development and as a response to internal population displacements. In addition, it provides a mechanism for dealing with both voluntary and involuntary resettlement. The policy focuses on employment creation, access to public social services, increased food security, security of land tenure, stimulating economic growth in rural areas and compensation and resettlement assistance for internally displaced persons. The Department of Resettlement in the Vice President's Office is in charge of implementing the NRP. However, the policy is not legally binding.

#### ***Environmental Management Act of 2011***

This is the principal legislation on environmental and social protection and management in Zambia.

Under the provisions of this Act, a strategic environmental assessment report will be prepared and submitted to the ZEMA for approval prior to the implementation of the ZIFLP.

Environmental Project Briefs (EPBs) will also be prepared for all ZIFLP Category B sub-projects in accordance with the provisions of the Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations of 1997. An EPB corresponds with the requirements of a WB Category "B" EA and will serve to identify

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and evaluate any sub-project's potential environmental and social risks and impacts in its area of influence, and to outline measures for preventing, minimizing, or mitigating any adverse environmental impacts identified. The ICCS will be responsible for the preparation of the EPBs, either internally or through a consultant. The EPBs will be approved by the ZEMA, through a decision letter with attached conditions, prior to the sub-project activities being implemented.

It is worth noting that the Project will not support WB Category "A" sub-projects, and these will be screened out through the use of the EIA Second Schedule and consultation with the ZEMA.

Following the approval of a subproject, any potential adverse environmental impacts identified by the ZEMA under the conditions of the decision letter will be subject to licensing and compliance inspections as provided for under the Environmental Management (Licensing) Regulations of 2013.

Where resettlement is triggered as a result of sub-project activities, a RAP will be prepared as part of the EPB process. Similarly, where the ZIFLP results in restrictions of access to natural resources in legally designated parks and protected areas, an LRP will be prepared as part of the EPB process by the ICCS, either internally or through a consultant. Both Plans will be reviewed and approved by the ZEMA, through a decision letter with attached conditions, prior to the implementation of sub-project activities.

***The Lands Act Cap 184***

The Lands Act controls the alienation of land and will guide any land acquisitions for ZIFLP sub-projects and the conversion of land from customary tenure to statutory.

The Act empowers the President of the Republic to compulsorily acquire property. The principles of compensation are pivoted on the basis that the value of property for the purpose of compensation shall be the value of the amount which the property might be expected to realize if sold on the open market by a willing seller at the time of the publication of notice to yield possession of the property.

***Land Tenure Systems***

There are two main land tenure systems in Zambia, statutory and customary.

***Statutory Tenure***

Statutory tenure involves State Land, which is administered by the Lands Commissioner through Local Authorities on behalf of the President. All land in Zambia is vested in the Republican President who holds it in perpetuity on behalf of the Zambian people.

The President has delegated his execution and disposition powers to the Commissioner of Lands, who is supported by Agents who plan and sub-divide the land into plots, and select and recommend suitable candidates to him for issuance of a

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certificate of title. The Agents are the District, Municipal, and City Councils, who use the provision of the Urban and Regional Planning Act of 2015 for this purpose.

### *Customary Tenure*

Customary Tenure is applicable in areas under the jurisdiction of Traditional Authorities (chiefs/chieftainesses). The traditional land tenure system is the most prevalent among the majority of Zambians who live in the rural areas of the country.

Tenure under customary land does not allow for exclusive rights to land. No single person can claim to own land, as usually the whole land belongs to the community members for their own use. In addition, land is considered as a valuable heritage for the whole community.

It is the duty of traditional rulers to ensure that every member of his or her community capable of owning land is allocated land. Therefore, the issue of access, as in State Land, is tied to capability. However, being capable is entirely up to the discretion of the Chief, and this has often led to dissatisfaction among community members, the most vulnerable groups being women, youths and the disabled.

Normally, customary land cannot be used as collateral, as in many cases there are no legally defined physical boundaries, as required under the Land Survey Act. Thus, customary lands are prone to encroachments, which often result in land disputes.

### ***Forests Act of 2015***

The following issues will be addressed under the provisions of this Act and the Forests (Community Forest Management) Regulations, 2016:

- Recognition of community forest management groups by the Director Forestry Department through a letter; and
- Registration of Community Forestry Management Agreements with the Forestry Department.

### ***Zambia Wildlife Act of 2015***

Under the provisions of this Act, Park Management Plans will be prepared and approved by the Department of National Parks and Wildlife, prior to sub-project implementation. In addition, where it is deemed that Community Resource Boards need to be formed to allow communities to effectively participate in resource protection and champion conservation awareness campaigns in the communal areas e.g. in the Chikomeni and Mwasemphangwe areas, these could also be formed through the provisions of this Act.

### ***National Heritage Conservation Commission Act, Cap 173 of 1989***

Under the Act, any project being implemented is required to disclose any new archaeological, paleontological, or cultural sites it encounters to the National Heritage

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Conservation Commission (NHCC) and to follow their procedures for the investigation and/or removal of material from them prior to continuing construction activities.

Any Project-supported activities that could impact sites of social, sacred, religious, or heritage value will have to be reported to the Commission prior to the activities being carried out. In addition, the "Chance finds" procedures detailed in section 4.8 of this report will be followed during the implementation of the ZIFLP.

**3.2 WORLD BANK RESETTLEMENT POLICY FRAMEWORK**

The World Bank Operational Policy (OP) 4.12 relates to the administration of resettlement issues in the event of Project activities inducing the displacement of people and disrupting their livelihoods. The policy may apply to some sub-project activities to be implemented under ZIFLP Component 2.

**World Bank OP 4.12**

According to the World Bank's OP 4.12, particular attention should be given to the needs of vulnerable groups such as the poverty stricken, the landless, the elderly, widows, child-headed households and other disadvantaged persons. It is also a requirement of the policy that the provision of compensation and other assistance be effected prior to people's displacement. This implies that the acquisition of land for project activities can only take place after those affected have been compensated. In addition, the policy offers the impacted persons an opportunity to improve their livelihoods and living standards through participation in the planning, preparation and implementation of Resettlement Action Plans (RAPs). The policy states that:

- Resettlement or displacement should be avoided wherever possible or minimized, and all viable alternative project designs should be considered before finally deciding on displacement;
- Resettlement or displacement activities should be conceived as sustainable development programs, providing sufficient investment resources to enable the person displaced by the project activities to share in project benefits; and
- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least restore them, in real terms to pre-displacement levels or to those prevailing prior to the beginning of project implementation, whichever is higher.

The policy stipulates that the RPF and RAPs should include measures to ensure that the displaced persons are safeguarded by being:

- Informed about their options and rights pertaining to resettlement or displacement;
- Consulted, offered choices and provided with technically and economically feasible resettlement alternatives;
- Provided with prompt and effective compensation at full replacement cost for loss of assets attributed directly to the project. The resettlement plan or

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resettlement policy framework should include measures to assure that the displaced persons are provided with: assistance, such as transport and other allowances during relocation; residential housing or housing sites or as required agricultural sites for which a combination of productive potential, location advantages and other factors are at least equivalent to the advantages of the old site;

- Offered support after displacement, for a transition period, based on a reasonable estimate of time likely to be needed to restore their livelihood and standards of living; and
- Provided with development assistance in addition to compensation measures such as land preparation, credit facilities or job opportunities.

### **3.3 COMPLEMENTARITY OF ZAMBIAN LAND LEGISLATION AND THE WORLD BANK RESETTLEMENT POLICY**

#### **Similarities**

There are a number of similarities between the Zambian land legislation (i.e. Zambian Constitution, Lands Act, and the Lands Acquisition Act) and the World Bank's OP 4.12. These include:

- The requirement to pay compensation in advance where land is compulsorily acquired;
- Compensation being based on full market value or through grant of another plot of land or building of equal quality, size and value;
- Avoidance, wherever possible, of impacts on forest reserves, national parks and other fragile ecosystems;
- The requirement to compensate for losses whether temporary or permanent in production or damage to productive assets and crops; and
- Provision for the rights of appeal and other judicial avenues for resolution of disputes.

#### **Gaps**

Gaps do exist between the World Bank OP 4.12 and Caps 1, 184 and 189, and these are as follows:

- Comprehensive resettlement planning - there is no requirement under the Zambian land legislation for the preparation of a comprehensive formal resettlement action plan (RAP) including carrying out a census, social economic survey, consultations with Project affected people, monitoring, and reporting. The Urban and Regional Planning Act of 2015, which deals with issues of human settlements and development in Zambia does not refer to involuntary settlement, but only to the removal of squatters on state lands needed for urban expansion and development.



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- Compensation eligibility in Zambia - under Zambian land legislation, only people and entities with title deeds are entitled to compensation, including those with registered third party rights or those who have legally obtained the right to register but have not yet completed registration. However, under the WB's OP 4.12 illegal land users without title to the land are entitled to compensation for land use and affected structures on it (but not compensated for land). In some cases of illegal development, compensation is provided on discretionary basis on case by case basis.
- Compensation and resettlement assistance - the current Zambian land legislation provides for the payment of compensation at market value for losses of land, buildings, crops and other damages arising from the acquisition of land for Project activities. Under the Zambian law, moving costs or rehabilitation support to restore previous levels of livelihoods or living standard are not recognized, and there is no government agency charged with that responsibility.
- Property measurement - under the Zambian land legislation, compensation is equal to the market value of the property without reference to depreciation. On the contrary, under the WB Safeguards, compensation for lost properties is calculated on the basis of full replacement cost i.e. equal to what enables the Project affected people (PAP) to restore their livelihoods at the level prior to resettlement/ displacement.
- Income restoration - the current Zambian land legislation does not recognize compensation for lost income contrary to the World Bank's OP 4.12, which requires that lost income due to Project activity should be compensated.
- Livelihood restoration – under the WB OP 4.12, displaced persons are required to be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. However, under the Zambian land legislation only those with legally-binding rights are entitled to compensation/ livelihood restoration.

### Measures to Close the Gaps

This RPF's requirements are based on the policies of the World Bank and Zambian national legislation. However, where there are discrepancies between the requirements of World Bank OP 4.12 and the Zambian requirements, the World Bank guidelines and requirements will be followed during the implementation of the sub-projects, as they are normally considered as de facto standards by the Zambia Environmental Management Agency (ZEMA).

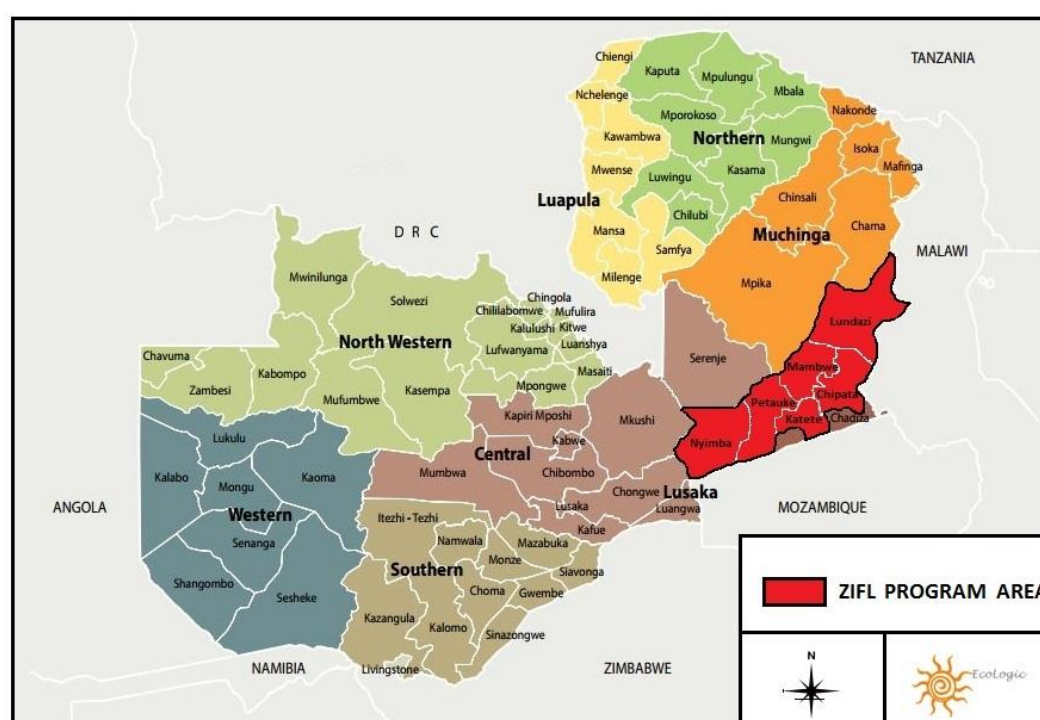
## 4. SOCIO-ECONOMIC BASELINE OF THE PROJECT AREA

This section of the RPF provides a description of the socio-economic environment in the Eastern Province of Zambia, and in particular in the proposed ZIFLP Project districts of Nyimba, Petauke, Katete, Chipata, Lundazi and Mambwe. The descriptions are based on the literature review and consultations and observations made during the site visits.

### 4.1 LOCATION

The ZIFLP Project will be implemented in the Eastern Province of Zambia, and more specifically in the districts of Nyimba, Petauke, Katete, Chipata, Lundazi and Mambwe as shown in Figure 2 below.

**Figure 1: ZIFLP Project Area**



Source: *Zambia Environmental Atlas, ZEMA, 2012*

### 4.2 POPULATION AND DEMOGRAPHIC PROFILE

Table 1 shows the human population statistics for the 6 (six) ZIFLP districts. According to the information presented in this table, which is derived from the 2010 population census, the human population in the proposed Project area is growing with Mambwe District having the highest population growth rate, and Nyimba the least.

**Table 1: Population Statistics of the Project Area**

DISTRICT	TOTAL POPULATION	ANNUAL POPULATION GROWTH (%)	POPULATION DENSITY (PERSONS/KM2)	% RURAL	% POPULATION (AGED 0-34)	% WOMEN
Nyimba	85,025	1.9	8	91	80	50.6
Petauke	307,889	2.7	37	90	81	50.7
Katete	243,849	2.6	61	91	81	50.8
Chipata	455,783	2.2	68	74	80	50.6
Lundazi	323,870	3.2	23	95	80	51.1
Mambwe	68,918	3.8	13	91	81	50.3

Source: CSO, June 2012

A consequence of this population increase is that due to the communities' dependence on agriculture, new lands are opened-up to cultivate food and provide income for the increasing population. In addition to agriculture, charcoal production is a key livelihood activity.

The districts with 90% or more of the population living in rural areas such as Nyimba, Petauke, Katete, Mambwe, and Lundazi are among the top districts in terms of absolute forest area loss (UNIQUE, 2016a), indicating that having a large rural population, which is poor could contribute to deforestation as well as other factors such as production methods and concentration of population per ha.

In addition to the actual growth in population, there is local migration within the Eastern Province as well as fertile land seekers within the same district/ chiefdom. The people come largely from within the same districts/ province but also from outside, and tend to settle in forested areas. In certain cases the traditional authorities and the local politicians allow such people to settle even though they know it is illegal to do so, and in other instances it is done from a land grab opportunistic perspective as a result of a weak enforcement capacity. According to the 2010 population census, only the Eastern Province and Northern Province had net in-migration (CSO, 2012). The migrants encroach on the forest clearing it to open land for crop cultivation and settlement. The forest encroachment is usually detected by the government at a much later stage as the Forest Department lacks monitoring capacity – commonly when the forest has already been badly affected. The problem of migration and settlement in forested areas is compounded by political interference and expediency, where political elites and local/ traditional leaders tend to take sides with the forest encroachers or simply do not actively support any moves to control or remove them. Such encroached forests eventually become candidates for de-gazettement and resettlement. For instance, in 2005, Mvuvye FR, at the Nyimba and Petauke district borders, was de-gazetted following heavy encroachment by both locals and migrants. In Lundazi district, the Lundazi National Forest is currently encroachment.

In terms of the Lukusuzi NP, three evictions of people who have illegally settled in the Park have been undertaken by the DNPW. The first was in between 31 October and 4 November 2015, and the other two were in October and November 2016. The people

tend illegally go into the Park to undertake activities such as illegal poaching, small scale mining and farming.

### **4.3 EMPLOYMENT**

There are high levels of unemployment in the Project area, with a large portion of the population being engaged in informal economic activities such as subsistence farming practices, fishing (in the rainy season), production and selling of charcoal, casual work (particularly in the agricultural sector), informal trading activities (such as vending foodstuffs) and the production of handcrafted items.

### **4.4 ECONOMIC PROFILE**

Most of the livelihoods in the ZIFL Project area are in agriculture and related activities. Rural farming families typically grow a variety of crops such as maize, sweet potato, groundnuts, soybeans, mixed-legumes, sunflower, seed cotton and tobacco. Cotton, tobacco and maize are the major cash crops. Agricultural productivity on existing agricultural lands is very low and estimated at only 2 tonnes/ha/year compared with the national average of 2.4 tonnes/ha/year (Sitko *et al.*, 2011, Tembo and Sitko, 2013). This is attributed to: nutrient depletion on existing croplands as a result of poor farming methods such as burning crop residues; reduced input subsidies; smallholder farmers being unable to afford the high price of chemical fertilizer; and limited high quality seeds that are needed to produce high crop yields. Due to low productivity on existing croplands, farmers are encouraged to open up new land by clearing forests.

Forests are very important for rural livelihoods in the Project area as forest goods and services provide food, medicine, shelter, fuel and cash income for the rural population. Forest-based activities such as carpentry, beekeeping and timber and rattan sales provide more than 50 percent of the average household income in some parts of the province. Mushrooms, fruits, leafy vegetables, tubers and insects collected from the province's miombo woodlands are widely consumed by rural households and enrich their starch-based diets with important vitamins and minerals. These foods are often available at the start of the rainy season and thereby serve as an important source of nutrition when food stocks are low. Most forest product harvesting and sale is seasonal, providing cash income at different times of the year. However, the province's increasing deforestation rates pose threats to the forest economy (World Bank, 2016a).

The Project area contains large parts of the globally biodiversity significant Luangwa Valley, and supports one of Zambia's highest revenue generating parks (South Luangwa National Park). The wildlife sector in Eastern Province provides substantial income to the Eastern Province mainly from tourism and hunting activities. A recent study conducted by The Nature Conservancy (TNC) valued the South Luangwa Park's tourism activity at \$20M per year. However, the gains from tourism almost entirely go to private lodge owners and thus do little to alleviate the poverty in nearby communities. Increases in food insecurity and high poverty levels have driven increased poaching of wildlife for bush meat consumption and illegal wildlife trade.

Deforestation from fuelwood harvesting and smallholder agriculture expansion have also reduced the suitable habitat area for effective wildlife management. Human encroachment is extending toward national parks from major roads as fast as 2 km/year. This is threatening protected buffer zones, decreasing wildlife connectivity, eliminating viable TFCAs and driving accelerated deforestation and associated GHG emissions (World Bank, 2016a).

#### **4.5 ENCROACHMENT AND RESETTLEMENT IN LUKUSUZI NATIONAL PARK**

Zambia Wildlife Act No. 12 of 1998 prohibits occupation of people and any other form of livelihoods in legally protected areas. However, since 2011, there has been continued encroachment and occupation of the Lukusuzi National Park. The park was encroached by agriculture land seekers who settled in the areas called, Kamwankunku, Mbuluzi, Mnyamazi, Msikizi and Kamaibe. These areas are considered to have a rich biodiversity of natural resources.

In its continued effort to protect the natural resources from illegal utilization in Lukusuzi National Park, ZAWA in collaboration with the Zambia Police (ZP), Zambia National Service (ZNS), Office of the president (OP), Drug Enforcement Commission (DEC) and Immigration department, jointly conducted a special operation of evicting hundreds of illegal settlers from Lukusuzi National Park in 2015. Approximately, 3,000 people were evicted.

The resettlement exercise took place in the east part of Lukusuzi National Park bordering Mwasempangwe chiefdom in Lundazi District, located in the Eastern side of Luangwa Valley.

#### **4.6 LAND TENURE**

The lack of clear land tenure is a major underlying driver of agriculture expansion into forest land. According to the Integrated Land Use Assessment (ILUA) survey, forest ownership in Zambia is divided amongst the following entities: customary authorities, i.e., forests on communal land or “customary forests” – about 63% of total forestlands in the country; state, i.e., forests on state land or “state forests” – about 24%; private land, i.e., “private forests” – about 10%; and the rest (3%) has undefined/ unknown ownership (Mukosha and Siampale, 2008).

A large proportion of land in the Eastern Province is under customary land tenure. However, the exercising of tenure rights over forest is very weak because there is limited: understanding of the forest tenure; and capacity to manage the forests “owned”. The chiefs/ chieftainesses of the various chiefdoms exercise some authority over customary forests, but their power mainly lies in the control of land resources and the ability to allocate it to different users. Hence, land allocation and land use processes on customary lands are often based on local governance processes. For instance, obtaining permission to settle and use land within a chiefdom has to be negotiated with the chiefs/chieftainesses, who usually dictate the rights,

responsibilities and use for the land users. However, the traditional authority of the chiefs/ chieftainess is weakening due to a breakdown of traditional cultural values. Consequently, their ability to properly manage areas under their control is declining. Conflicts over land resources and heir-ship claims complicate this issue.

The lack of recognition of forest tenure and capacity to exercise the tenure rights is contributing to the acceleration of forest destruction. This is due to the fact that customary forests are perceived as open-access forest resources and that some rural inhabitants do not benefit much from the forests, hence, the lack of incentive to sustainably use the forest resources (Gumbo et al., 2013). In other cases, the exercising of tenure and ownership rights directly causes deforestation. For instance, some farmers clear the land for agriculture in order to lay due claim to it. Community members normally acquire land for cultivation and settlement by requesting it from the traditional leaders, i.e., chiefs/ chieftainesses and their advisors. However, if a community member is allocated a piece of land and does not clear the forests on it to show that he/ she is actively using it, the authorities may withdraw it and give it to someone else. See annex 9.

#### **4.7 LAND USE**

Another underlying driver of agriculture expansion into forest land is the lack of land use planning as there are no proper processes for the allocation of land for different uses at various jurisdictional levels. In addition, there are no enforcement provisions for dealing with illegal allocations. This leads to inconsistencies in managing land use activities within districts and chiefdoms. As a result, forests are easily converted to agricultural land use including through government channels, especially when they are degrading or degraded.

Customary forests often do not have management plans or guidelines. This also applies to the Forest Reserves that are managed by the District FD officers. Therefore, forests are generally very vulnerable to encroachment for agriculture and charcoal burning as there is no planning or any structured management processes. However, an exception to this is that some communities in the Project area have received external support from the non-profit company Community Markets for Conservation (COMACO), and conservation management plans have been developed for Community Conservation Areas (CCAs) in a number of chiefdoms including Chikomeni, Chikuwe, Jumbe, Luembe, Magodi, Mwasemphangwe, Mwape, Nyamphande, and Zumwanda.

#### **4.8 PROTECTED AREAS AND FOREST RESOURCES**

##### ***Forest resources***

##### ***Habitats and Vegetation Types***

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The Luangwa watershed has 31 and 68 national forests and local forests over an area of 1,427,492 and 227,178 ha, respectively (MLNREP, 2016). The main habitat in the area is the miombo woodland, which is evergreen with common species of *Brachystegia*, *Julbernardia* and *Isobertia*. Other tree species include *Colophospermum mopane* (found in pure stands), winterthorn (*Acacia albida*, a deciduous tree that provides winter-feed), *Acacia tortilis*, *Combretum imberbe*, *Acacia nigrescens*, *Monochoria africana*, wild mango - *Cordia africana*, African ebony - *Diospyros mespiliformis*, Fig - *Ficus bussei* and *Ficus sycomorus*, and Natal mahogany - *Trichelia emetic*.

*Ramsar Wetland Site*

Zambia is a signatory to the RAMSAR Convention and the Luangwa Flood Plain is a designated RAMSAR site that is ecologically sensitive and subject to restrictions on development in or around the area, and Figure 3 shows the site.

The site covers part of South Luangwa National Park and the North Luangwa National Park to the north-west and the Luambe National Park to the south-east. It also encompasses portions of a number of game management areas within it, including the Munyamadzi GMA No. 24, the Lumimba GMA No. 21, and the Lupande GMA No. 20.

The Luangwa Floodplains host a number of endangered species, such as the lion (*Panthera leo*) and the elephant (*Loxodonta africana*), which the IUCN Red List classify as vulnerable. The leopard (*Panthera pardus*) is also present at the site (CITES Appendix I) as well as the African wild dog (*Lycaon pictus*) (endangered, IUCN Red List) and the Black rhino (*Diceros bicornis*) (critically endangered, IUCN Red List). Crocodile (*Crocodylus niloticus*) and hippos (*Hippopotamus amphibius*) are present too (CITES Appendix II).



**Figure 2: Luangwa Flood Plain Ramsar Site**

Source: [rsis.ramsar.org](http://rsis.ramsar.org)

## Wildlife resources

### Overview

The Luangwa watershed has 7 national parks and 11 game management areas covering 1,711,971 and 5,115,435 ha, respectively (MLNREP, 2016). The area has large populations of elephant (*Loxodonta africana*), buffalo (*Syncerus caffer*), hippo (*Hippopotamus amphibius*), giraffe (*Giraffa camelopardalis*), lion (*Panthera leo*), leopard (*Panthera pardus*), crocodile (*Crocodylus niloticus*), warthog (*Phacochoerus aethiopicus*), puku (*Kobus vardonii*), impala (*Aepyceros melampus melampus*), zebra (*Equus burchelli*), waterbuck (*Kobus ellipsiprymnus*), bushbuck (*Tragelaphus scriptus*), cookson's wildebeest (*Connochaetes taurinus cooksoni*), hyena (*Crocuta crocuta*), kudu (*Tragelaphus strepsiceros*), eland (*Taurotragus oryx*) and various other antelopes.



The Luangwa valley is also a sanctuary of birds such as Carmine bee-eaters (*Merops nubicus* and *Merops nubicoides*), Crowned crane (*Balearica regulorum*), White egret, Pied Kingfisher (*Ceryle rudis*), Ibises (*Threskiornis aethiopicus*, *Plegadis falcinellus*) and herons.

The Lukusuzi National Park (NP) covers approximately 2,700 km<sup>2</sup>, and is surrounded by over 8,500 km<sup>2</sup> of customary land consisting of 5 rural communities as defined by their respective traditional leaders that border the park. Residents of these "border" communities are largely small-scale farmers who grow maize and other secondary crops as their principal source of food and income. Annual incomes for most people in the area are below \$500 and many experience challenges in producing enough food to reach the next harvest (COMACO, 2016a). Figure 4 shows the Lukusuzi NP and other protected areas in the ZIFLP area.

**Map of the Luangwa River Catchment in the Northern Province of Zambia**

**Legend**

- Luangwa\_River
- Trunk Roads
- District Boundary
- Forest Reserves**
  - Local Forest
  - National Forest
- Nat. Parks & GMAs**
  - GMAs
  - National Parks

**Map Produced by:**  
Zambia Environmental Management Agency  
(2014)

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Under such livelihood hardships, many farmers over the past several decades have resorted to wildlife poaching in the Lukusuzi NP to make-up for shortfalls in food and income, and a steady decline in wildlife numbers has resulted. Many of the Park's key species including black rhino, buffalo, and elephant disappeared and smaller species reduced greatly in population size. As a national park, its status became regarded as depleted, and limited park management and law enforcement resources were directed elsewhere to higher priority national parks, leaving Lukusuzi NP with a small force of 10 wildlife police officers guarding the entire Park.

The Lukusuzi NP falls under the Malawi-Zambia Trans Frontier Conservation Area (TFCA), which was formally established on 7 July 2015 and has two components: the Nyika-North Luangwa; and the Kasungu-Lukusuzi. The German Government has committed EURO18million under KfW to support infrastructure development, conservation activities, procurement of equipment, and community livelihood needs under the Nyika-North Luangwa component.

A GIZ project called "Strengthening Joint Management and Promoting Community Alternative Livelihoods in the Kasungu-Lukusuzi Component of the Malawi-Zambia TFCA" is currently being implemented in the Kasungu-Lukusuzi component. The main objective of the project is "to reduce threats of unsustainable use of natural resources in the TFCA component by strengthening various management strategies and promoting alternative livelihood options for the communities", and the priority areas are: the Lukusuzi National Park, the Kasungu National Park, Chikomeni and Mwasemphangwe communities, as well as the communities surrounding the Kasungu NP within a 5 km buffer. The project is scheduled to end in May 2018.

#### **4.9 ENERGY USAGE**

80% of the Zambian population is still reliant on wood biomass for energy (MNDP, 2016), and in terms of contribution to direct cash income for rural communities, fuelwood is the most important forest product obtained from the forests, followed by Non- Wood Forest Products (NWFPs) such as wild meat, honey, mushroom and caterpillars. This is due to the fact that it is fairly easy to enter into the fuelwood business for short-term income or as a long-term income generating activity because most fuelwood producers (both firewood and charcoal) operate without any license, especially those who sell fuelwood that is harvested when clearing land for agriculture, and if required a license can be obtained at short notice from the FD district offices (Gumbo et al., 2013). However, most charcoal producers opt not to get one, therefore, produce charcoal illegally.

Generally, there are relatively minimal entry barriers into the fuelwood business. In addition, the business of producing and selling charcoal itself requires minimal monetary and technical inputs. Therefore, producers are often opportunistic, and begin to produce when extra cash is needed, or when no alternate employment opportunities exist. Migrant or landless families are also responsible for significant charcoal production, as it is considered as an easy-to-get income activity. Whilst this

may be beneficial in terms of providing a quick poverty mitigation solution, it means a large population is involved in unregulated extraction of wood from the forests, thus, driving forest degradation.

#### **4.10 ARCHAEOLOGY AND CULTURAL HERITAGE**

The proposed ZIFLP encompasses the Luangwa floodplains, which have a number of historical hot springs within the Luangwa Valley. One occurs at the saltpan in the Nsefu sector of the Luangwa South NP. The streams are surrounded by saline deposits, which were valued by the local people in the past. The Project area also has many graveyards as it is typical for each village community to have its own graveyard. In addition, the Lukusuzi NP is reported to have rock paintings and caves that date back to the late Stone Age (Mbewe, 2016).

Cultural property includes monuments, structures, works of art, or sites of significant points of view, and are defined as sites and structures having archaeological, historical, architectural, or religious significance, and natural sites with cultural values. This includes cemeteries, graveyards and graves. The negative subproject attributes, which will make a subproject ineligible for support includes any activity that will adversely impact cultural property.

The Project-supported civil works could impact sites of social, sacred, religious, or heritage value. "Chance finds" procedures would apply when these sites are identified during the construction period. In the event of finding of properties of cultural value during construction, the following procedures for identification, protection from theft, and treatment of discovered artifacts should be followed:

- Stop the construction activities in the area of the chance find;
- Delineate the discovered site or area;
- Secure the site to prevent any damage or loss of removable objects.
- Notify the Supervising Engineer who in turn will notify the responsible authorities;
- The National Heritage Conservation Commission, in collaboration with the relevant local authority, will be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures.
- Decisions on how to handle the finding will be taken by the National Heritage Conservation Commission and other responsible authorities. This will include changes in the layout (such as when finding an irremovable remain of cultural or archeological importance), conservation, restoration and salvage.
- Implementation of the authority decision concerning the management of the finding will be communicated in writing by the National Heritage Conservation Commission;

- Construction work will only resume after permission is given by the National Heritage Conservation Commission and other responsible authorities concerned with safeguarding the cultural property.

These procedures will be included in standard bidding documents for construction contracts. During project supervision, the Supervising Engineer will monitor compliance with these procedures, which relate to the treatment of any chance finds encountered. Relevant findings will be recorded in World Bank Supervision Reports and Implementation Completion Reports will assess the overall effectiveness of the project's cultural property mitigation, management, and activities, as appropriate.

#### **4.11 GENDER ISSUES**

The ZIFLP recognizes that livelihoods in the Eastern Province of Zambia are largely based on natural resources, primarily through agricultural activities. However, in Zambia, 80 percent of female-headed households own less than 2ha of land, and 48.5 percent own less than 1ha. In terms of male-headed households the corresponding numbers are 61 and 27.1 percent, respectively. Women provide more than 60 percent of the agricultural labor force, but do not have the same access to productive inputs (e.g. land, finance, and information), which makes women more vulnerable to the negative impacts of climate variability and related shocks. For example, female-headed households in Eastern Province are less likely to: access innovation; and adopt improved technologies in agriculture such as ploughing, ripping, and fertilizer or herbicide use. In addition 43 percent of male-headed households engage in crop commercialization whilst only 29 of female-headed households are able to progress beyond subsistence farming.

ZIFLP activities may induce shifts in the labour-based gender roles at community level. For instance, the adoption of conservation agriculture practices will potentially shift the labour input from ploughing, which is traditional a male activity to ripping, which increases land preparation and is traditionally seen as female work (Midgley et al, 2012). However, where ripping is done with oxen, it may rely on male labour input. Climate-smart agriculture practices may also require substantial investments of time, labour or cash, which often are considerable constraints for women.

Despite the harmonization of customary and statutory land laws, women do not have equal voice and power on a national, local or household level. For instance, in Eastern Province, women are less likely to engage in landscape management, including forest meetings, forest management groups or village forest leadership (USAID, 2016).

ZIFLP will seek to address inequities in human capital, economic empowerment and voice through the design and targeting of the proposed activities. However, existing literature and data is limited with regard to women and men's roles in the proposed activities. In order to adequately understand the gender impacts of project activities, all data collected under the project will be disaggregated by sex. For households, information should clarify the gender of the head of the household (IAPRI, 2016). In

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addition, ZIFLP will select the most relevant indicators to measure changes in outcomes between men and women, the preliminary indicators are given below.

### *Access to markets and extension (economic empowerment and improving human capital)*

- Number and percentage of women and men who access employment or increase their incomes due to project activities;
- Changes in women's workload compared with men's due to environmental changes and adaptation activities;
- Number and percentage of training sessions targeted at women and men, by content area;
- Number of people reached with assets and/or services from ISFL programs (% women);
- Land users who have adopted sustainable land management practices (% women) as a result of ISFL support; and
- Land users who have received training for improving land management, including agricultural productivity (% women).

### *Women's participation in community groups (voice & rights)*

- Evidence that climate change policies, strategies, and plans require the participation and involvement of poor women and men in developing and managing local adaptation and mitigation plans; and
- Number and percentage of women and men who attend community-based meetings on natural resource management.

## 4.12 KEY ISSUES FROM STAKEHOLDER CONSULTATIONS

This section of the baseline summarizes the key issue from the stakeholder consultations that are given in Annex 1, and the relevant issues have been incorporated in the various aspect of this ESMF.

The main issues arising from the stakeholder discussions are as follows:

- Lack of capacity in most government institutions;
- Livelihood enhancement activities such as agroforestry, bee-keeping and the development of markets for non-timber forest products such as fruits, mushrooms and bamboos are key to preventing the cutting down of trees and wildlife depletion activities such as poaching;
- Support to extension services and the fostering of a participatory extension approach are key to ensuring that the communities benefit from extension services;
- Good crop storage facilities are critical for productivity improvement;
- Lack of use of personal protective equipment during the implementation of climate-smart and conservation activities;

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- The support of local chiefs is paramount in ensuring the success of conservation activities as they have jurisdiction over customary land and are reported to also be involved in illegal sale of customary land;
- Conservation farming activities being encouraged in the Project area include crop rotation, minimum tillage, manure application, retention of crop residues, agroforestry (using *Gliricidia sepium*) and fire management;
- Communities need to be empowered with value addition to their products;
- Establishing woodlots using the fast growing species *Gliricidia sepium* is being widely used for woodlot establishment;
- Community sensitization and awareness is very important in ensuring that rural communities remain committed to conservation efforts;
- Small scale poultry, vegetable gardening and bee-keeping are important livelihood activities for women in the Project area;
- Energy efficient technologies being used and promoted in the Project area include bio-digesters and rocket cook stoves;
- The Project area has community graveyards, rock painting, caves and iron smelting artifacts of the late stone age, which will need to be managed in accordance with the National Heritage Conservation Commission guideline, should they be disturbed;
- Despite the restrictions embedded in the Forests Act of 2015, people are residing and conducting farming activities in National Forest Reserves. The Lundazi Forest Reserve has been encroached with large human settlements and the communities have also opened up small scale farms for a variety of crops, causing a serious depletion on natural resources;
- BCP is implementing REDD+ activities under the Community Forests Program (CFP) in the Lumimba GMA, specifically in Mwanya Chiefdom adjacent to the Lukusuzi national park, the South Luangwa National Park and Luambe National Park to the north. The organization is currently supporting the communities in the area to form community forest management groups;
- The COMACO Model - COMACO helps small-scale farmers become good stewards of their land and better neighbors to national protected areas by using market incentives and effective training methods to encourage the adoption of skills that protect soils and reduce threats to forests and wildlife habitat. COMACO currently operates across nearly a third of Zambia, encompassing the entire Luangwa Valley ecosystem and adjacent watersheds that feed into Bangweulu Swamp and the lower end of the Zambezi River. Through its growing capacity to leverage change in farming and land use practices, COMACO has reduced some of the key drivers of forest degradation, deforestation, wildlife poaching, and soil degradation. It has also initiated Africa's first project to capture multiple pools of carbon derived from REDD+, SALM (Sustainable Agriculture and Land Management), fuel-efficient cook stoves, and recycled bio-wastes into renewable energy;
- Community participation in sustainable use and protection of wildlife resources is very minimal. The communities who reside on the borders of National Parks (NPs) are the ones who have direct impacts on the resources and consequently bear the positive and negative impacts arising from the



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protection/ lack of protection of the NPs. These communities, therefore, need to fully participate in resource protection. Two Community Resource Boards (CRBs), Chitungulu and Mwanya, currently exist on the western side of the Lukusuzi NP. However, on the eastern side of the park, the two CRBs that were established in Mwansempangwe and Chikomeni, as forums under which communities could participate in resources protection, no longer exist and the number of volunteer scouts recruited under these CRBs has substantially reduced due to absence of physical benefits and legal support. Consequently, the Mwansempangwe area is currently an entry point for illegal activities, such as poaching, mining and farming, in the park;

- The area between the South and North Lwangwa, Luambe, Lukusuzi and Kasungu National Parks provides an important ecological connectivity. Increased human activity in the area would reduce the effectiveness of this area to provide the needed connectivity and can cause an end to the movement of animals through this landscape; and
- Resource management in the Lukusuzi NP is constrained by a number of factors including the lack of a sufficient budget allocation from the government to effectively support operations and management activities such as law enforcement operations, research activities, transport, capacity building activities, conservation awareness raising, communication, and infrastructure maintenance. As a result poaching and human-wildlife-conflicts are common. Human encroachment has also been a major problem in the park.

**Stakeholders in Eastern province and their thematic areas of participation: (Source; Kaala Moombe, 2016, Land tenure study report)**

Stakeholder	Thematic/project areas	Sites/location (some)
<b><i>Traditional Organizations</i></b>		
Chieftaincies	<ul style="list-style-type: none"> <li>- Land administration</li> <li>- Chiefdom governance</li> </ul>	All districts in the province
Community Conservation areas (Committees, etc.)	Natural resources management in customary areas	5 districts and 17 chiefdoms: <ul style="list-style-type: none"> <li>- Chipata: Chinunda, Mpezeni, Nzamane, Chikuwe,</li> <li>- Lundazi: Magodi, Zumwanda, Mwasemphangwe, Chikomeni,</li> <li>- Mambwe: Jumbe</li> <li>- Nyimba: Luembe, Nyalungwe</li> <li>- Petauke: Nyamphande, Mwape, Sandwe, Kalindawaro, Mumbi, Mwanjawantu,</li> </ul>
CRBs/VAGs	Natural resources management in customary areas including GMAs	<ul style="list-style-type: none"> <li>- Lundazi (Chikomeni)</li> <li>- Nyimba (Luambe and Nyalugwe)</li> <li>- May be formed in Mwape</li> </ul>
Small holder farmers	<ul style="list-style-type: none"> <li>- Out grower schemes</li> </ul>	All districts in the province but some thematic interventions are not in all districts

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	<ul style="list-style-type: none"> <li>- Agriculture and apiculture (Crop, livestock, honey production) production</li> <li>- Soil conservation</li> <li>- Trade</li> <li>- Sustainable integrated land management solutions (SILMS)</li> </ul>	
<b>Government Departments</b>		
Resettlement	Resettlement schemes administration and management (up to title acquisition stages)	Chipata and many sites in the province (Katete, Lundazi, Petauke,
Lands	Land administration and management	Chipata
Forestry	<ul style="list-style-type: none"> <li>- Protected forests areas management and protection/preservation and customary areas</li> <li>- Law enforcement and extension services</li> </ul>	All districts in the province
National Parks and Wildlife	Wildlife management, control, conservation	Mfuwe, Lundazi (Chikomeni and town)
Agriculture	Agriculture coordination and management	All districts in the province
District Councils	Town planning	All districts in the province
Conservation Farming Unit	Conservation farming	
<b>Private Organizations</b>		
COMACO	<ul style="list-style-type: none"> <li>- Out grower schemes (legumes and rice)</li> <li>- Conservation farming</li> <li>- Resettlement (Better Life Scheme)</li> <li>- Wildlife and other natural resources management</li> <li>- Trade</li> <li>- Value addition (processing and marketing)</li> <li>- Carbon management (and trade)</li> </ul>	Nyimba, Mfuwe, Lundazi, Chipata (HUB)
NWK Agriservices	Out grower schemes for cotton	Lundazi, Katete
Cargill	Out grower schemes for cotton	Lundazi, Chipata, ???



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JTI	Out grower schemes for tobacco and tree planting	Chipata
China-Africa	Cotton	Chipata, Lundazi
Producer groups	<ul style="list-style-type: none"> <li>- Agriculture (crops and livestock)</li> <li>- Apiculture – commercial beekeeping</li> <li>- Out grower schemes</li> </ul>	
COMACO Cooperatives	Agriculture and apiculture production governance	
ETG	Market for some SNV products	
Mt Meru	Market for some SNV products	
Sedia Agro Services	<ul style="list-style-type: none"> <li>- Agro dealing</li> <li>- Soil testing under the SILMS (SNV) activities</li> </ul>	
Kazumba	Game ranching; law enforcement (through Village Scouts)	
Mopani Hunting Safaris	Eco-toursim	
<b>NGOs/Civil Society</b>		
SNV	<ul style="list-style-type: none"> <li>- Sustainable land and other natural resources management</li> <li>- Biogas industry (small scale farmer level)</li> <li>- Out grower schemes for tree planting</li> </ul>	<ul style="list-style-type: none"> <li>- Lundazi,</li> <li>- Other districts in Zambia: Monze, Mumbwa, Kitwe, etc.)</li> </ul>
GIZ	<ul style="list-style-type: none"> <li>- Livelihood support</li> <li>- TFCA</li> </ul>	Chipata, Lundazi (Mwasemphangwe)
BioCarbon Partners	<ul style="list-style-type: none"> <li>- Community forest management</li> <li>- Carbon management and trade</li> </ul>	Mfuwe, Nyimba, Lundazi
Land Alliance (Chipata, Nyimba)	<ul style="list-style-type: none"> <li>- Piloting customary land registration</li> <li>- Research</li> <li>- Education, Advocacy</li> </ul>	Nyimba, Chipata
ICRAF/WAC	Agroforestry Research	

## **5. POTENTIAL IMPACTS ON ASSETS AND LIVELIHOODS**

### **5.1 OVERVIEW**

The WB Policy on Involuntary Resettlement (OP 4.12) is triggered in anticipation that the ZIFLP Project activities may have some impacts on assets and livelihoods and may result in either economic or physical displacement. This RPF makes provisions to minimize impacts through the involvement of landowners, traditional authorities, farmers and communities as a whole, where practical, in order to minimize land acquisition cases. However, as ZIFLP sub-projects are not known in sufficient detail at this stage of preparing this RPF, provisions are made in the RPF to accommodate all potential situations, including cases that may entail actual displacement and livelihood restoration assistance in accordance with the WB OP 4.12.

### **5.2 POTENTIAL SOCIAL IMPACTS**

The Involuntary Resettlement Policy, OP 4.12 is likely to be triggered during the implementation of activities pertaining to the following ZIFLP activities:

- Sub-component 1.3e – legal framework for REDD+;
- Sub-component 2.1 – climate-smart agriculture practices;
- Sub-component 2.2 – community-based forest management; and
- Sub-component 2.3 – wildlife management.

The implementation of these sub-component activities may result in the following potential adverse impacts:

- Illegal encroachment into the protected areas may present asset and livelihood claims;
- Illegal farmers may be displaced and food/ cash crops as well as farm structures or farm settlements may be affected;
- Income from Illegal mining activities inside protected areas may be affected;
- Land acquisition for climate-smart agricultural activities may lead to compensation claims.
- Land acquisition for community-based forestry management may lead to compensation claims.

### **5.3 POTENTIAL IMPACTS ON ASSETS AND LIVELIHOODS**

Given the types of activities envisioned under ZIFLP, the following generic impacts/ issues on assets (land, crops, and structures) and livelihoods can be expected:

- Land acquisition;
- Crops may be affected;
- Depending upon land use of selected sites, the existence of family/ community cultural sites such as cemeteries could be affected;

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- Structures that exist in protected areas/ customary land (depending on the sites selected) may be affected;
- Farmers' livelihoods may be affected, if farms exist on selected lands;
- Encroachers or affected illegal farmers' livelihoods may be affected; and
- Illegal miners' livelihoods may be affected in protected areas.

#### **Review and audit of past resettlement in Eastern province by GoZ**

A resettlement audit has been undertaken to understand the gaps from a recent resettlement exercise in Lukusuzi National Park by The Zambian Government. The main objective of the audit of the resettlement process, was to determine gaps in the process and propose actions to address them. Specifically, the review and audit sought to:

- To collect all relevant documentation of the process of resettlement as conducted by Zambia government and obtaining an overall understanding of the process of conducted to date;
- Seek views of the affected persons and determine their current status to assess the relative impact of their relocation;
- Assess the fairness of the process followed and the appropriateness of compensation provided, and identifying any key issues and potential gaps for consideration in the future processes, where the WB is involved; and
- Prepare an action plan to address the gaps, and ensure the project address the gaps.

The audit report contains an action plan and recommendation to address any gaps through ongoing government projects (e.g. supported by GIZ and COMACO), as well as livelihood activities as part of ZIFLP implementation. The gaps identified include:

- Inadequate consultations with encroachers and the host communities;
- Lack of support to restore and enhance livelihoods.

## 6. COMPENSATION ELIGIBILITY CATEGORIES

### 6.1 DEFINITION OF AFFECTED PERSONS

Affected persons are those persons who, as a direct consequence of an activity or sub-project would, without their informed consent or power of choice either: (a) physically relocate or lose their shelter, (b) lose their assets or access to assets, or (c) lose a source of income or means of livelihood, whether or not they physically relocate to another place.

### 6.2 CUT-OFF DATE

Upon identification of the need for involuntary resettlement in a sub-project, the ICCS will be responsible, in collaboration with relevant local authorities, to carry out a census to identify the persons who will be affected by the sub-project. This will help the sub-project proponent to determine who will be eligible for assistance early enough in the Project cycle. It will also help to prevent an inflow of ineligible people living outside the sub-project area of impact but who might want to take advantage and claim for assistance. The form to be completed to conduct the survey is included in Annex 3. The completion of the census will mark the cut off-date for eligibility for compensation. Those who will come into the area after the cut-off date will not be eligible for compensation.

### 6.3 ELIGIBILITY CRITERIA

For purposes of determining eligibility criteria, displaced persons will be classified in one of the following three groups, depending on the type of right they have to the land they occupy:

- ***Any person(s) with formal legal rights to land.*** According to Zambia's land tenure system, this group consists of two types of people: those with title deeds and a 99-year renewable leasehold of state land, and the land they own has legally recognizable commercial value; and those who occupy land under the customary land tenure system, and the land is controlled and allocated to them by traditional authorities (chiefs) - the owners do not have title deeds but they have a 'customary' legal claim to it, and they may not involve themselves in land transactions without the consent of the chief;
- ***Any person(s) who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets.*** This group of people mostly comprises those who have bought land or other immovable property, but have not yet completed the process of acquiring title deeds. The other group consists of those in legally established voluntary relocation areas who have not yet reached the retirement age, at which point they become eligible for title deeds; and
- ***Those who have no recognizable legal right or claim to the land they are occupying prior to the cut-off date*** - these are mostly encroachers into state land or those who may or may not occupy customary land without permission or recognition by the local authority (chief).

## 6.4 PRINCIPLES FOR DEVELOPING ELIGIBILITY CRITERIA

Where displacement occurs as a result of sub-project activities, a RAP is required to be developed, including detailed criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. In developing such a RAP, the following principles should be considered:

- The process of developing the RAP must include meaningful consultations with affected persons and communities, local authorities, and, as appropriate, non-governmental organizations (NGOs), and stakeholders. A continuous stakeholder consultation process must also be established to guide the RAP preparation and implementation stages;
- Those who have formal legal rights (including customary rights) to land and those who do not have formal legal rights to land at the time the census begins, but have a claim to such land or assets must be provided compensation for the land they lose, and other assistance, where necessary, such as: support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living and; development assistance such as land preparation, credit facilities, training, or job opportunities in addition to compensation measures;
- Those who have no recognizable legal right or claim to the land they are occupying, or where their assets such as shelter or crops are located, should be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, if they occupy the Project area prior to a cut-off date. Resettlement assistance may consist of land, other assets, cash, and employment;
- All persons included who qualify for compensation must be provided compensation for loss of assets other than land, such as shelter and crops;
- Project affected persons should be: offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be taken to restore their livelihood and standards of living. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements; and provided with development assistance in addition to the compensation measures described above, such as land preparation, credit facilities, training, or job opportunities.
- Special attention should be paid to vulnerable groups and persons, and they should receive tailored support, adapted to their specific needs.

## **7. VALUATION OF AFFECTED ASSETS**

### **7.1 ASSET VALUATION PRINCIPLES**

In this RPF, the term asset is being used in the sense of an advantage or resource that is available to an individual or household. As such, assets can be divided into five categories: natural assets such as land and water; material assets like household assets, including trees, crops, and grazing areas; financial/ business assets, such as main income, peripheral income and informal and formal credit and business enterprise; human assets such as labor availability, and access to education and skills; and social asset, which include informal support networks, support and interest groups and the ability to participate in grassroots democracy.

### **7.2 ASSET INVENTORYING**

Inventorying is the listing of assets in order to determine the value of each asset item and, consequently, the total value of assets. This requires that each asset item is expressed in an appropriate unit of measure. Examples of unit of measure include hectare for agricultural land, acre or square meter for residential plots and item count (each) for buildings and structures. The requirement to express assets in appropriate units for valuation purposes also entails that compound assets are separated and counted or added using appropriate units. An example of a compound asset is a piece of land on which a crop, such as maize, is still standing on it un-harvested.

Proper inventorying requires that, for instance, the quantity of land is counted and expressed in its appropriate unit (i.e. hectare) and similarly the quantity of maize crop (expected to be harvested) is also expressed in an appropriated unit (e.g. 50-kilogram bag). Once the asset listing has been produced, which is done as part of the census, the replacement cost of each unit of asset category is then determined. The unit replacement cost for each asset category is the one that is multiplied by the quantity of asset holding in each category.

### **7.3 ZAMBIAN ASSET VALUATION METHODS**

There are four main valuation methods used in Zambia: the investment method; direct comparison method; replacement cost approach; and residual method. However, these four methods do not meet the requirements of the WB OP 4.12. Therefore, the guidelines given in the WB OP 4.12 will be used in the ZIFLP.

### **7.4 WORLD BANK ASSET VALUATION METHOD**

The World Bank Operational Policy 4.12 requires the use of the replacement cost method for the valuation of assets. With regard to land and structures, "replacement cost" is defined as follows:

- For agricultural land, it is the pre-project or pre-displacement market value of land, whichever is higher, of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar

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- to those of the affected land, plus the cost of any registration and transfer taxes;
- For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes; and
- For houses and other structures, it is the market cost of the materials to build a replacement structure within an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.

The policy states that "in determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the Project deducted from the valuation of an affected asset and where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard.

### **7.5 COMPARISON BETWEEN THE ZAMBIAN AND WORLD BANK ASSET VALUATION METHODS**

A comparison between the Zambian valuation methods and the WB's method shows that the:

- World Bank's replacement cost method does not take into account the depreciation of the asset, whilst the replacement cost method used in Zambia takes depreciation into account; and
- Zambian methods do not take into account transaction costs, whilst the WB method does.

The World Bank approach to valuation will, therefore, be used in this Project.

## **8. ARRANGEMENTS FOR FUNDING RESETTLEMENT COMPENSATION**

### **8.1 COMPENSATION COMMITTEE**

The Compensation Committee will be responsible for the oversight and implementation of the compensation process. The committee will be convened by the implementing agency, in and when resettlement cases arise, and will comprise expert representatives from local government and relevant line ministries e.g. Ministry of Agriculture, and the area chief. The Compensation Committee will have the following membership: at least 30% women members; and 30% members from vulnerable groups. The Compensation Committee will be supported by Task Teams and Sub-Committees as required for defined tasks. These groups will be specifically mandated by the Committee, with a clear brief and reporting structure. In addition, discussions about compensation will include both the husband and wife, when a male-headed household is impacted.

The Compensation Committee members will consider the allocation of portfolios and ensure clear management and reporting lines - monitoring could be one of the portfolios. The Compensation Committee will receive operational support from the ICCS.

### **8.2 SOURCES OF FUNDING**

There is no determination on the number of PAPs at this stage. Therefore, it is not possible to provide an estimated budget for the total costs of resettlement that may be associated with the implementation of the ZIFLP. Therefore, activities for individual RAPs for sub-projects will be funded like any other project activity eligible under the ZIFLP. Funding will be processed and effected through the projects financial processing arrangements. Funds for implementing inventory assessments and resettlement action plans will be provided by the implementing agency (ICCS). In general, the cost burden of compensation will be borne by the Government of the Republic of Zambia.

The RAP for a sub-project would include an itemized, indicative budget and the implementing agency will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the ZIFLP. This budget will be subject to the approval by the implementing agency. The implementing agency will have to finance the resettlement compensation because they will be impacting on the people's livelihoods. Disbursements based on budgetary requirements, established by the RAPs in consultation with PAPs and local leaders, will be made through the agreed project financing channels.

The cost of implementing and monitoring the RPF is estimated at about US\$700,000 for the 5 years of the Project.



## 9. COMPENSATION PAYMENTS

In the Zambian legal framework, the basic principle with respect to compensation is that the sum awarded should, as far as possible, place the claimant in the same financial position as they would have been, had there been no question of the land being compulsorily acquired. In addition to assessing the value of the land acquired, assessments for severance, injurious affection and disturbance should be made, where applicable. Severance refers to the reduced value of the land used by the owner in the event that part of it is taken away. Injurious affection refers to the depreciation caused by what is done on the land taken by the acquiring authority. The amount of disturbance payment is equal to:

- The reasonable expense of the person entitled to the payment in removing them from the land from which they are displaced;
- Compensation for land and all immovable assets valued at market value or full replacement value, whichever is the higher rate;
- Replacement cost shall be considered. The market rate for the lost asset may not permit replacement of similar land if the market rate is higher for the available replacement property and;
- If they were carrying out trade or business on the land the loss they will incur by reason of the disturbance of that trade or business consequent upon their having to quit the land.

### 9.1 COMPENSATION GUIDELINES

#### Compensation Rates

Compensation rates will be at market rates as at the date and time that the replacement is to be provided. The current prices of cash crops would have to be determined.

#### Homesteads

Homesteads will be taken to include family residences and outbuildings as the bush part, which is not cleared, is considered community property. Therefore, only structures on the site belong to individuals/ families. The permanent loss of any bush will be covered by community compensation, which will be in-kind only. However, all persons losing land as a direct consequence of the Project or sub-projects will be entitled to land of equal amount and of similar standard, which will be located as close to the current site as possible.

Compensation for land is intended to provide the affected person whose land is acquired and used for sub-project purposes with compensation for land, labor and crops loss. Where land acquired has a standing crop, the farmer will be compensated in full for the expected market value of the crop plus the loss of investment of labor and purchased inputs for the relevant production year/ season.

## **Types of Compensation**

The types of Compensation recommended for use in the implementation of RAPs include cash payment, in-kind compensation, and livelihood replacement. Cash payment compensation will be calculated and paid in Zambian Kwacha (ZMK). Rates will be based on the market value of land when known or estimated when unknown plus compensation of the value of standing crops. The cash payment will be equal to, or greater than the replacement value for the impacted asset. In-kind compensation may include items such as land, houses, and other buildings, building materials, seedlings, agricultural inputs and financial credit for equipment, whilst assistance to affected persons could include moving allowances, transportation and labor.

It is recommended that cash payments to beneficiaries be provided through financial institutions like banks in order to reduce chances of theft and loss of livelihoods. The project implementation unit and the compensation and resettlement committees at Ward and District level and the beneficiaries will decide upon the time and place for in-kind compensation payments.

## **9.2 COMPENSATION COMPUTATION**

This section of the RPF makes recommendations for the compensation rates for land, crops, labor, buildings and structures, vegetables, horticultural, floricultural and fruit trees. Distinction in compensation will be made between: a land owner and a land user; a land owner and owner of the crop, who may not be the head of the household. If the land owner differs from the user, then compensation must be calculated and provided to each person separately. For each payment, compensation will be calculated in Zambian Kwacha currency adjusted for inflation.

### **Compensation for Land**

Compensation for land is aimed at providing for loss of land or crops and the labor used to cultivate the crops, and will cover the market value of the land, the cost of the labor invested as well as the replacement cost of crops lost.

### **Crop Compensation Rates**

Prevailing prices for cash crops and fodder will have to be determined. Each type of crop is to be paid for, using the same rate, incorporating the value of the crop and that of the labor to be invested in preparing new land.

### **Labor Cost Compensation Rates**

The value of labor invested in preparing agricultural land will be compensated for at the average wage in the community for the same period of time. The calculation of labor cost for preparing replacement land will be based on what it would cost a farmer to develop replacement farm land.

### **Compensation Rates for Buildings and Structures**

Compensation for structures and buildings will be paid at replacement cost of labor and construction materials including fences and water and sanitation facilities. The applicable replacement cost of construction materials, taking into account market values for the structures and materials, will be used to calculate compensation value, where part of the compensation is to be paid in cash. Alternatively, compensation will be paid in-kind at replacement cost without depreciation of the structure.

### **Compensation Rates for Vegetables**

Affected families will be compensated at the purchase prices of these items in the local market.

### **Fruit Trees**

Fruit trees will be compensated at replacement value based on historical production statistics given their significance to the local economy.

## **9.3 COMPENSATION PAYMENT PRINCIPLES**

Payment of compensation and other entitlements and assistance will be made to PAPs according to the following principles:

- Compensation shall be paid prior to being impacted by Project activities;
- Compensation will be at least full replacement value and the compensation policy and its processes will be perceived by the PAPs as being full, fair and prompt;
- Preference will be given to persons whose livelihoods are land-based;
- Where sufficient land is not available at reasonable price, non-land based options centered on opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost;
- Taking of land and related assets may take place only after compensation has been paid and resettlement sites, new houses, related infrastructure, public services and moving allowances have been provided to impacted persons;
- In addition to these entitlements, households who are found to be in difficult situations, and are at greater risk of impoverishment such as widow/ widower-headed households, households without employment, and single parent households, as identified by the census, will be provided with appropriate assistance by the Project;
- Assistance may be in the form of food, temporary accommodation, medical assistance, employment referrals or priority employment in Project activities. This assistance is meant to help PAPs cope with the displacement caused by the Project; and
- Compensation and other assistance should be provided prior to displacement, and preparation and provision of resettlement sites with adequate facilities.

#### **9.4 ENTITLEMENTS AND COMPENSATION MATRIX**

For ease of reference, a matrix of entitlements and compensation showing a summary of assets, the loss of which a PAP is entitled to be compensated for, will be prepared, and, as a minimum, will meet the standards of this RPF. The entitlements and compensation matrix will follow the eligibility criteria outlined in this RPF for compensation and/ or resettlement/ rehabilitation assistance and for losses of different types of assets and for various categories of PAPs as shown in Table 2.

**Table 2: Entitlements and Compensation Matrix**

REF.	TYPE OF LOSS	CATEGORY OF PAP	ENTITLEMENT	RESPONSIBLE AGENCY
1.	Farmlands (including structures and improvements to land)	Land owners, Commercial farmers, tenants, subsistence farmers, squatters	<ul style="list-style-type: none"> <li>• Alternative land of equivalent quality (verified by soil tests and expert inspection) to be provided</li> <li>• Compensation for improvements to land, crops and farm implements, e.g. lime, fertilizer, tools and seeds</li> <li>• Restoration of livelihoods at new sites through access to livelihoods sub-projects and training</li> <li>• Voucher for clearing new land for vulnerable people/ restarting farming of new land</li> </ul>	Project management, Resettlement and Compensation Committees, DDIU, Provincial Agriculture Coordinator (PACO), District Agriculture Coordinator (DACO), Commissioner of Lands, Provincial Resettlement Officer, Local Authorities, Valuation Department
2.	Structures	Land owners, Commercial farmers, tenants, subsistence farmers, squatters	<ul style="list-style-type: none"> <li>• Compensation for replacement of buildings, structures,</li> <li>• Relocation allowances sufficient to cover the cost of moving equipment, furniture and personal effects (transport and labor)</li> </ul>	Project management, Resettlement and Compensation Committees, DDIU, PACO, DACO, Commissioner of Lands, Provincial Resettlement Officer, Local Authorities, Valuation Department
3.	Agricultural crops (including fodder)	Subsistence and small scale farmers, tenants, squatters, encroachers	<ul style="list-style-type: none"> <li>• Cash compensation equal to crop rates in scarce season</li> </ul>	Project Management, Resettlement and Compensation Committees, DACO and Project Staff, Valuation Department
4.	Rental property	Tenant farmers, residential and commercial renters	<ul style="list-style-type: none"> <li>• Compensation for 6 months rental, compensation for improvements on the land</li> <li>• Assistance in form of transport and settling in allowance</li> <li>• Restoration of livelihoods at new sites</li> </ul>	DACO & Project Staff, Resettlement and Compensation Committees, Commissioner of Lands, Councils, Valuation Department,

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REF.	TYPE OF LOSS	CATEGORY OF PAP	ENTITLEMENT	RESPONSIBLE AGENCY
				Survey Department, Department of Physical Planning and Housing
5.	Loss of community services such as schools, churches, grazing fields and dip tanks	Local communities, teachers, school children and subsistence farmers	Re-construct or reestablish lost community resources like churches and other cultural structures or provide alternatives in consultation with affected communities	Project Management& DACO, DDCC, Relevant Ministries, Councils, Traditional Authorities, Survey Department, Resettlement and Compensation Committees, NGOs and CBOs in the area
6.	Loss of structures, shelter and improvements to land	Tenants, squatters and encroachers	<ul style="list-style-type: none"> <li>• Compensation for buildings, structures, and improvements to land</li> <li>• Payments in lieu of wages while building, for squatters, assistance in the form of allowance and transport</li> </ul>	Project Management, Resettlement and Compensation Committees, DACO and Project Staff, Valuation Department
7.	Loss of Income	Any PAP losing income as a result of sub-project activities	Compensation for days of business closed, business relocation allowance, facilitation of alternative job training and other incentives	All PAPs should benefit from some kind of income (restoration to at least pre-Project levels)

Operational budgeting will be part of the overall budgeting process for sub-projects. Once calculated, The RAP budget will be ring-fenced to ensure transparency and reporting. The budget may be divided into various cost centers.

## 9.5 COMPENSATION PRINCIPLES

The Zambian legislation and WB OP 4.12 clearly establish the right to compensation for property that is acquired in public interest. Although the GRZ recognizes both statutory and customary land tenure, and people who lose their assets receive the same indemnification as those who have formal title, the specific procedures for valuing assets are not detailed in the Zambian legal framework. Therefore, the following valuation and compensation procedures will be followed for any resettlement related operations that will take place under the proposed Project activities.

- **Land** - house or business Plots - same size in nearby location, replaced in-kind. The Project will pay all the administrative fees. While all public utilities will be provided to all PAPs as appropriate. For businesses, particular attention should be paid to the type of clientele of the business. Agricultural fields will be replaced in kind by the Project.
- **Agricultural Fields** - same size and with same soil type and water availability - all administrative fees and costs will be paid by the Project. In the case of new agricultural lands, the costs of preparing the land for production will also be compensated for. If no unoccupied land is available, the search for suitable replacement must be carefully documented, and, if accepted, compensation will be at the current rate for informal land sales over the past three years. The Project will monitor that the PAP actually replaces the land.
- **Residential Structures** - the valuation of losses will be determined at their new or the un-depreciated or replacement cost will be the determinant factor in the compensation of the loss. Either replacement in-kind or, at the option of the PAP, compensation will be in and calculated at the new cost of a building of the same size made of similar or better materials. Any administrative fees will be paid by the Project. All public utilities will be provided as appropriate for the locality. The cost of physical transfer to new residence will be covered by the Project.
- **Businesses Structures** - As above (residential structures). In addition to land and structures, reimburse lost employee wages and business profit for the period of the relocation.
- **Infrastructure** (e.g., fences, latrines, wells) - replacement in-kind or compensation at current cost of replacing infrastructure.
- **Crops** - value of amount of production lost, priced at local market price at mid-point between harvests.
- **Trees** - timber trees: Value of lumber where tree is to be sold and sawn, if not salvaged.

- **Fruit trees** - value of production lost during period while seedling comes into production. Provide replacement seedlings.

A description of the proposed types and levels of compensation under the law or customary practice, and such supplementary measures as are necessary to achieve replacement cost for lost assets, will be provided in each RAP.

In order to ensure that during the Project implementation any person impacted by land acquisition will be provided full replacement cost of lost structures and is able to rebuild or replace his or her house without difficulty, the Ward Development Committee (WDC) or Camp Agriculture Committee (CAC) will ensure that estimated building compensation rates are based on full replacement cost without depreciation. The WD/ CAC will also be responsible for ensuring that alternative residential plots are provided to the displaced persons. Once individual Project impacts are identified and valuation of individual structures is completed, detailed compensation rates for different structures will be included in the resettlement plan, and the plan will be submitted to, and reviewed for a no-objection by the WB or its designated representative prior to the start of any physical works



## **10. RESETTLEMENT ACTION PLAN GUIDELINES AND PREPARATION, REVIEW AND APPROVAL PROCESS**

### **10.1 RESETTLEMENT AND COMPENSATION GUIDELINES**

Whilst all persons affected by the sub-projects are to be treated equally, the WB OP4.12 recognizes that the vulnerable groups such as the elderly and women-headed households should be entitled to a special benefit package in addition to compensation entitlement.

#### **RPF**

The RPF aims to provide a guideline for the preparation and implementation of a Resettlement Action Plan. This RPF establishes resettlement and compensation guidelines and design criteria to be applied to the sub-projects, which will be prepared during Project implementation in compliance with the Zambian and WB involuntary resettlement requirements. The following are some guidelines which should be followed in the implementation of this RPF and the Resettlement Action Plans:

- The RPF is applicable to all Project components, whether or not they are funded in whole or part by the WB;
- The RPF policy applies to impacted persons regardless of the total number involved, severity of the impact, ethnicity, race or color, legal title to the land and those who may not be protected through the Zambian compensation legislation;
- Where feasible, involuntary resettlement and land acquisition should be avoided or minimized by exploring all viable alternatives.
- Where relocation or loss of shelter occurs, measures to assist displaced persons should be implemented in accordance with a plan of action for resettlement and compensation.
- The planning and implementation of the resettlement process will be conducted in a consultative manner with those to be displaced.
- Absence of legal title to land should not be a basis for lack of compensation and resettlement assistance.
- Displacement or restriction to access should not occur before necessary measures for resettlement and compensation are in place. Apart from compensation, these measures should include provision of other assistance required for relocation, prior to displacement, and preparation and provision of settlement sites with adequate basic facilities.
- The displaced must be relocated to areas with basic amenities like schools, potable water and health facilities and all affected persons and entrepreneurs or institutions should be assisted to restore their incomes and livelihood sources to at least pre-resettlement levels. Particular attention will be paid to the needs of the elderly, women and children, child-headed households, the physically or mentally challenged, and the landless, and other vulnerable groups.

- Wherever possible, those impacted by involuntary resettlement should be considered for employment in various Project activities including construction works and provision of other services.
- The total cost of the Project should include the full costs of resettlement activities which are necessary to the achievement of the Project's objectives.
- The PAPS improvements in their living standards resulting from resettlement should also apply to the host communities.

## **RAP**

The scope and level of detail of the resettlement action plan, to be prepared by the ICCS, will vary with the magnitude and complexity of resettlement. However, the plan will be based on up-to-date and reliable information about: the proposed resettlement and its impacts on the displaced persons and other adversely affected groups; and the legal issues involved in resettlement.

RAPs will describe all measures aimed at restoring/ improving the livelihoods of affected persons and will include an annual budget for implementation of resettlement and other related activities. In addition, resettlement activities will be anchored on a participatory process guided by informed participation.

The resettlement action plans will include the following aspects:

- General description of the Project and identification of the Project area;
- Potential impacts, including the Project component or activities that give rise to resettlement, the zone of impact of such component or activities, the alternatives considered to avoid or minimize resettlement; and the mechanisms established to minimize resettlement, to the extent possible, during Project implementation;
- The main objectives of the resettlement program;
- The findings of socioeconomic studies to be conducted in the early stages of Project preparation and with the involvement of potentially displaced people, including the results of a census survey covering current occupants of the affected area, standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods of the displaced population, the magnitude of the expected loss, and information on vulnerable groups;
- Other studies describing land tenure and transfer systems, the patterns of social interaction in the affected communities, including social networks and social support systems, public infrastructure and social services that will be affected, and social and cultural characteristics of displaced communities;
- The legal framework;
- The institutional framework;
- A definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance;

- The methodology to be used in valuing losses;
- A description of the packages of compensation and other resettlement measures;
- Alternative relocation sites considered and explanation of those selected;
- Plans to provide housing, infrastructure, and social services (e.g. schools, health services);
- A description of the boundaries of the relocation area and an assessment of the environmental impacts of the proposed resettlement and mitigation measures;
- Community participation mechanisms;
- Measures to mitigate the impact of resettlement on any host communities;
- Implementation schedule;
- Cost and budget; and
- Monitoring and evaluation arrangements.

RAPs will be produced and published in the National language (English) and local languages. The RAP documents will be made available by the ICCS at the Provincial, District, and Council Offices involved in the Project activities upon request. All affected people will be entitled to compensation for land and lost assets. They will be paid a replacement cost agreed between themselves and the Ministry of National Development Planning. The compensation will be based on the valuation done by the Government Valuator from the Ministry of Local Government and Housing or a Registered Valuation Firm, and will be equal to, or greater than, the replacement value. Compensation will also be provided for loss of access rights and livelihoods.

Whenever possible, land for land, as close as possible to the homestead should be provided as part of compensation. Ownership of the compensated land/ or property will be transferred to the state or sub-project beneficiaries by agreement. If the affected land is under tenancy, both the landowners and tenants as affected persons will be eligible for compensation and entitlements. Compensation for loss or potential loss of crops and trees should be calculated as annual net product value multiplied by the number of years for a new crop to start producing at the same level as when impacted.

The Project affected people should at least be better off than they were before the Project. Particular mechanisms will be developed to protect the economically and socially vulnerable. Priority for employment arising from Project activities will be given to affected persons losing assets. RAPs will be first reviewed and cleared by the World Bank, and implemented, prior to causing impact on affected persons, and a functional mechanism for resolving conflict arising out of the resettlement process will be established.

## 10.2 RAP TYPES

If the preliminary assessments (scoping and screening exercises) indicate the need for involuntary resettlement, then a RAP will be prepared in accordance with this Resettlement Policy Framework, World Bank Safeguard Policy and the relevant Zambian legal requirements. The preparation of the RAP may be outsourced to a specialist by the ICCS, who should in that case prepare the terms of reference for the preparation of the RAP.

Where impacts on the entire displaced population are minor, or fewer than 200 people are displaced, an abbreviated resettlement action plan (ARAP) may be prepared. If two hundred or more people are affected and Project activities result in involuntary resettlement then a Comprehensive RAP will be prepared

A comprehensive Resettlement Action Plan will include the contents given in Annex 4.

## 10.3 RAP PREPARATION

According to the WB OP on involuntary resettlement, the preparation of a resettlement instrument is a condition for appraising projects involving involuntary resettlement. In case of programs/ projects with sub-projects, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the sub-project is accepted for Bank financing (OP/BP 4.12). Therefore, people who are affected and are eligible will have to be compensated before causing impact on affected persons.

The acquisition of land and the related assets may take place only after the impacted persons have been provided compensation; and resettlement sites and moving allowances, where applicable, provided. It is also a requirement of the WB OP/BP 4.12 and guidelines that measures to assist the displaced persons be implemented in accordance with the sub-project's RAP, where there is loss of shelter and need for relocation.

### **Screening Mechanism for Resettlement Action Plans**

RAPs, which will be prepared for each sub-project involving the taking of land and/ or assets (involuntary resettlement) will include measures to ensure compliance with the involuntary resettlement policy directives. Furthermore, the implementation schedule should ensure that no land and/ or assets are taken for the Project before compensation is provided, and no individual or affected household is physically displaced by sub-project activities before compensation is paid and resettlement sites with adequate facilities prepared and provided to them. Figure 5 below shows the steps in the screening mechanism.

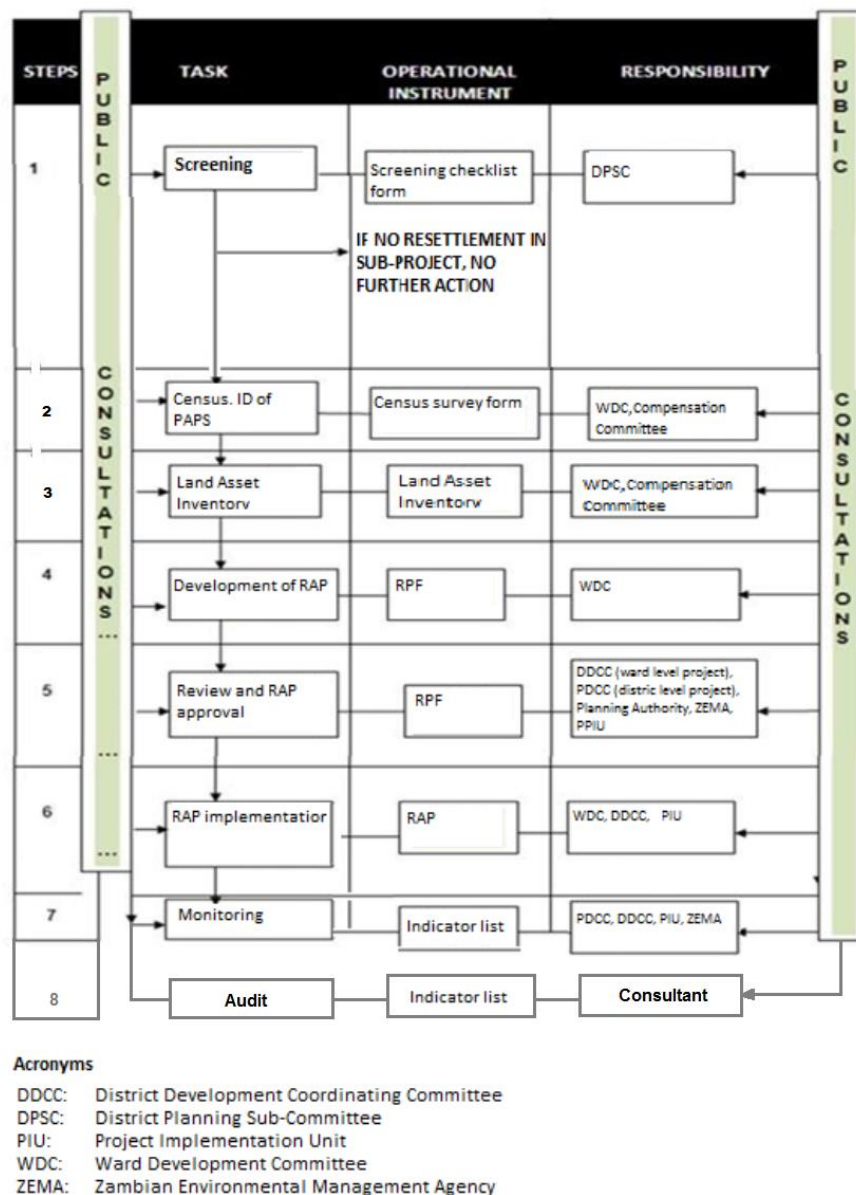
### **Scope of Resettlement Action Plans**

Overall responsibility for preparing a RAP for each sub-project will lie with the ICCS. They will ensure that a RAP that conforms to this RPF and to the requirements of the WB OP 4.12 is prepared. The RAP is a detailed time bound plan of action plan outlining the following among others: resettlement objectives; strategic options; responsibilities; approvals; entitlements; actions; and monitoring and evaluation. The process to be followed in preparing a RAP will involve several steps as outlined in the following sections.

**Preliminary Assessments of a Sub-Project**

The proponent of a sub-project shall examine whether any environmental and social study is required for the type of sub-project being proposed. The initial assessments and surveys at this stage should include (i) potential social impacts, (ii) direct consultations with individuals and groups who are expected to be directly affected by the sub-project activities; and (iii) identification of the major population groups that may be affected by the proposed project. These surveys and assessments at this preliminary stage would form the basis for preparing the terms of reference for the RAP's Social Assessment Component.

Figure 4: RAP Screening, Preparation and Approval Process



### Screening if RAP is needed

Preliminary information is required to be provided to the ICCS (or anybody designated by the ICCS, by the proponent of the sub-project on the proposed Project as early as possible). The required information will include a description of the nature, scope and location of the proposed sub-project, accompanied by location maps and any other details as may be required by the ICCS. It is the responsibility of the ICCS to then verify the information provided, in collaboration with local authorities, and to confirm whether the Project has potential involuntary resettlement issues, such as involuntary taking of land, which might result in the physical displacement of persons, loss of

assets or livelihood or restriction of resource use. If there are potential involuntary resettlement or compensation issues, then this RPF is triggered and a RAP needs to be prepared, as indicated in the process described in the figure above.

Screening for potential involuntary displacement is done as part of the environmental and social screening form of the environmental and social management framework, which includes triggers for providing a RAP. If the answer is 'yes' to any of the questions below, a RAP or an ARAP, will be prepared.

Does the sub-project:

- Require that land (public or private) be acquired (temporarily or permanently) for its development?
- Use land that is currently occupied or regularly used for productive purposes (e.g. gardening, farming, pasture, fishing locations, forests)
- Displace individuals, families or businesses?
- Result in the temporary or permanent loss of crops, fruit trees or household infrastructure such as granaries, outside toilets and kitchens?

### **Voluntary Land Donations**

In cases where a community is basing a Project on voluntary land donation, best practices for voluntary land donation have to be followed. Voluntary land donation is strictly defined in international practice as the ceding of a property by an owner who is: a) fully informed; and b) can exercise free will, i.e., can refuse to sell or to donate.

“Fully informed” means that the owner has complete information regarding the proposed activity and its impacts, its land requirements and its alternate activity sites, as well as his or her rights to compensation. The owner has also been provided with sufficient time to consider his or her disposition of the property, and the owner has knowingly rejected the right to renege on his or her initial decision.

“Free will” means that the owner can reject the possibility of giving up his or her land, because: a) there are viable alternatives available (such as re-routing of a water main if an owner refuses access to his or property), or b) where no viable alternatives are available, the donation will be to his or her benefit (such as a road rehabilitation project that will also benefit the owner of a small piece of land to be donated for the road works).

Where land is donated, the following safeguards need to be applied by the ICCS: (i) an assessment that the affected person does not suffer a substantial loss affecting his/her economic viability as a result of the donation; (ii) certification that the land is free of claims or encroachments from any third party; (iii) written statement of voluntary donation to the community concerned (represented by the WDC or other applicable entities), as witnessed by the local authorities; (iv) record of evidence that the owner was fully informed, provided full consent, and was provided enough time to make this

decision. In addition, the entire process leading to voluntary land donation should be documented and all records kept for validation.

### **Socio-economic Baseline Census**

Upon identification of the need for involuntary resettlement in a sub-project, the sub-project proponent will carry out a census to identify the persons who will be affected by the sub-project. This will help the sub-project proponent to determine who will be eligible for assistance early enough in the project cycle. It will also help to prevent an inflow of ineligible people living outside the sub-project area of impact, but who might want to take advantage and claim for assistance. The completion of the census will mark the cut off-date for eligibility for compensation. Those who will come into the area after the cut-off date will not be eligible for compensation. The form to be completed to conduct the survey is included in Annex 3.

The census will be carried out by the ICCS, in collaboration with local authorities, to provide baseline data on various factors including the following:

- **Identification of current occupants of the affected area** to establish the basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- **Standard characteristics of impacted households**, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the impacted population;
- **The magnitude of the expected loss** of assets, total or partial, and the extent of displacement, physical or economic;
- **Information on vulnerable groups** or persons for whom special provisions may have to be made;
- **Land tenure and transfer systems**, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the Project area;
- **The patterns of social interaction** in the affected communities, including social networks and social support systems, and how they will be affected by the Project;
- **Public infrastructure and social services** that will be affected; and
- **Social and cultural characteristics of displaced communities**, including a description of formal and informal institutions (e.g. community organizations, ritual groups; NGOs that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.



## 10.4 RAP CONSULTATION

Consultations with the stakeholders including the affected people will be an integral part in the RAPs preparation, implementation and monitoring processes at all stages.

### Consultation Mechanisms

Consultation will be a continuous process from the earlier stages of the RAP activities and throughout its implementation. After the approval of a RAP the community, landholders and other PAPs will be informed of their involvement in resettlement, compensation, appropriation of land and other aspects of the RAP's implementation and monitoring activities.

The Provincial Program Implementation Unit (PPIU), Provincial Administration and District Officials, in which the sub-projects are being implemented, will notify the PAPs and other stakeholders like Villagers or Village Headmen and the Chiefs through verbal and written notices about land acquisition matters in the sub-project areas.

There are various structures that are to be utilized for facilitating consultation and relaying information, including communications through headmen and government extension staff (e.g. camp/ block officers) who often use a range of interest groups and women's groups. Examples of such groups include:

- Village meetings under headmen;
- Agricultural Cooperatives (including marketing associations, producer associations);
- Joint Forestry Management Committees;
- Community Resources Boards;
- Resource User Groups (e.g. beekeeping groups, crafts associations);
- Water Users Associations;
- Ward Development Committees;
- Youth groups;
- Women's clubs; and
- Other special interest groups, with a focus on reaching vulnerable people.

Some of these interest groups may be organized through NGOs, CBOs and Faith-based Organizations (FBOs).

The means of communication will include the following:

- Verbal announcements/ messages (including use of mobile phones) through face-to-face interactions;
- Community radio/ TV (where available); and
- Written notification.

Regardless of the mechanism through which consultations will take place, affected people will be notified two weeks in advance of the meeting, and will also be provided with a summary of their entitlements in the local language two weeks in advance of the meeting. During the meeting, the draft RAP will be presented in the local language, and sufficient time will be given to hearing the concerns of the affected people, who will subsequently be notified on how their comments were taken into account. Such meetings will be documented, with the meeting reports annexed to the final version of the RAPs, including evidence of how the feedback received was taken into account (and if not, why not).

### **10.5 RAP APPROVAL**

The MNDP through the ICCS or its delegated agency will ensure that the draft RAP is made available at a place accessible to displaced persons, local NGOs, and other interested parties in a form, manner and language that are understandable to them once a draft RAP has been prepared.

The draft RAP will be transmitted to the WB for appraisal and review at the same time. The WB will also make the RAP available to the public through its Info-Shop. The World Bank and MNDP will disclose the RAP again in the same manner following revision and feedback from the consultation process. RAP implementation will commence once the WB is satisfied with the public disclosures and has deemed the RAP to be acceptable.

### **10.6 IMPLEMENTATION ARRANGEMENTS**

The overall responsibility of monitoring and evaluating the RAP activities will lie with the ICCS, while the WB will periodically supervise the RAP activities to ensure compliance with the RAP provisions. The institutional arrangements for the RPF is given in Table 4.

**Table 3: Participatory Institutional Arrangement for the Resettlement Process Framework**

REF.	INSTITUTION	IMPLEMENTATION RESPONSIBILITY	GRIEVANCE REDRESS RESPONSIBILITY
1.	ICCS	<ul style="list-style-type: none"> <li>Overall supervision of the RPF and RAPs</li> <li>Provision of funds for resettlement activities</li> </ul>	Coordinate and resolve issues referred to it by the PPU
2.	PPU	Regional supervision of RAPs and reporting to the ICCS	To assist in resolving issues referred to it by Provincial Program Implementation Unit (PPIU), which will consist of personnel from the Environment and Natural Resources sub-committee of the PDCC
3.	PPIU	Supervision of the DPIU and reporting to the PPU	To assist in resolving issues referred to it by DPIU
4.	District Program Implementation Unit (DPIU), which will consist of personnel from the Environment and Natural Resources sub-committee of the DDCC	<ul style="list-style-type: none"> <li>District supervision of RAPs and reporting to the PPIU</li> <li>Trigger the process through inventory of affected persons and assets and implement plans in close consultation with the PPIU/ Community/ Consultant</li> </ul>	<ul style="list-style-type: none"> <li>To assist in resolving issues received directly or referred to it by the Camp Agriculture Committee<sup>1</sup> (CAC)/ Ward Development Committee</li> <li>To liaise with the PPIU to resolve issues</li> </ul>
5.	CAC/ Ward Development Committee	To represent the community and assist in the inventory of affected persons	To receive complaints at community level and liaise with DPIU to resolve issues
6.	Traditional Leaders	To represent the community and assist in the inventory of affected persons	To receive complaints at community level and liaise with DPIU to resolve issues
7.	NGOs, Community Resource Boards (CRBs), Community Forest Management Groups (CFMGs)	As for CAC above	As for CAC above
8.	ZEMA	Review and monitor RAPs	-
9.	Land valuation officers (Department of Government Valuation or Independent private sector practitioners)	To assist in the valuation and compensation payment process and reporting	To assist in re-valuing disputed values of communal properties

<sup>1</sup> The Camp Agriculture Committee is a community technical forum of government departments, community leaders, NGOs who are based in a particular area, CRBs and CFMGs. It has representation from the forestry, agriculture and wildlife sectors.

**Draft ZIFLP Process Framework**

REF.	INSTITUTION	IMPLEMENTATION RESPONSIBILITY	GRIEVANCE REDRESS RESPONSIBILITY
10.	Consultant, if required	Prepare Plans and assist with implementation and capacity building	-

The ICCS has the overall responsibility for preparing and implementing the RPF with World Bank approval. It will ensure that all compensation, restoration and rehabilitation activities are carried out satisfactorily.

The PPU will organize the regional and district orientation and training for the PPIU, DPIU and the various government departments likely to be involved in the process, to be ready to implement resettlement and alternative livelihood schemes, and the payment of compensation, and other activities in a timely manner. The PPU will ensure that progress reports reach the ICCS regularly. The Project administration and restoration planning will run concurrently.

Most of the work will be done at the district level. The PPU (through the DPIU), will ensure that:

- Communities are properly and adequately informed (timely, and also their rights and options relating to their properties that may be affected by the Project);
- Coordinate activities between different communities implementing the restoration or compensation plans;
- Ensure timely implementation of plans and provision of compensation, in cash and/ or kind; and
- Attend to any grievances submitted by the affected persons/ communities.

The DPIU through the CAC and community leaders will engage and involve all sections of the community in discussions on the Plan. They will:

- Schedule open meetings to ensure that all community members are informed and fully aware of their rights and options regarding the restoration activity; and
- Identify impacts on lands and assets and the members of the community to be affected and to what extent they will be affected.

## **10.7 IMPLEMENTATION SCHEDULE**

RAPs will have their time-frames aligned to those of the overall Project in order to ensure that resettlement sites are provided with adequate facilities and compensation prior to impacting PAPs. For successful implementation and as agreed between the Resettlement and Compensation Committee, the DDCC, the relevant Council and the Project Management Team, each RAP schedule should include the following:

- Time-frames for transfer of completed activities to relevant agencies;
- Target dates for starting and completion of activities;
- Dates for possession of land which the PAPs are using, after payment of compensation and other necessary assistance and before any resettlement activity commences; and
- Linkages between RAPs and the sub-projects, overall activities and implementation.

## **10.8 MONITORING**

There will be both internal and external monitoring of the RAP activities. Internal monitoring of the day-to-day operations of the resettlement program will be done by the implementing agency whilst external monitoring will be done by the monitoring agency designated to carry out external monitoring of RAP activities. The implementing agency will be responsible for providing progress reports to the WB on the implementation of the RAP including the achievement of key milestones such as the following:

- Completion of consultation (with notification material and meeting reports used as evidence);
- Completion of impact assessment (with draft RAPs as evidence);
- Number of households with land title and access to services such as schools, clinics and water. When titles are given the name of both the man and woman in a couple must be on the title;
- Completion of disclosure (with web-links, and press notifications as evidence);
- Completion of negotiation (with signed compensation agreements as evidence); and
- Completion of resettlement (with the preparation of a resettlement implementation report, which includes feedback from the affected people, as evidence).

## **11. GRIEVANCE REDRESS MECHANISMS**

### **11.1 POTENTIAL GRIEVANCES AND DISPUTES**

Potential grievances and disputes that arise during the course of the implementation of the sub-projects and resettlement and compensation program may, for instance, be related to the following issues:

- Inventory mistakes made during census survey as well as inadequate valuation of properties;
- Mistakes related to identification and disagreements on boundaries between affected individual(s) and specifying their land parcels and associated development;
- Disagreements on plot/ asset valuation;
- Divorces, successor and family issues resulting into ownership disputes or disputes shared between heirs or family;
- Disputed ownership of a given asset (two or more affected individual(s) claim the same);
- Where affected individual(s) opt for a settlement-based option and there is disagreement on the resettlement package (the location of the resettlement site does not suit them);
- Dispute of alleged voluntary donation of land;
- Unfair award of contracts;
- Delayed payments to contractors;
- Delayed disbursement of Project funds;
- Long procurement procedures; and
- Delayed commencement of sub-project activities.

### **11.2 PROCEDURE**

Despite best efforts with regard to the public consultation and community relations, there will be times when the Project sponsor and stakeholders disagree. All Project affected persons will be informed of their rights to raise grievances pertaining to the ZIFLP.

Mechanisms will be put in place to ensure that grievances are recorded and considered fairly and appropriately. These include:

- A register of grievances which will be held by the Community Liaison Officer or any other appointed person by the ICCS;
- Receipt of grievances will be acknowledged as soon as possible, by letter or verbal means;
- The grievance will be reviewed by the Compensation Committee and appropriate action will be implemented. The preferred course of action will be discussed with the person bringing the grievance. Wherever possible, grievances will be resolved at this level;

- Relevant details of grievances, with outcomes, will be made available to the affected parties through the ICCS, who will develop a communication strategy for the grievance redress mechanism for the Project, which should include an explanation of the methods used to carry out the Project's activities and compensation payments.

### **11.3 UNRESOLVED GRIEVANCES AND DISPUTES**

Unresolved issues will be referred to a credible and independent person or body for arbitration. Where disagreements are severe, disputes could be resolved through community-recognized local institutions such as senior church officials, or other respected civil society figures.

There are three main ways in which grievances will be resolved, and these are discussed below.

#### **Arbitration**

The Arbitration Act makes provisions for aggrieved parties to agree to settle disputes out of court through arbitration. In order to use arbitration in the settlement of disputes, the parties ought to make a written agreement to submit a present dispute, or future disputes to arbitration. The parties are at liberty whether or not to name an arbitrator in the agreement. Where an arbitrator is not named in the agreement, the agreement should designate a person who would appoint an arbitrator.

#### **Courts of Law**

It should be noted that arbitration only works where the parties to a dispute agree to resolve a difference through arbitration. Where there is no consent, then a court of jurisdiction may be used to resolve a dispute.

#### **Grievance Redress Committee**

The Project will set up a grievance redress mechanism (GRM) building on both traditional conflict-resolution flows as well as administrative and Project based steps to ensure community members or any stakeholders have an opportunity and means to raise their concerns or to provide suggestions regarding Project-related activities. From the community to the national level, there will be focal persons to receive, record and address grievances, queries and suggestions.

A reporting line of received (and addressed) grievances will also be clearly defined, so that the ICCS (national level project unit) will have a full set of data. Complaints will be categorized and recorded at each level of the structure, and consolidated periodically in a national-level grievance database. The database will also be an effective management tool to monitor progress and detect potential obstacles in the Project implementation.

During the participatory assessment process for sub-project preparation and sensitization sessions, the Project's GRM ("communication steps" for beneficiaries) will be explained so that all stakeholders are aware and encouraged to use the mechanism for transparency and better Project implementation. To better inform stakeholders, the Project will prepare materials (e.g., posters, leaflets) in a widely spoken local language and displayed in public accessed areas as part of the communication activities. More detailed plans on the GRM will be explained in the Project Implementation Manual (PIM).

The illustration in Annex 5 summarizes the procedure for grievances redress and outlines the entry points and decision-making at respective levels.



## **12. MONITORING AND EVALUATION**

### **12.1 RPF MONITORING**

The ICCS will carry out the monitoring of the RPF to ensure compliance with its provisions by stakeholders. In addition, the ICCS will design and put in place the monitoring mechanism, which will include the monitoring of resettlement activities such as compensation valuation and compliance with the WB involuntary resettlement policy.

### **12.2 INTERNAL MONITORING**

To enable the sub-project proponents to measure progress against set targets, performance monitoring will be carried out as an internal function by the organization(s) responsible for the implementation of the RAPs. In this regard performance monitoring reports will be prepared at monthly, quarterly, half yearly and yearly intervals depending on the issues to be monitored. Performance targets will include:

- Public meetings held;
- Compensation disbursed;
- Census surveys completed;
- Assets inventories and socio-economic studies completed;
- Compensation agreements signed;
- Number of people impacted;
- Number of people with land title, amount of land available for crops;
- Proportion of displaced people relocated;
- Income restoration and development activities initiated; and
- Feedback from affected people (presented in the resettlement implementation report).

If the volume of work involved in performance monitoring is beyond the capacity of the RAP's implementing organization to carry out, then the monitoring function will be sub-contracted to a consultant.

### **12.3 IMPACT MONITORING**

The impact monitoring to be undertaken by the sub-project proponent, or an independent agency, will provide an assessments of the effectiveness of the RAP strategies in meeting the affected population's needs. Quantitative and qualitative indicators will be used to compare the effects of the RAPs activities with the baseline conditions of the affected populations before and after the resettlement exercises. The satisfaction of the affected population with the resettlement initiatives will be assessed for their adequacy or deficiency, while the census asset inventories and socio-economic studies will constitute the baseline for the affected population, for the purpose of evaluating impacts.

## 12.4 EXTERNAL COMPLETION AUDIT

Completion audit(s) will be carried out after the completion of all RAP inputs. The main aim of the completion audit or external monitoring will be to assess: how far the sub-project proponents' efforts have gone in the restoration of the living standards of the affected population; and whether the strategies for the restoration of the living standards of the affected people have been properly conceived and implemented.

The issues that need to be verified in the external monitoring will include:

- Physical inputs committed in the RAPs;
- Delivery of services provided in the RAPs;
- The effects of mitigation measures prescribed in the RAPs;
- The affected populations and host populations social economic status; and
- Plan for any mitigation that may be required to comply with requirements.

## 12.5 DEVELOPMENT OF VERIFIABLE INDICATORS

In order to ensure that the monitoring of the impacts of the compensation and resettlement activities for the Project are done successfully, a number of objectively verifiable indicators (OVI's) will be used. These indicators will be targeted at quantitatively measuring the physical and socioeconomic status of the PAPs, to determine and guide improvements in their social well-being. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. As a general guide, Table 4 provides a set of indicators that can be used.

**Table 4: Types of Variable Indicators**

REF.	MONITORING	EVALUATION
1.	Outstanding compensation or resettlement contracts not completed before next agricultural season	Outstanding individual compensation or resettlement contracts
2.	Communities unable to set village-level compensation after two years	Outstanding village compensation contracts
3.	Grievances recognized as legitimate out of all complaints lodged	All legitimate grievances rectified
4.	Pre-Project production versus present production (crop for crop, land for land)	Equal or improved production per household

### Indicators to Determine the Status of Affected People

A number of indicators will be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in Project activities compared to before, how many kids in school compared to before, health standards, etc.). Therefore, the resettlement and compensation plans will set two major socio-economic goals for the evaluation of their successes:

- Affected individuals, households, and communities are able to maintain their pre-Project standard of living, and even improve on it; and
- The local communities remain supportive of the Project.

### **Indicators to Measure RAP Performance**

In order to assess whether the goals have been met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide the resources necessary to carry out the monitoring activities. The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance:

- The Local Governments, with support from the PIU, will maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/ resettlement and compensation, land impacts or damages;
- Number of individuals receiving cash or a combination of cash and in-kind compensation;
- Number of payments made in a month/ year;
- The number of contentious cases out of the total cases;
- The number of grievances and time and quality of resolution;
- Ability of individuals and families to re-establish their livelihood (activities, land and crops or other alternative incomes) to the same level as prior to pre-Project level or better;
- Mining and agricultural productivity of new lands; and
- Number of impacted locals employed by the Project activities.

### **Indicators to Monitor and Evaluate Implementation of RAPs**

Financial records will be maintained by the Local Governments and the executing agencies to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving compensation will have a dossier containing:

- Individual bio-data information;
- Number of people s/he claims as household dependents; and
- Amount of land available to the individual or household when the dossier is opened.

Additional information will be acquired for individuals eligible for resettlement/ compensation such as: level of income and production; and inventory of material assets and improvements in land and debts.

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## **ANNEXES**



## ANNEX 1: LIST OF STAKEHOLDERS CONSULTED

### ANNEX 1.1: STAKEHOLDERS CONSULTED

- Chikomeni Community Farmers;
- Mwasemphangwe Community Farmers;
- Chinunda Community Farmers;
- Mwanya Community Farmers;
- Chitungulu Community Farmers;
- Mwanya Community Resource Board;
- Chitungulu Community Resource Board;
- Interim Climate Change Secretariat;
- Forestry Department – National level;
- Department of National Parks and Wildlife – National level;
- Ministry of Agriculture – National level;
- COMACO - Lusaka;
- ZEMA;
- BioCarbon Partners;
- East Luangwa Area Management Unit of the Department of National Parks and Wildlife Headquarters;
- Chikomeni Sector of the East Luangwa Area Management Unit of the Department of National Parks and Wildlife, which includes the Lukusuzi Park;
- Kasungu-Lukusuzi Component of the Malawi-Zambia Trans-Frontier Conservation Area;
- Provincial Forestry Officer, Eastern Province;
- District Forestry Officer, Chipata;
- District Forestry Officer, Lundazi;
- Chief Planner, Provincial Planning Unit – Eastern Province;
- COMACO, Chipata Hub;
- Provincial Agricultural Coordinating Officer – Eastern Province;
- District Agricultural Coordinating Officer, Chipata;
- District Agricultural Coordinating Officer, Lundazi;
- District Commissioner, Lundazi;
- District Chiefs and Traditional Affairs Officer, Lundazi;
- World Vision – Chikomeni Area Development Program;
- Cargill;
- NWK AGRI;
- Royal Establishments;
- Ward Councillors;
- Department of Cooperatives; and
- Eastern Province Round Table Members.

## ANNEX 1.2: KEY ISSUES DISCUSSED DURING CONSULTATIONS

25/10/2016

Ministry of Agriculture – Moffat Khosa, Principle Agriculture Extension Officer

- Communities need to be empowered with value addition to their products;
- Need to mainstream environmental and social issues in all sectors;
- There is need to foster a participatory extension approach as the current system has a lot of gaps that need to be filled.
- Crop storage should be emphasized in productivity improvement programs as currently there is a lot of emphasis placed on productivity, but little on storage;
- Post-harvest losses due insect pests are high and this leads to food insecurity;
- There is a lack of capacity in most government institutions. The Project should therefore be implemented using existing structures in order to build capacity in the institutions
- Extension services are weak because the government allocation is very low, and it is often disbursed very late.

25/10/2016

Community Markets for Conservation (COMACO)

Dale Lewis

Japhet Seulu

Whiteson Daka

Nemiah Tembo

Samuel Penza

COMACO is implementing community conservation plans in 24 chiefdoms. The activities being undertaken include the following:

- **Climate-smart agriculture:** integrated soil fertility management; conservation agriculture – minimum tillage; agroforestry – fast growing species and drought resistant i.e. *Gliricidia sepium*; dam construction with guidelines of dos and don'ts; agro-processing; small scale poultry; small scale vegetable farming; community based conservation areas; promotion of agro-crops that are environmentally friendly and do not get rid of forest stands such as cereals and legumes; discourage crops that need farmers to clear huge pieces of land and utilize wood during processing; seed inputs banks-legumes and vegetables i.e. tomatoes and spices; environmental calendar to guide different seasons and possible calamities to be avoided e.g. fires, erosion, rain pattern – awareness information is aired on radio and through posters and leaflets; local leaders meetings on sensitization for rain patterns, agroforestry, markets and planning; compliance scoring of chiefdoms through stakeholder meetings to show case how each area is fairing in conservation agriculture and provision of feedback to chiefs for action; provision of markets driven by conservation efforts to get a better price i.e. premium price, which is the highest and below market price, which is the lowest; guide and sensitize communities on crops to embark on and solutions in areas in conflict with wildlife especially near the parks.
- **Sustainable forest management:** woodlot establishment – fast growing species i.e. *Gliricidia sepium*; community managed natural regeneration through community conservation areas and green zones; forest fire management; beekeeping (honey and bees wax) – use of modern bee hives and not bark hives; non-timber forest products e.g. fruits, mushrooms and bamboos; fuel efficient technologies – rocket cook stoves; Alternative energy sources –usage of brickettes made from groundnut shells and rice husks; community conservation plans – to guide the dos and don'ts; creation of community conservation areas with allowed practices clearly spelt out; adding value to non-timber forest products e.g. drying mushrooms and

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caterpillars and extraction of juice from fruits; restricting insecticide and pesticide use in order to preserve insect life; creation of better markets for non-timber forest products e.g. mushrooms and wild fruits; encourage gender participation in bee-keeping, tree planting and fire management; Adding value to the beauty of forests by creating lodges, bush camps and heritage sites; involving local leaders in planning, implementation, benefits sharing and challenges in management of the forests and communities such as cooperatives; carry out patrols with local leaders on the activities that are being discouraged and coming up with plans on how to deal with such issues.

- **Wildlife conservation and improvement of rural livelihoods:** involving chiefs; partnerships with other NGOs, fire management; reducing poaching- voluntary surrender of guns and snares; conservation incentives - markets, inputs and compliance assessments; creation of community conservation plans and green zones to govern conservation areas; continuous sensitization meetings, leadership with communities and their leaders; capacity building of community conservation leaders in governance, conservation and income generating activities; diversification of agricultural activities i.e. beekeeping, vegetable production and poultry; introduction of new technology in conservation i.e. rocket cook stoves to address habitat loss, agroforestry to supply fuel wood to stoves as an alternative to natural forests; production of impact stories that are aired on radios, relayed in leaflets and other publications e.g. transformation of poachers' lives.

26/10/2016

### Kabinga Camp Conservation Area

Andrew Mbewe - farmer

Simon Mwale - farmer

Japhet Banda – principal farmer

Standwell Kamanga – lead farmer

- Creating community conservation areas and green zones with a view to achieving community managed natural re-generation.
- Establishing woodlots using fast growing species e.g. *Gliricidia sepium*.
- Livelihood enhancement activities are key to preventing the cutting down of trees. Activities being implemented include agroforestry, bee-keeping using modern bee-hives and not bark hives, use and the development of markets for non-timber forest products such as fruits, mushrooms and bamboos.
- Challenges faced include the illegal selling of land in conservation areas by the royal establishment. Once the land is allocated and put on title in a customary area, then it is difficult to prevent unsustainable activities at such a farm. There are too many people in the traditional hierarchy with powers to allocate land, and often land is allocated to people illegally at an illegal fee. There is need to restrict the practice of land allocation to only a few people in the royal establishment.

26/10/2016

### Titukule Women's Club in Chikomeni

Misozi Zulu

Gladys Mwanza

Beauty Nkata

Eliza Zimba

Involved in Poultry, bee-keeping, and management of a green zone where they will be able to harvest mushrooms and create a habitat that could eventually be used for eco-tourism.

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- The use of rocket stoves, which require only a small amount of firewood, means that they can spend less time collecting firewood;
- They do not need to collect logs of fire wood as twigs are sufficient for cooking;
- Twigs can be obtained from fry pieces of wood that have fallen off the trees naturally, as opposed to cutting down large trees and causing deforestation;
- Women do not have to travel long distances to collect large pieces of wood, and face the risks of being raped whilst they are own their own in the bush;
- Poultry activities are generating a steady income for the families. This allows them to buy essential goods and pay for their children's schools and hospital bills.
- Overall, the use of rocket stoves results in the following benefits: use of less firewood; less smoke is generated improving the health and safety of women; reduced labour as a smaller amount of firewood has to be transported; reduces the chances of women being attacked by elephants, lions snakes; reduces the chances of women being raped as they do not have to go far to fetch the twigs; more energy efficient than conventional wood fires used for household cooking.
- Benefit sharing mechanism for the honey harvested from apiaries: Honey is currently sold at K1.20/kg; K0.70 is retained by the women club, whereas K0.50 is paid to the chief and his/her council of indunas as an incentive for the traditional authority's support for the venture, and as a way of saying thank you to the chief in line with Zambian tradition norms.
- The apiaries are located in "Green Zones" in the Lukusuzi-Kasungu TFCA, which provide mushrooms, masuku and other fruits.
- The bees in the apiaries need water, but this is a challenge in the dry season as most streams in the area dry up.
- In long-term, the club hopes to create animal habitats in the "Green Zones" and venture into eco-tourism.

27/10/2016

**Kenani Village Conservation Farm**

John Phiri – Extension Manager

Simon Banda – Cook Stove Project

Samaria Zulu - farmer

- Most people in the area were involved in unsustainable activities such as sand excavation, cutting down trees (for charcoal, firewood and brick making), and poaching, but they are being persuaded to stop such activities as they are not sustainable.
- Conservation farming activities being encouraged and involve: crop rotation; minimum tillage; manure application; retention of crop residues; and fire management.
- A four year crop rotation cycle can be: groundnuts/ soya beans – maize – sunflower – cotton.
- Water availability is generally a problem, especially during the dry season as most streams in the area are ephemeral.
- Drought spells cause a reduction in yields in some years, and the loss of yields causes farmers to clear more land in the following season to make up for the losses. Therefore, agroforestry using the drought resistant *Gliricidia sepium* is being encouraged so that farmers stick to one homestead and avoid clearing more land and impacting on forests.
- Extension Officers are encouraging the use of *Gliricidia sepium* for agroforestry because it is fast growing, and drought resistant. In addition, it fixes nitrogen in the soil and its twigs can be used as firewood for the rocket stoves that are being promoted in the area. The flower part of the tree is a good source of pollen for foraging bees.
- It is estimated that the use of *Gliricidia sepium* for agroforestry has resulted in a 60% reduction in the use of fertilizers in the area.

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27/10/2016

**Mwasemphangwe Evicted Illegal Lukusuzi National Park Settlers**

Dawson Tembo (also Councillor of Diwa Ward)

Masauso Lungu

Enoch Mtonga

Edward Banda

- They settled in the Park in 2011 after the DNPW Camps in the Chinunda and Mwasemphangwe areas were closed down.
- They moved into the park in search of fertile agriculture land.
- The areas they settled in the Park are called Kamwankunku, Mbuluzi, Mnyamazi, Msikizi and Kamaibe. It was widely known that the place had been dormant for a long time. They settled in the Park with their families and had a park community with a social fabric that included a borehole and football field.
- Some evicted settlers claim that they bought the land in the park from an Induna (Chieftainess Mwasemphangwe's Adviser) – the individual fees paid were up to K10,000.
- There were 199 Zambian households and 15 Malawian households living in the Park, with a total population of 2,917 people.
- They were involuntarily evicted from the Park between 31 October 2015 and 4 November 2015.
- The evictions were not undertaken in accordance with good practice international standards i.e. the settlers were loaded in trucks, their housing units set on fire and dumped along the Chipata-Lundazi main road.
- When the community was evicted, they were promised that Government would make arrangements for the chief's in the areas where they originally came from to allocate them alternative land.
- However, land has not been allocated to any of them, and as a result their livelihoods have been severely destroyed.
- This is why they keep going back into the Park illegally.
- 2 people were found in the Park during the field work.

27/10/2016

**Department of National Parks and Wildlife – Lukusuzi National Park**

Moses Mbewe – Park Ranger

Mable Shibata - Park Ranger

- The General Management Plan for Lukusuzi Park needs updating.
- There is no buffer zone on the eastern side of the Park.
- Lukusuzi NP has an ecological connectivity with Kasungu NP in Malawi, and this linkage is being disturbed as a result of population increase. This in turn is resulting in human-wildlife-conflicts (HWCs).
- The rivers in the Park are seasonal, and the lack of water in the dry season triggers the movement of animals to areas outside the Park.
- Edge effects around the Park cause HWCs e.g. animals leaving the Park into human locations and people going into the Park to access fertile farm land and natural resources, and poach animals. Illegal settlement in the Park also introduce domestic animals into the Park, which results in HWCs as the wild animals raid the settlements for kill the domestic animals.
- Illegal activities in the Park include poaching, small scale mining and settlements. Illegal settlements were created in the Kamwankunku, Mbuluzi, Mnyamazi, Msikizi and Kamaibe

**Draft ZIFLP Process Framework**

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areas of the Park, but all the illegal settlers, totaling 2,917 people were evicted by the DNPW last year (2015) in October and November.

- Some people went in illegally again, but were apprehended and the cases are in court.
- 7 families are reported to have gone in again, and these will also soon be evicted.
- In terms of Park Management, late wild fires are a constant problem that need to be managed.
- The Park is intact with a number of species, but capacity needs to be built e.g. fire breaks, road infrastructure, sensitization, buffer zones, staffing (currently only 10 out of a complement of 75 required staff), operational vehicles and equipment, watering holes, office and staff accommodation, water and sanitation in staff compound.
- The Park also has rock painting, caves and iron smelting artifacts of the late stone age.

28/10/2016

**Chamukoma Camp Conservation Area**

Steaby Zimba - farmer

Maganizo Chibambo - farmer

Betty Chunga - farmer

Andrew Banda - farmer

- Undertaking forest conservation activities within the framework of the Community Conservation Plan.
- The Community Conservation Plan consists of: Community Conservation Areas that have been zoned; general land and natural resources management needs and responsibilities; and conservation plan governance.
- Livelihood activities in the area include agroforestry, apiaries and gardening (cabbage, potatoes, bananas, chilli peppers, tomatoes, okra, garlic, egg plants, Chinese cabbage, sugarcane, guavas, lemon, rape (spring greens), chibwabwa and bondwe).
- It was noticed that the gardens were too near the stream (a buffer zone is required in order to protect the stream) and that pesticides which are distributed to the farmers as part of the cotton input supplies (e.g. Fortis K50 EC supplied by Dunavant) were being used for vegetables. This could present a serious health and safety risk. In addition, no personal protective equipment were being used whilst handling the chemicals.
- The farmers in the area experience human-wildlife-conflicts, especially from monkeys and baboons from the Lukusuzi National park, which tend to feast on their bananas. To protect the bananas, the farmers cover the bananas with sacks.

03/11/2016

BioCarbon Partners (BCP)

Godfrey Phiri

- BCP is implementing REDD+ activities under the Community Forests Program (CFP) in the Lumimba GMA, specifically in Mwanya Chiefdom adjacent to the Lukusuzi national park, the South Luangwa National Park and Luambe National Park to the north.
- The aims of the CFP are: bringing 700,000 ha of intact and uninhabited community forests under agreement for Emissions Reduction; livelihoods development targeting 10,000 Households; and capacity development.
- The activities undertaken to date on the CFP include: chiefdom consultations for REDD+ implementation using participatory methodologies; seeking letter of consent/ support for CFP permission to proceed with Viability Assessments; participatory community mapping and identification rough boundaries of forest to be protected under REDD+; comprehensive data collection for Participatory Forest Management Plan (PFMP) Generation.
- The forest selection process involves: participatory forest demarcation meetings in 5 village area groups (VAGs) of Mwanya; initially done using of Participatory Learning and Action (PLA)

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community mapping tools and techniques/ map sketches on the ground; drawing on chiefdom map using community mapping; collection of Key features data using GPS; group discussion of maps and validation by community members through several feedback meetings; and final draft map done and validated in all 5 VAGs.

- Validation of forests selected: “Flying Free Prior and Informed Consent (FPIC)” process; driving and ground-truthing to physically confirm/ clarify proposed Participatory Forest Management Areas (PFMA) boundaries; a total of 7 community VAG level consultative meetings have been conducted; facilitated by local community ambassadors, GRZ Forestry Department, Department of National Parks and Wildlife, Ministry of Chiefs and Traditional Affairs; and Ministry of Agriculture; using participatory learning and action methodologies and tools; culminating in the development of Participatory Forest Management Plans.
- Zonation of Participatory Forest Management Area: Conservation Forest (CF) (REDD+ “project area” intact forest; stays forest, through implementation of the terms of the PFMP; successful implementation results; long-term forest protection; performance-based revenue share payments to stakeholders and deforestation in the Conservation Forest is a breach of the PFMP); Sustainable Development Zone (SDZ) (area surrounding the Conservation Forest within the Chiefdom; settlement, agriculture, (sustainable) harvesting of resources and other development will take place according to a Sustainable Land Use Plan, which is to be collaboratively developed by key implementing partners and stakeholders in Mwanya Chiefdom; deforestation in the Sustainable Development Zone may take place; REDD+ project supports sustainable development and farmer support in the Sustainable Development Zone).
- Community activities have included: 3 (three) partnership impact projects (PIPs) have been implemented in Mwanya communities (a banana boat has been procured for the Lukusuzi community to help in the crossing of the Lukusuzi river during the rainy season, specifically in the Mukwela Village Action Group; furniture has been procured for the Yakobe Community Health Post; and at Mukasanga a Maternal Child health Annex is under construction and to be completed by 30th November); BCP have been conducting sensitization on REDD using Theater for Development; Assisted to form the CRB and a capacity assessment is being conducted for local governance structures for capacity building; community forest boundaries have been confirmed; and capacity is being built for Conservation Fees role out in the second quarter of 2017.
- Key milestones: forest selected and boundaries confirmed; needs assessment done; community consent letters given; official REDD+ start date letter given in relation to DNPW letter; and CFMG application to the Director - Forestry Department done pending response.

28/11/2016

### **Chitungulu Community Resource Board**

Ray Chazangwe – COMACO Monitoring and Evaluation Officer

Joshua Banda – farmer

Matias Mvula – farmer

Nelson Phiri – Chitungulu Community Resource Board

Mike Sakala - Chitungulu Community Resource Board

- The Community Resource Board (CRB) activities include: village scouting; overseeing community infrastructure projects; forest resource management; forest conservation awareness; general natural resource awareness e.g. no use of poisons chemical when catching fish; blasting using gun powder to scare away animals; and managing community funds from hunting concessions and animal fees.
- Animal fees – the community retains 50% and the DNPW gets 50%; 5% of the amount that the community retains is given to the chief.
- Hunting concession permit fees - the community retains 20% and the DNPW gets 80%.

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- COMACO is teaching the CRB a lot of skills.
- Challenges: operational funds come late and are misused at time; To date K199,000 has not been received from government; no Personal Protective Equipment; sensitization meetings are only supported by COMACO – the DNPW does not support this activity; HWCs – a child was killed and eaten by a lion recently whilst sleeping at night; the CRB is unable to compensate for assets destroyed by animals, and therefore, gets a lot of abuse from the community; government does not help with blasting materials – only COMACO is helping; adjacent protected areas are getting encroached e.g. the Lundazi National Forest is heavily encroached along the Lundazi-Chitungulu Road.

28/11/2016

**Mwanya Community Resource Board**

Clement Phiri  
Mendrick Phiri  
James Tembo  
Andsenimba

Activities include: village scouting; overseeing community infrastructure projects; forest resource management and forest conservation awareness.

They have employed 21 village scouts.

Challenges: no salaries have been paid for the last 6 months; no Personal Protective Equipment; no transport; no operational rations; area gets cut-off during the rainy season – a power boat is required.

29/11/2016

**Eluhangeni Village, Lundazi**

Abel Tembo

- Mr Tembo is part of an Energy for Agriculture pilot project in Lundazi District. He has invested in a 6m<sup>3</sup> bio-gas plant that converts animal manure into combustible methane gas, which is also known as bio-gas. This clean energy source can be used by low income small scale farmers with no or unreliable access to electricity.
- The bio-gas can be used for domestic cooking and lighting, and reduces the need for traditional fuels and charcoal, which exhaust the environment and increase the workload of women and children. The gas is also more affordable than charcoal in the long run.
- The by-product, bio-slurry, is an organic fertilizer that can be used to increase agricultural production.

29/11/2016

**Sustainable Integrated Land Management Solutions Project**

Zaccheaus Mtonga  
Mercy Lungu

- The goal of the SILMS Project is to develop a gender and business inclusive climate-smart agricultural business model that increases income generating opportunities in rural areas through the sustainable use of natural resources.
- The key aspects/ partners of the project are: integrated soil fertility management; agroforestry; deforestation-free supply chains; gender; input suppliers; processors/ traders; finance; agro-dealers; and farmers.
- The project ends in 2018.



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30/11/2016

**Kakumba SNV Camp, Lundazi**

Nevers Gondwe - farmer

Rachel Chunga - farmer

Kapwela Mwale - farmer

Chisala Melwa - farmer

- These farmers recognize that agriculture is a major driver of deforestation and are, therefore, involved in sustainable land management practices with the support of SNV, Netherlands Development Organization.
- Their activities include: integrated soil fertility management; agroforestry; deforestation-free supply chains; seed multiplication enterprises; tree nurseries; establishment of farmer associations for bulking purposes; and improved market access.



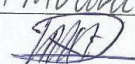
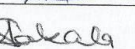


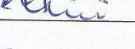
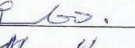
## ANNEX 1.3: CONSULTATION REGISTER

DATE	NAME	POSITION/ ORGANISATION	PHONE NO./EMAIL	SIGNATURE
25/10/16	Joyce Mwenkumbwe	ALPRO / Forestry	09777332333 joycemwenkumbwe@yahoo.co.za	
25/10/16	Sylvester Siambi	FORESTRY TECH	0978074991 slysiambi@yahoo.co.uk	Siambi
25/10/16	Noel Muchimbo	Provincial Planning Unit	09777402661 muchimbo.noel@gmail.com	Noel
27/10/16	Jawet Palutani	D.C. Lundazi	0PePdalu@gmail.com	J. Palu
27/10/2016	Benson CANAAN MBEWE	DISTRICT CHIEF & TRADITIONAL AFFAIRS OFFICER - LUNDAZI	0977153056 canaanmbewe2007@yahoo.com	B. Mbe
27/10/16	Dennis Mawelela	NWK AGRI		D. Mawelela
27/10/16	Goma Peter	CARGILL	FIELD MANAGER 0975481544	Peter
24/10/16	Joseph Harawa	Finance Controller	joseph-harawa@wv.vg	Joseph
27/10/16	Mweemba Christopher	Child Infr Officer	chrisemweemba30@hotmail.com	Mweemba
29/10/16	Tobin Siawwaps	Manager (WV2)	0977835163	
27/10/16	Holmes LUBANZE	A.O MDA LUNDAZI	0977763984 h Lubanze@yahoo.co.za	H. Lubanze
27/10/16	MOSSES MBEWE	PARK RANGER	09774433695	M. Mbe
03/11/16	GODFREY PITZRI	ENGAGEMENT COORDINATOR BCP/CFP/USMID	godfrey@biocarbonpartners.com 0976139405	G. Pitzri

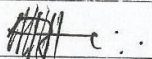


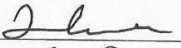


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DATE	NAME	POSITION/ ORGANISATION	PHONE NO./EMAIL	SIGNATURE
25-10-2016	JAPHET SEULU	GIS MANAGER	0977265499/ jseulu@itswild.org	
25/10/2016	WHITESON DAKA	EXTENSION MANAGER	0977193910 wdaka@itswild.org	
25/10/2016	NEMIAH TEMBO	Conservation Manager	0977946465 ntembo@itswild.org	
"	DALE LEWIS	President	0977-373747 dlewis@itswild.org	
25/10/2016	Samuel Penza	LOOKSTORE manager	0977607845	
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25/10/16	MABLES CHIRBIA	Park Ranger	khosamoffat@gmail.com	
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25/10/16	PHIRI TIMOTHY JOHN	EXTENSION MANAGER	timothyphiri@gmail.com	
	Simon Pande	APR project coord - Lundazi	0974670998/0977635455	
27/10/16	DAWSON C. TEMBO DIWA	Councillor Diwanard	0976464990	
27/10/16	RAPHEAL Q. MONGA	CHIEF CHINWANA	0972835383	



DATE	NAME	POSITION/ ORGANISATION	PHONE NO./EMAIL	SIGNATURE
28/11/16	RAY CHAZANGWE	COMACO	0977 980223	
28/11/16	JOSIAH DANDA	PRINCIPAL S.L.F	0978617786	
28/11/16	MATIASI MUKULA	CHITUNGULU COOPERATIVE COMACO VICE CHAIRPERSON	0973227296	M MUKULA
28/11/16	NELSON PHIRI	CHITUNGULU CRB	0979398397	
28/11/16	MURE SAKAZA	CHITUNGULU CRB	0974091837	
28/11/16	PHIRI CLEMENT	CHIEF MWANJA REP	0978644746	
29/11/16	PHIRI MEUDRICK	MWANJA COMMUNITY Resources Officer	0973761679	
29/11/16	James Tembo	MWANJA COMMUNITY Resource Chairperson	0971 606071	
29/11/16	ANDSEN LIMBA	MWANJA CDC Chairperson	0979719368	
28/11/16	CHIEF CHITUNGULU			

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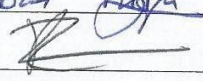
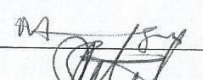
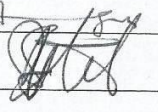
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26.10.16	SIMON XWALE	CHAIRPERSON CHAKULUMA CO-OPERATIVE	0978132240	
26.10.16	KALUBA MWANZA	SECRETARY - U		
26.10.16	MISOZI ZULU	CHAIR LBDY - LI		M. ZULU
26.10.16	GLADYS MWANZA	TREASURER - U	0979196734	G. MWANZA
26.10.16	BEAUTY NKHATA	VICE   CHAIR PERSON - U		B. NKHATA
26.10.16	ELIZA ZIMBA	MEMBER - U	0972789061	E. Zimba
26.10.16	EPHEL NYIRENDA	VICE   SECRETARY		E. NYIRENDA
26/10/16	JOHN S PYIRONGO	INASSICE - LI	0977717325	J.S. PYIRONGO
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## Draft ZIFLP Resettlement Policy Framework

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## Draft ZIFLP Resettlement Policy Framework

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## **ANNEX 2: ZAMBIAN POLICY AND LEGAL FRAMEWORK**

### **ANNEX 2.1: POLICY FRAMEWORK**

#### **National Resettlement Policy**

The National Resettlement Policy (NRP) sets out the Government objectives, principles and measures for dealing with resettlement as a strategy for rural development and as a response to internal population displacements. In addition, it provides a mechanism for dealing with both voluntary and involuntary resettlement. The policy focuses on employment creation, access to public social services, increased food security, security of land tenure, stimulating economic growth in rural areas and compensation and resettlement assistance for internally displaced persons.

The Department of Resettlement in the Vice President's Office is in charge of implementing the NRP, and its key functions include the following:

- Identification and acquisition of land for resettlement;
- Demarcation of farm plots;
- Processing of applications for resettlement;
- Allocation of settlement farm plots to suitable applicants;
- Recommending deserving settlers to acquire certificate of titles to their farm plots from the Commissioner of Lands; and
- Coordinating provision of infrastructure in resettlement program schemes.



## ANNEX 2.2: LEGAL FRAMEWORK

### Constitution of Zambia Cap 1

The Constitution of Zambia is the supreme law of Zambia and any other written law, customary law and customary practice that is inconsistent with its provisions is void to the extent of the inconsistency. It was amended in January 2016 by the Constitution of Zambia (Amendment) Act No. 2 of 2016.

#### Devolved Governance

The Act provides for the management and administration of the political, social, legal and economic affairs of the State to be devolved from the national government level to the local government level. The system of devolved governance that is recommended in the Act should follow the following principles: good governance, through democratic, effective and coherent governance systems and institutions; respect for the constitutional jurisdiction of each level of government; autonomy of the sub-structures; and equitable distribution and application of national resources to the sub-structures.

The district level local government functions prescribed in the Act include: administering the district; overseeing programs and projects in the district; making by-laws; and encouraging the involvement of communities and community organizations in matters of local government.

#### Land

The Constitution provides for land to be classified as State land, customary land and any other classification as prescribed. It also provides for land to be held for a prescribed tenure, and to be used and managed in accordance with the following principles: (a) equitable access to land and associated resources; (b) security of tenure for lawful land holders; (c) recognition of indigenous cultural rites; (d) sustainable use of land; (e) transparent, effective and efficient administration of land; (f) effective and efficient settlement of land disputes; (g) investments in land to also benefit local communities and their economy; and (h) plans for land use to be done in a consultative and participatory manner.

Article 16 of the Zambian Constitution provides for the protection from deprivation of property. More specifically, the Article states that “property of any description shall not be compulsorily taken possession of, and interest in or right over property of any description shall not be compulsorily acquired, unless by or under the authority of an Act of Parliament which provides for payment of adequate compensation for the property or interest or right to be taken possession of or acquired”.

The Article further provides that the Act of Parliament under reference shall provide that, in default of agreement on the amount of compensation payable, a Court of competent jurisdiction shall determine the amount of compensation.

#### Environment and Natural Resources

The Act provides for the utilization of natural resources and management of the environment in accordance with the following principles: (a) protection of genetic resources and biological diversity; (b) implementation of mechanisms that minimize waste; (c) promotion of

appropriate environment management systems and tools; (d) encouragement of public participation; (e) protection and enhancement of the intellectual property in, and indigenous knowledge of, biodiversity and genetic resources of local communities; (f) ensure that the environmental standards enforced in Zambia are of essential benefit to citizens; and (g) establish and implement mechanisms that address climate change.

## **Environmental Management Act of 2011**

### **Overview**

The Environmental Management Act (EMA), which repealed and replaced the Environmental Protection and Pollution Control Act (EPPCA) No. 12 of 1990 Cap 204 of the Laws of Zambia, is the principal legislation on environmental management in Zambia. The EPPCA was the first comprehensive piece of legislation on environmental protection and pollution control. Under the Repealed Act regime, a number of secondary or subsidiary legislation was promulgated by the GRZ. These included the Water Pollution Control Regulations, 1993; the Waste Management Regulations 1993; the Pesticides and Toxic Substances Regulations 1994; the Air Pollution Control Regulations, 1996; the Environmental Impact Assessment Regulations, 1997; the Ozone Depleting Substances Regulations, 2001; and the Hazardous Waste Management Regulations, 2001.

The foregoing Regulations except for the Environmental Impact Assessment Regulations have since been revoked following the passing of the Environmental Management (Licensing) Regulations Statutory Instrument No. 112 of 2013.

The EMA makes provisions for integrated environmental management including the environmental impact assessment (EIA) of projects prior to implementation, strategic environmental assessment, declaration of an area of land that is ecologically fragile or sensitive to be an environmentally protected area, and the conservation of biological diversity and the fair and equitable sharing of the benefits arising out of the utilization of biological resources.

### **Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations of 1997**

The guidelines and specific requirements for Environmental and Social Impact Assessment (ESIA) in Zambia are set out in the Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations of 1997, which were enacted under the repealed EPPCA of 1990. Section 30 of the EMA empowers the Minister responsible for environmental management to “make regulations for the effective administration of strategic environmental assessments and environmental impact assessments”. To date the new Environmental Management Act (Environmental Impact Assessment) Regulations have been drafted. However, these regulations have not been enacted, and therefore the 1997 EIA Regulations are still relevant.

The ZEMA, formerly Environmental Council of Zambia (ECZ) is the lead agency for environmental management, including EIAs, and is empowered through the EIA Regulations to identify projects, plans and policies for which EIAs are necessary. These regulations stipulate which types of projects require a Project Brief (First Schedule) and which require a full EIA study (Second Schedule).

### **Environmental Impact Assessment Process**

An EIA is a thorough investigation of conditions within the environment of a proposed development or project area followed by an assessment of the impacts that the development of the project will have on the environment in its totality i.e. physical, biological and socio-economic aspects. The purpose of conducting an EIA is to enhance the quality of a proposed development by ascertaining its environmental acceptability before it is approved for implementation.

The process for an EIA in Zambia follows three principal stages:

- The scoping study and development of the Draft Terms of Reference (ToR) by the developer and the approval of the ToR and study team by ZEMA;
- The baseline studies, analysis of alternatives, assessment of impacts, development of mitigation measures and consultations; and
- Public consultation, review process and approval or modification of the project.

The ZEMA requires details of the qualifications of the EIA team and must approve the EIA team prior to the EIA phase, in particular baseline studies, being initiated. The Agency is also responsible for advertising the public disclosure of the EIA, and engaging with other governmental agencies.

ZEMA's Environmental Assessment Committee reviews EIA reports, known as Environmental Impact Statements (EISs) with the assistance of its Inspectorate Department. The decision is conveyed to the developer by way of a Decision Letter, signed by the Director General of ZEMA. Other regulatory agencies outside of ZEMA are also requested to review and comment on project briefs and EISs before the approval meeting is held.

### **Environmental Management (Licensing) Regulations of 2013**

The Environmental Management (Licensing) Regulations of 2013 provide for a licensing regime for air and water pollution, waste management of both hazardous and non-hazardous waste, pesticides and toxic substances and ozone depleting substances.

### **Strategic Environmental Assessment**

With regard to programs that could have an adverse effect on the environment or on the sustainable management and utilization of natural resources, the Act provides for the conducting of a strategic environmental assessment of the draft program and the submission of the strategic environmental assessment report to the ZEMA for approval. The proponent of the program "shall not adopt or implement" a program, which is not approved by the ZEMA. However, where any proponent considers that a program does not require a strategic environmental assessment, the proponent is required to submit a draft of the relevant document to the ZEMA for review and consideration.

### **Forests Act of 2015**

The Forests Act establish the Forest Development Fund and provides for the:

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- Establishment and declaration of National Forests, Local Forests, joint forest management areas, botanical reserves, private forests and community forests; Participation of local communities, local authorities, traditional institutions, non-governmental organizations and other stakeholders in sustainable forest management;
- Conservation and use of forests and trees for the sustainable management of forests ecosystems and biological diversity; and
- Implementation of the United Nations Framework Convention on Climate Change, Convention on International Trade in Endangered Species of Wild Flora and Fauna, the Convention on Wetlands of International Importance, especially as Water Fowl Habitat, the Convention on Biological Diversity, the Convention to Combat Desertification in those Countries experiencing Serious Drought and/or Desertification, particularly in Africa and any other relevant international agreement to which Zambia is a party.

In terms of community forest management, the Act provides for the formation of a CFMG for the purpose of communal control, use and management of a forest. Consent from the area chief is required and the group can consist of a group of persons who are: members of a village in or near a forest; managing a forest or part of a forest; or desirous of managing a forest or part of a forest.

The CFMG can enter into a community forestry agreement with the Forestry Department in respect of an area or forest for which the community forest management group is formed. Where a community resource board is already in existence, the group can also enter into a community forestry agreement with the department. A CFMG can, with the approval of the Director, enter into partnerships with other persons for the purposes of ensuring the efficient and sustainable conservation and management of the community forest.

In terms of user rights, a community forestry agreement may confer on a community forest management group the following forest user rights in the community forest concerned: (a) collection of medicinal herbs; (b) harvesting of honey; (c) harvesting of timber or fuel wood; (d) grass harvesting and grazing of animals; (e) collection of forest produce for community based industries; (f) eco-tourism and recreational activities; (g) scientific and educational activities; (h) plantation establishment through non-resident cultivation; and (i) the right to enter into contracts to assist in carrying out specified silvicultural operations;

**Zambia Wildlife Act of 2015**

The Wildlife Act provides enabling legislation for the sustainable management of wildlife in Zambia. In addition, the Act establishes the Department of National Parks and Wildlife and provides for the winding up of the operations of the Zambia Wildlife Authority. The functions of the Wildlife Management Licensing Committee are defined, in addition to providing for: the establishment, control and management of National Parks, bird and wildlife sanctuaries; the conservation and enhancement of wildlife eco-systems, biological diversity and objects of aesthetic, pre-historic, historical, geological, archeological and scientific interest in National Parks.

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In terms of community partnerships, the Act provides for: the registration of community resources boards; the promotion of opportunities for the equitable and sustainable use of the special qualities of public wildlife estates; the establishment, control and co-management of Community Partnership Parks for the conservation and restoration of ecological structures for non-consumptive forms of recreation and environmental education; the sustainable use of wildlife and the effective management of the wildlife habitat in Game Management Areas; the development and implementation of management plans; and enhancement of the benefits of Game Management Areas to local communities and wildlife through the involvement of local communities in the management of Game Management Areas;

The Act includes provisions for the regulation of the keeping, ranching, harvesting, hunting, and import and export of animals (including birdlife) and their products. It also covers the legal requirements for the control of illegal hunting or collection of wildlife during the construction process.

In addition, the Act provides for the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Wetlands of International Importance especially as Waterfowl Habitat, the Convention on Biological Diversity, the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora.

### **Agricultural Lands Act Cap 187 of 2006**

This Act establishes the Agricultural Lands Board, whose functions are to: keep under review the use that is being made of State Land outside urban and peri-urban areas; carry out other duties in connection with the alienation of State Land into farm development or settlement schemes; and make recommendations to the Minister. Under this Act, a lessee has the right to cut down and use indigenous trees on his holding as he may from time to time require for his own farming and domestic purposes, but he is not entitled, except with the prior approval of the President, to sell or move any timber from the holding.

### **National Heritage Conservation Commission Act, Cap 173 of 1989**

The National Heritage Conservation Act establishes the National Heritage Conservation Commission (NHCC), and provides for the conservation of ancient, cultural and the natural heritage, relics and objects of aesthetic, historical, pre-historical, archaeological or scientific interest. Under the Act, any project being implemented is required to disclose any new archaeological, paleontological, or cultural sites it encounters to the NHCC and to follow procedures for the investigation and/or removal of material from them prior to continuing construction activities.

### **Lands Act Cap 184**

The Act repeals the Land (Conversion of Titles) Act and empowers the President of the Republic to compulsorily acquire property. The principles of compensation are pivoted on the basis that the value of property for the purpose of compensation shall be the value of the amount which the property might be expected to realize if sold on the open market by a willing seller at the time of the publication of notice to yield possession of the property.

### **Lands Acquisition Act Cap 189**

Section 3 of the Lands Acquisition Act empowers the President of the Republic to compulsorily acquire property, whilst sections 5 to 7 provide for the issuing of notices to show the intention to acquire, notice to yield up property and to take up possession. Section 10 of the Act provides for compensation as consisting of such moneys as may be agreed from moneys appropriated for the purpose by Parliament. Furthermore, this section provides that where the property to be compulsorily acquired is land, the President, with the consent of the person entitled to compensation shall in lieu or in addition to any compensation payable under the section, grant other land not exceeding the value of the land acquired.

Under the Lands Acquisition Act, the value of the property for purposes of compensation shall be the value of the amount, which the property might be expected to realize if sold on the open market by a willing seller at the time of the publication of the notice to yield up possession of the property. Section 11 of the Lands Acquisition Act provides for the settlement of the disputes relating to the amount of compensation in the High Court.

Part VI of Act provides for the establishment of Compensation Advisory Board to advise and assist the Minister in the assessment of any compensation payable under the Act. Other functions of the board, its operations and constitution are also prescribed in the Act.

### **Local Government Act, Cap 281**

This Act provides for the system of local government administration in Zambia at city, municipality and district council levels. Each level has delegated statutory functions with respect to development planning and participatory democracy.

The GRZ expects to devolve the powers of national government to local government in 2017. This will require: autonomy of the local government structures at both district and sub-district; equitable distribution and application of national resources to the sub-structures; and the involvement of communities and community organizations in matters of local government.

### **Urban and Regional Planning Act of 2015**

This Act repeals the Town and Country Planning Act of 1962 and the Housing (Statutory and Improvement Areas) Act of 1975 and provides for: development, planning and administration principles, standards and requirements for urban and regional planning processes and systems; a framework for administering and managing urban and regional planning; a planning framework, guidelines, systems and processes for urban and regional planning; establishment of a democratic, accountable, transparent, participatory and inclusive process for urban and regional planning that allows for involvement of communities, private sector, interest groups and other stakeholders in the planning, implementation and operation of human settlement development; functional efficiency and socio-economic integration by providing for integration of activities, uses and facilities; establishment of procedures for integrated urban and regional planning in a devolved system of governance so as to ensure multi-sector cooperation, coordination and involvement of different levels of ministries, provincial administration, local authorities, traditional leaders and other stakeholders in urban and regional planning; sustainable urban and rural development by promoting environmental, social and economic sustainability in development initiatives and controls at all levels of urban and regional planning; and uniformity of law and policy with respect to urban and regional planning.

**Arbitration Act No. 19 of 2000**

This Act provides for arbitration in cases where the land owner/occupier does not agree with the amount of compensation being offered. Under section 12 (2) of the Act, the parties to arbitration are free to determine the procedure for appointing the arbitrator or arbitrators. Section 12 (3) (b) states that if the parties are unable to agree on the arbitration, another arbitrator shall be appointed, upon request of a party, by an arbitral institution.

**Land Survey Act Cap 188**

The Land Survey Act provides for the surveying of lands and properties before they are numbered, allocated and registered.

**Valuation Surveyors Act Cap 207**

This Act provides guidance for the valuation practice in Zambia and the requirement that for one to practice as a land valuator, he is supposed to be registered under the provisions of this Act by the Valuation Registration Board.

## ANNEX 3: CENSUS SURVEY FORMS

The following information should also be captured for each impacted household:

- Age;
- Gender;
- Occupation/livelihood activities for each individual;
- Does the impact constitute above or below 20 percent of the asset/land?
- Type of ownership (including whether ownership is claimed or rental);
- Census and related impact details regarding persons who may be working, but not claiming ownership to land/asset;
- Impact regarding permanent or temporary loss of access.

The form below is the form to be used as a basis to conduct the census survey, to be conducted by the Climate Change Secretariat, in collaboration with local authorities (see chapters 3 and 5).

### POPULATION CENSUS, ASSET INVENTORY AND SOCIO-ECONOMIC SURVEY

Number of families who live on the parcel of land to be taken: \_\_\_\_\_

#### CURRENT HOUSING

FAMILY	HOUSE PLOT SIZE (m <sup>2</sup> )	HOUSE DIMENSIONS (m <sup>2</sup> ); (Number of Rooms)	CONSTRUCTION MATERIALS	OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)	OTHER OBSERVATIONS
PAP 1.					
PAP 2					
PAP 3					
...					

Observations on Housing:

PAP 1 : \_\_\_\_\_  
 PAP 2 : \_\_\_\_\_  
 PAP 3 : \_\_\_\_\_

#### REPLACEMENT HOUSING COST

FAMILY	HOUSE PLOT COMPENSATION (M)		HOUSE COMPENSATION			OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)			TOTAL
	Replace	Cash Comp	m <sup>2</sup>	Kwacha /	Total	Item	Kwacha/	Total	



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	in-kind	Kwacha/ m²	Total	m² (same building material is			/ per		
PAP 1									
PAP 2									
PAP 3									
...									
Totals									

Number of businesses on the parcel of land to be taken : \_\_\_\_\_

**CURRENT BUSINESSES**

BUSINESS TYPE (E.G., TAILOR, HARDWARE STORE, GRAIN SELLER)	PLOT SIZE (M²)	BUSINESS DIMENSIONS (Note (M²); structure, or table kiosk ; structure, number Rooms)	CONSTRUCTION MATERIALS	OTHER INFRASTRUCTURE (E.G., WELL, LATRINE, FENCE)	OTHER OBSERVATIONS (E.G., AMOUNT OF INVENTORY, NUMBER OF EMPLOYEES, MONTHLY PROFITS)
1.					
2.					
3.					
...					

Observations on Businesses :

1 : \_\_\_\_\_

2 : \_\_\_\_\_

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3: \_\_\_\_\_

REPLACEMENT COSTS

BUSINESS	PLOT COMPENSATION			STRUCTURE COMPENSATION			OTHER INFRASTRUCTURE			LOST WAGES, PROFITS (PER MO.)		TOTAL	
	(M <sub>0</sub> )						(E.G., WELL, LATRINE, FENCE						
	Replace in-Kind	Cash Comp		m <sup>2</sup>	Kwacha/m <sup>2</sup>	Total	Item	Kwacha/ / per	Tot	Employee		Profit	
		Kwacha/ m <sup>2</sup>	Tot							(same building materials)	No.		
PAP 1													
PAP 2													
PAP 3													
---													
Totals													

Number of Agricultural Plots Taken: \_\_\_\_\_

FARMER PAP	LAND			CROPS			TREES					OTHER INFRASTRUCTURE		TOTAL
	m <sub>0</sub>	In-kind	Cash Total (and Kwacha/ m <sup>2</sup> )	Crop (kg/ha)	Value (Kwacha /ha)	Total (Prod ha x Kwacha /ha)	Timber		Fruit			Item	Value	
							Species	Value	Species	Yield (Kwacha/ kg)	Value			
1.														

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2.														
3.														
...														
Totals														

## ANNEX 4: RAP CONTENTS

- Program description;
- Guiding principles for resettlement;
- Description of process followed for developing resettlement action plan;
- Overview of potentially affected population: number of potentially affected people; demographic and social economic profile; income services and livelihood practices in the sub-project area;
- Eligibility criteria: people to be affected; public consultation and Grievance redress procedure;
- Legal frameworks: host country legal requirements; and WB policies and procedures;
- Methodology for valuation of assets and potential loss of all other income opportunities; and assets;
- Inventory of Losses (physical description of assets lost);
- Socio-Economic Assessment (of the vulnerability of the affected people, and the importance of the assets acquired to their livelihoods e.g. % contribution to household income/ food production);
- Summary of Compensation and/ or asset replacement and/ or rehabilitation measures;
- Alternative income generation opportunities;
- Income restoration plans;
- Organizational responsibilities for specific sub-projects;
- Public Consultation and Grievance redress mechanism/ procedure;
- Schedule and responsibilities for RAP implementation;
- Funding source and cost of resettlement; and
- Monitoring of resettlement.

ANNEX 5: GRIEVANCE REDRESS MECHANISM

GRIEVANCE REGISTRATION FORM

Plaintiff: \_\_\_\_\_

ID Number : \_\_\_\_\_

Contact Information : \_\_\_\_\_

(Village ; mobile phone)

Property Contested : \_\_\_\_\_

(Type, e.g. land, house)

Location : \_\_\_\_\_

Description of Property : \_\_\_\_\_

\_\_\_\_\_ Nature  
of Complaint :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Record of Prior Contacts and Discussions of Issues to Date:**

Date	Individuals Contacted	Summary of Discussions

Signed (Plaintiff): \_\_\_\_\_ Date \_\_\_\_\_ :

Signed \_\_\_\_\_ (Filer \_\_\_\_\_ of \_\_\_\_\_ Complaint):

Name \_\_\_\_\_ of \_\_\_\_\_ Person \_\_\_\_\_ Filling \_\_\_\_\_ in  
Complaint : \_\_\_\_\_

(if different from Plaintiff)

Position \_\_\_\_\_ or \_\_\_\_\_ Relationship to Plaintiff : \_\_\_\_\_  
Date : \_\_\_\_\_

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Review of Complaint

by

Community Development Committee

Date of Conciliation Session : \_\_\_\_\_

Was Plaintiff Present ? : Yes No

Topic \_\_\_\_\_ :  
\_\_\_\_\_  
\_\_\_\_\_

Was field verification of complaint conducted ? : Yes No

Findings of field investigation :  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Summary of Conciliation Session Discussion :

Issue \_\_\_\_\_ :  
\_\_\_\_\_  
\_\_\_\_\_

Issue \_\_\_\_\_ :  
\_\_\_\_\_  
\_\_\_\_\_

Issue \_\_\_\_\_ :

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was agreement reached on the issues?:                      Yes                      No

If agreement was reached, detail the agreement below :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If agreement was not reached, specify the points of disagreement below :

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed : \_\_\_\_\_ Signed : \_\_\_\_\_

Chairperson, CDC  
Plaintiff

Signed : \_\_\_\_\_ Signed : \_\_\_\_\_

Member, CDC

Signed : \_\_\_\_\_ Signed : \_\_\_\_\_

Member, CDC

Signed : \_\_\_\_\_ Signed : \_\_\_\_\_

Member, CDC

Date : \_\_\_\_\_



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Grievance Registration Form

Review of Complaint

by

Project Management Unit

Date of Conciliation Session : \_\_\_\_\_

Was Plaintiff Present ? :	Yes	No
Topic _____ :		
_____		
_____		

Was field verification of complaint conducted ?:	Yes	No
--	-----	----

Findings	of	field	investigation :
_____			
_____			
_____			

Summary of Conciliation Session Discussion :

Issue \_\_\_\_\_ :

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Issue \_\_\_\_\_ :

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Issue \_\_\_\_\_ :

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Was agreement reached on the issues?:                      Yes                      No

If agreement was reached, detail the agreement below :

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If agreement was not reached, specify the points of disagreement below :

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Signed : \_\_\_\_\_

PMU Coordinator

Plaintiff

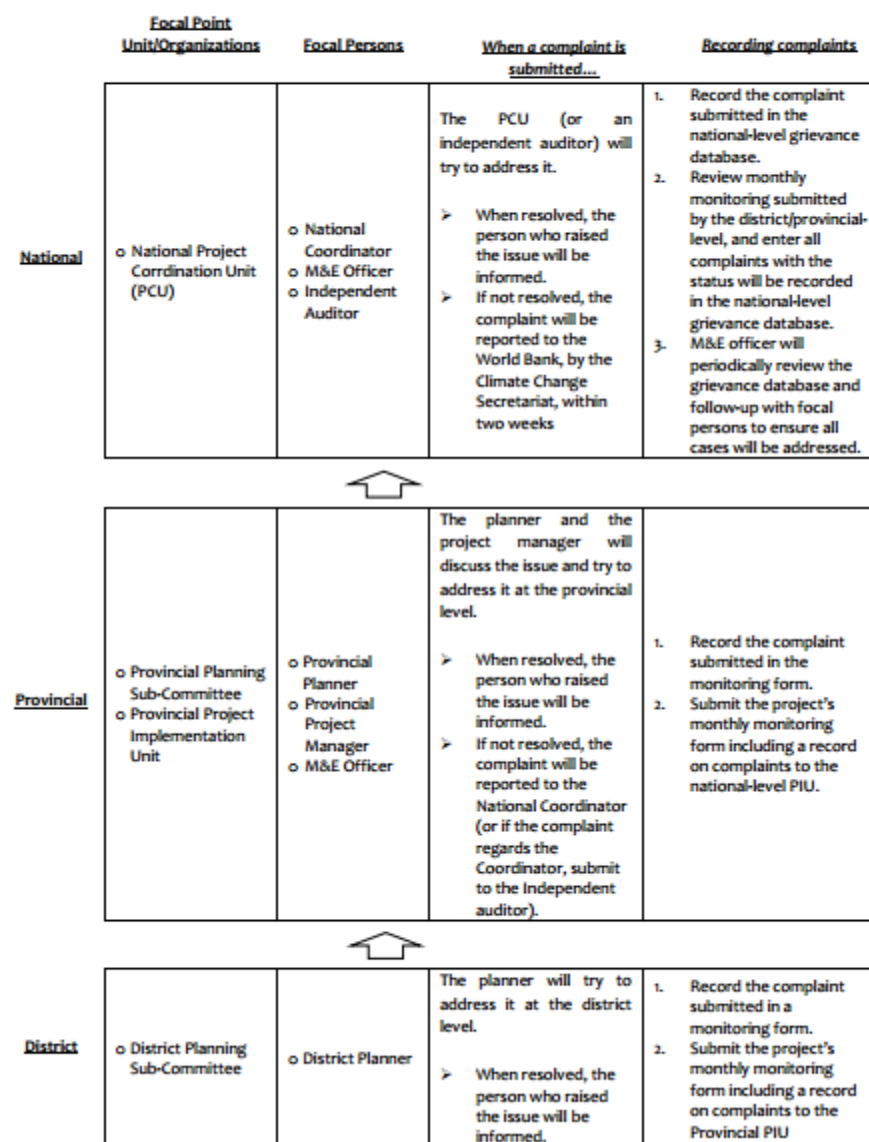
Signed : \_\_\_\_\_

PMU Member

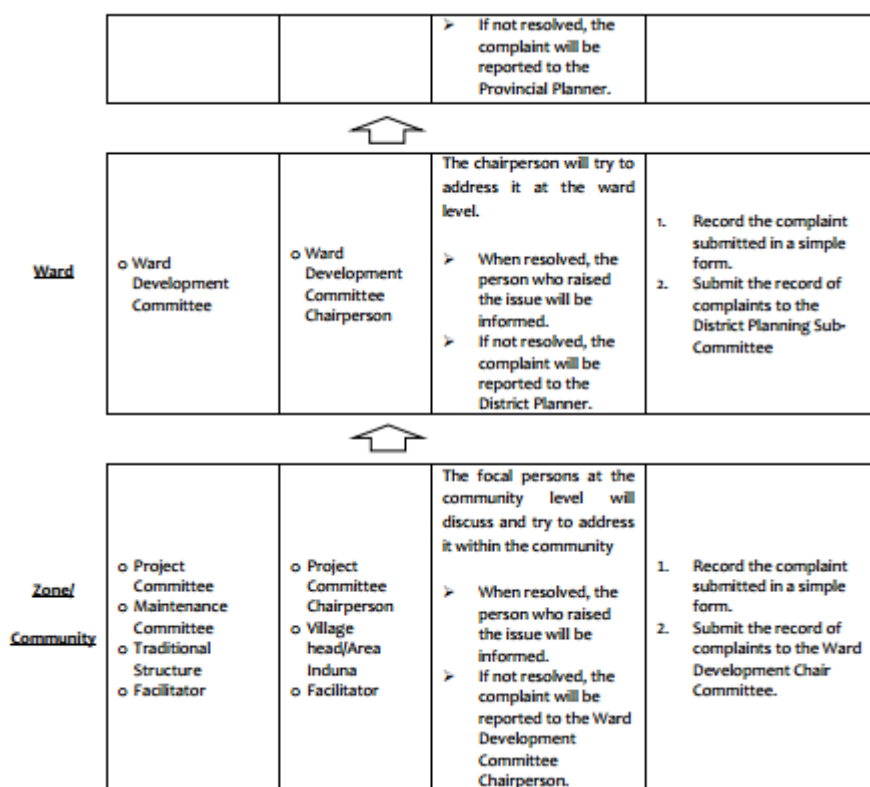
Date : \_\_\_\_\_

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Figure: Grievance Redress Mechanism for the Project



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## SUGGESTED TIMEFRAMES FOR GRIEVANCE REDRESS

PROCESS	TIME FRAME
Receive and register grievance	within 5 Days
Acknowledge, Assess grievance and assign responsibility	within 14 Days
Development of response	within 14 Days
Implementation of response if agreement is reached	within 1 Month
Close grievance	within 7 Days
Initiate grievance review process if no agreement is reached at the first instance	within 1 Month
Implement review recommendation and close grievance	within 2 Months
Grievance taken to court by complainant	-

**ANNEX 6: ENVIRONMENTAL AND SOCIAL SCREENING FORM**

Sub-project name: Sub-project Location (e.g. region,) (Include map/Sketch): Type of activity:(e.g. new construction, rehabilitation, periodic maintenance)				
Estimated Cost( \$ USD) Proposed Date of Commencement of Work:				
Technical Drawing/Specifications  Reviewed:	Circle Answer	Yes	No	

Issues	Low	Site Sensitivity Medium	High	Rating
Natural habitats	No natural habitats present of any kind	No critical natural habitats; other natural habitats occur	Critical natural habitats present	
Water quality and Water resource availability and use.				
Natural hazards vulnerability, floods, soil stability/erosion				
Cultural Property				

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Involuntary resettlement (including loss of land, assets affixed to land such buildings, productive crops and trees, access to commercial operating space)				
Indigenous Peoples				

**2. Checklist questions:**

Physical data:	Yes/ No answers and bullet lists preferred except where descriptive detail is essential.
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to sub-project.	
Any plans for new construction	

Refer to project application for this information

Preliminary Environmental Information:	Yes/No answers and bullet lists preferred except where descriptive detail is essential
State the source of information available at this stage (proponents report, Environmental Impact Assessment or other environmental study).	
Has there been litigation or complaints of any environmental nature directed against the proponent or sub-project	

Refer to application and/or relevant environmental authority for this information.

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Identify type of activities and likely environmental impacts:	Yes/No answers and bullet lists preferred except where descriptive detail is essential
What are the likely environmental impacts, opportunities, risks and liabilities associated with the sub-project?	

**Impact, Mitigation and Monitoring Guidelines**

Determine environmental screening category:	Yes/No answers and bullet lists preferred except where descriptive detail is essential
After compiling the above, determine which category the sub-project falls under based on the environmental categories schedule 1,2013	

**Screening and Review Process**

Mitigation of Potential Pollution	Yes /No answers and bullet lists preferred except where descriptive detail is essential.
Does the sub-project have the potential to pollute the environment, or contravene any environmental laws and regulations?	
Will the sub-project require pesticide use?	
If so, then the proposal must detail the methodology and equipment incorporated in the design to constrain pollution within the laws and regulations and to address pesticide use, storage and handling.	
Does the design adequately detail mitigation measures?	

**Mitigation and Monitoring Guidelines**

Environmental Assessment Report or Environmental studies required:	Yes /No answers and bullet lists preferred except where descriptive detail is essential.
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If screening identifies environmental issues that require an EIA or study, does the proposal include the EIA or study?	
Indicate the scope and time frame of any outstanding environmental study.	
Required environmental Monitoring Plan:	
If the screening identifies environmental issues that require long term or intermittent monitoring (effluent, gaseous discharges, water quality, soil quality, air quality, noise etc.), does the proposal detail adequate monitoring requirements?	

**Impact, Mitigation and Monitoring Guidelines**

Public participation/ information requirements:	Yes /No answers and bullet lists preferred except where descriptive detail is essential.
Does the proposal require, under national or local laws, the public to be informed, consulted or involved?	
Has consultation been completed?	
Indicate the time frame of any outstanding consultation process.	
Land and resettlement:	Yes /No answers and bullet lists preferred except where descriptive detail is essential.
What is the likelihood of land purchase for the sub- project?	
How will the proponent go about land purchase?	
What level of type of compensation is planned?	
Who will monitor actual payments?	

Actions:	
List outstanding actions to be cleared before sub- project appraisal.	
Approval/rejection	Yes /No answers and bullet lists preferred except where descriptive detail is essential.
If proposal is rejected for environmental reasons, should the sub-project be reconsidered, and what additional data would be required for reconsideration?	



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**Recommendations:**

Requires an EIA and/or RAP, to be submitted on date: \_\_\_\_\_

Requires EMP, to be submitted on date: \_\_\_\_\_

Does not require further environmental studies: \_\_\_\_\_

Reviewer: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## ANNEX 7: ENVIRONMENTAL AND SOCIAL SCREENING CHECKLIST

### A. NAME, DEPARTMENT, JOB TITLE, AND CONTACT DETAILS FOR

THE PERSON WHO IS RESPONSIBLE FOR FILLING OUT THIS FORM:

Completed by

(Name): \_\_\_\_\_ Contact

details: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

### B. PROJECT DESCRIPTION

Name of Project: \_\_\_\_\_

Name of Project Execution Organization: \_\_\_\_\_

Location of the Project: \_\_\_\_\_

Type and scale of the Project: \_\_\_\_\_

Approximate size of the Project in land area the location of the project: \_\_\_\_\_

Estimated Cost: \_\_\_\_\_

### C. THE CHECKLIST

Please fill in the checklist below:

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### PROJECT SITING:

1. Are there any environmentally sensitive areas (intact natural forests, Rivers or wetlands etc.,) or threatened species (specify below) that could be adversely affected by the project?: Yes \_\_\_\_\_ No \_\_\_\_\_
2. Does the project occur within/adjacent to any protected areas designated by government (national park, national reserve, etc.):? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Based upon visual inspection or available literature, are there areas of possible geologic or soil instability (erosion prone, landslide prone, subsidence-prone):? Yes \_\_\_\_\_ No \_\_\_\_\_
4. Is the project located near to water sources used for domestic consumption such as boreholes, water wells or springs?: Yes \_\_\_\_\_ No \_\_\_\_\_
5. Based on available sources, consultation with local authorities, local knowledge and/or observations, could the project alter any historical, archaeological or cultural heritage site?: Yes \_\_\_\_\_ No \_\_\_\_\_
6. Will the project result in displacement, loss of assets, or access to assets?: Yes \_\_\_\_\_ No \_\_\_\_\_
7. Will the project result in the permanent or temporary loss of crops, fruit trees and household infra-structure (such as granaries, outside toilets and kitchens, etc):? Yes \_\_\_\_\_ No \_\_\_\_\_

### CONSTRUCTION RELATED ACTIVITIES

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Will construction or operation of the Project use large amounts of local natural resources such as water, timber, gravel from river beds, stones especially any resources which are non-renewable or in short supply?: Yes \_\_\_ No \_\_\_

Will the Project involve use, storage, transport or handling of substances or materials which could be harmful to human health or the environment?: Yes \_\_\_ No \_\_\_

Will the Project produce solid wastes during construction or decommissioning? Yes \_\_\_ No \_\_\_

Will construction require the use of heavy machinery or equipment?: Yes \_\_\_ No \_\_\_

### Operational Phase

Will the Project result in the production of solid wastes during the operational phase? Yes \_\_\_ No \_\_\_

Will the Project result in hazardous wastes during the operational phase? Yes \_\_\_ No \_\_\_

Will the Project produce waste water that require drainage?: Yes \_\_\_ No \_\_\_

Will the Project require community management of the services?: Yes \_\_\_ No \_\_\_

### D. PROPOSED ACTION

All the above answers are 'NO'

If all the above answers are 'NO' there is no need for further action. The CDL and VDA will sign this form, and attach it to the project proposal before forwarding it to the RO for further processing.

There is at least one 'YES'

[illegible]

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Member, CDL

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Member, CDL

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Member, CDC

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**E. RECOMMENDATION OF head of the project coordination unit**

Circle one of the following screening recommendations:

1. All answers to the questions in Section D above are "No," and there is no need for further action, circle the 'NO' below and sign this form

**NO**

Signed: \_\_\_\_\_

\_\_\_\_\_  
Head of Project Coordination Unit

2. For all issues indicated by "Yes" answers to the questions in Section D above, the proponent has included adequate mitigation measures in the project design. While no further planning action is required, implementation of the mitigation measures will require supervision by the appropriate agency.

**YES**

Signed: \_\_\_\_\_

\_\_\_\_\_  
PIU Coordinator

3. For all checklist questions with "Yes" answers in Section D above (specify questions numbers), specify whether or not the proponent has provided adequate mitigation measures. Where measures are deemed inadequate, the proponent must revise the proposed project plan to provide adequate mitigation.

Also note whether specialist advice may be required in the following areas:

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\_\_\_\_\_

4. For all checklist questions with "Yes" answers in Section D above (specify question numbers), indicate whether or not the proponent must prepare an environmental assessment of the proposed project, and revise the project plan according to the results of that assessment.

Also note whether specialist advice will be required in the following areas:

\_\_\_\_\_

Signature: \_\_\_\_\_

Head of Project Coordination Unit

Date : \_\_\_\_\_



## ANNEX 8: MONITORING FORMS

The monthly (or periodic) field report from each village development group should recount the progress to date and in the immediately prior month. It is necessary to report only on those aspects of land and asset acquisition that are relevant in the specific project (i.e., land, houses, businesses, crops, and/or trees, whatever is in fact taken). In that context, the following summary tables should be of use in organizing the reporting of project information.

When the resettlement operation is completed, a PAP satisfaction survey (last matrix) should be added.

Village: \_\_\_\_\_

Region: \_\_\_\_\_

Project Name: \_\_\_\_\_

Month Covered: \_\_\_\_\_

PAP: \_\_\_\_\_ (for satisfaction survey)

### LAND

PAP	IN-KIND COMPENSATION (REPLACEMENT PLOT)				CASH COMPENSATION [ENTER NUMBER OF CASES]				
	[ENTER NUMBER OF CASES]								
	IDENTIFIED	AGREED TO BY PAP	TITLE TRANSFERRED	IN PRODUCTION	COMPENSATION AGREEMENT	COMPENSATION PAID	NEW PLOT IDENTIFIED BY PAP	NEW PLOT ACQUIRED BY PAP	IN PRODUCTION
1									
2									
3									
...									
Total									

### HOUSES/BUSINESS LOCALES: IN-KIND COMPENSATION

PAP	IN-KIND COMPENSATION	SUPPLEMENTARY PAYMENTS

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	HOUSE/SHOP UNDER CONSTRUCTION	HOUSE/ SHOP READY	PAP RELOCATED	BUSINESS OPEN AGAIN	ITEM	PAID	RE-PLACED
1.							
2.							
3-							
...							
Totals							

## HOUSES/BUSINESS LOCALES: CASH COMPENSATION

PAP	CASH COMPENSATION						SUPPLEMENTARY PAYMENTS			
HOUSE/SHOP UNDER CONSTRUCTION	AMOUNT	PAID	FOUNDA TION/ WALLS UP	HOUSE/ SHOP READY FOR OCCUPATION	PAP RELOCAT ED	BUSINESS OPEN AGAIN	ITEM	AM T	PAID	RE-PLACED
1.										
2.										
3-										
...										
Totals										

## CROPS, TREES

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PAP	CROP OR TREE SPECIES	VALUATION AMOUNT	PAID (AMOUNT)	TREE SEEDLINGS PROVIDED (Yes/No)
1.				
2.				
3				
....				
Totals				

**PAP SATISFACTION WITH RESETTLEMENT PROGRAM**

	Fully Satisfied	Partly Satisfied	Partly Dissatisfied	Wholly Dissatisfied	Extent of Information Provided (1-5, where 5 represents fully informed)
Project information provided					
Usefulness of public meetings					
Individual consultations					
Individual negotiations					
Compensation amount					
Timeliness of compensation					
Handling of any grievance					

(Enumerator: Please inquire into the cause for any dissatisfaction):

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Signed: \_\_\_\_\_  
Position: \_\_\_\_\_  
(Responsible Officer of Monitoring Agency)  
Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Position: PIU Coordinator  
Date: \_\_\_\_\_

[NOTE: Report can include tables for last month, for month previous to last, and the comparison, which is progress last month. Table for last (i.e., most current full month) is also the table for progress to date.]

## ANNEX 9: SUMMARY OF POLICY AND LEGAL FRAMEWORK RELEVANT TO ZAMBIA INTEGRATED FOREST LANDSCAPE PROJECT

{Kaala B. Moombe, 15.11.16}

PROVISIONS/MANDATES FOR POLICY AND LEGAL INSTRUMENT	
Policy	Act
<p><b>The Revised Sixth National Development Plan 2011-2016 (RSNDP)</b></p> <p>The R-SNDP is primarily an investment plan which focuses on capital investment areas with a bias to rural development through promoting inclusive growth while investing in human development. It identifies the main growth areas or sectors including forestry, agriculture and fisheries at regional level.</p> <p>For Forestry development, the government will strengthen mechanisms for implementing the National Tree Planting Program and develop community capacity to grow, harvest and process trees in a sustainable manner. Forestry is among the nine the focal national and regional programs for accelerated rural and regional development. The key programs in Muchinga and North-western provinces are reforestation (Establish and expand nurseries and maintain indigenous and exotic trees; and b) Replant depleted forests) and tourism development (Rehabilitate and establish tourism support infrastructure; Establish Tourism Information Centers; and Promote tourism products). In addition for North-western province, Agro-Forestry Enterprise Development (Promote private ownership of forest plantations; Promote beekeeping; promote market linkages; and Promote value addition) is targeted. In terms of Agriculture, Livestock and Fisheries, the Plan seeks to enhance productivity through expansion and decentralization of research and extension services.</p> <p>During the R-SNDP, the key structural reforms will be undertaken to provide an enabling environment for improved program implementation, including Public Financial Management where more participatory and decentralized development planning and budgeting will be facilitated. Decentralization is one of the key pillars of public service reform programs. The program is intended to improve efficiency in service delivery and enhance people's participation in governance particularly, at lower levels. The revised DIP will guide the implementation of the Decentralization Policy to ensure flow of integrated development planning and budgeting from the District to the Central Government. The Government emphasize devolution of functions, review of the legal framework, establishment of sub-district structures and capacity development in councils. The realignment of functions and linkages of central, provincial, district and sub-district governance structures to ensure harmonious management and development of the sub-national level will be another key area of focus during the R-SNDP will also harmonize various policies and pieces of legislation including, Public Finance Act, Local Government Act, Registration and Development of Villages Act, and Chiefs Act.</p>	

<p><b>National Decentralization Policy, 2013 (Revised) (RDP 2013)</b></p> <p>The vision is a decentralized and democratic elected system of governance, which enhances community participation in decision-making; and originates from the need for the citizenry to exercise control over its local affairs and foster meaningful development that requires that some degree of authority is decentralized to provincial, district and sub-district levels by removing the absolute control by the center, and therefore transfer the authority, functions and responsibilities with the required resources to lower levels. Some expected benefits being political stability and enhanced accountability through lower level active participation and representation in decision making resulting into enhanced sustainable development.</p> <p>The policy takes cognizance of the critical role of Traditional Leaders in the development process, and to this end, it aims to create appropriate structures to enable traditional leaders participate in national development. The districts shall remain the focus for development and service delivery, while taking into account the participation of all citizens.</p>	<p><b>Local Government Act 1995, Cap 281; Local Government (Amendment) Act, 2014</b></p> <ul style="list-style-type: none"> <li>▫ provide for an integrated three tier local administration system; to define the functions of local authorities; Some of these functions relate to pollution control and the protection of the environment in general.</li> <li>▫ established the Local Government Equalization Fund<sup>2</sup> (LGA, Amendment No. 12 of 2014)</li> </ul> <p>The Act empowers district councils to administer land within their districts and have responsibility for land-use planning, in coordination with the Urban and Regional Planning Departments. The district councils, as agents for the Ministry responsible for Lands, process applications for leases of state land and evaluate requests for the conversion of customary land to state land.</p> <p>The Government shall make specific grants to the councils concerned for services e.g. in agriculture; water, primary education, etc. (no forestry or other NRM)</p>
<p><b>Decentralization Sector Strategies and/or Principles Relevant To Integrated Natural Resource Management</b></p> <p>Empower and develop the capacity of Councils and communities local communities through devolution of power and decision making authority and functions; Design and implement mechanisms for bottom-up integrated planning.</p> <p>Realign functions and linkages of central, provincial, district and sub-district governance structures; Devolve decision making authority, functions and resources from the Centre to the lowest level with matching resources; Coordinate and implement mechanisms to ensure a “bottom up” flow of integrated development planning and budgeting from the District to the Central Government; Promote accountability and transparency in the management and utilization of resources; Develop the capacity of Local Authorities and communities at local in development planning, financing, maintenance of infrastructure, coordinating and managing the delivery of services in their areas; Develop and implement an integrated budget for district development and management; Develop and implement a legal and institutional framework to promote autonomy in decision making at local level; Monitor and evaluate implementation of programs.</p> <p><b>Decentralization Implementation Plan 2014-2017 ( DIP 2013):</b> The purpose of the revised DIP is to provide a roadmap that will guide the efforts of all stakeholders through the articulation of their roles in the implementation of the RDP 2013, which includes outlining the institutional framework for implementing the RDP, indicate linkages among and prioritization and sequencing of major actions. The DIP pursues the following strategic framework: Political will and national commitment for decentralization, and empowerment and community incorporation culture, Improvement of management information systems, M&amp;E and Effective public awareness campaign.</p>	

<sup>2</sup> (Working definition in the Decentralisation policy 2013): It is a fund set up to enable rural districts attract investment and retain qualified human resources thereby ensuring sustainable decentralisation.

<p><b>National Forestry Policy of 2014 (NFP 2014)</b></p> <p>Aligned within the Decentralization Policy framework, Zambia's Vision 2030 and the R-SNDP 2013-2016, the NFP 2014 encourages participatory forest management (PFM). It promotes active involvement of stakeholders (local communities, traditional institutions, private sector and others) in the management and utilization of forest resources at all levels of decision making, implementation, monitoring and evaluation. The policy also encourages the definition of stakeholder roles, resource tenure, costs and benefit sharing mechanism related to forest resources management, investments and forest industries development.</p> <p>The empowerment of local community, including traditional leadership, is central to participatory forestry management for to ensure adequate protection and management of forests through several measures among which are upscaling the application of PFM approaches such as enterprise-based Joint Forest Management (JFM) systems in target forest areas for effective coordination, management and mobilization of resources; and establishing incentives and benefit sharing mechanisms for stakeholders involved in management and development of indigenous and plantation forests.</p> <p>As part of the NFP 2014 implementation framework, some of the key roles of the role local communities as the key actors are (item 7.1.4): planning and management of forests at local levels; and to be the implementers and the determinants of the species and technologies to be used in community-based forestry plantation establishment and management.</p>	<p><b>Forests Act, No. 4 of 2015 (FA 2015)</b></p> <p>Provide the establishment and declaration of National Forests, Botanical reserve, Local Forests, JFM areas (and committees), private forests and community forests (community forest management groups (CFMGs) and agreements (CFAs); the participation of local communities, local authorities, traditional institutions, non-governmental organizations and other stakeholders in sustainable forest management; as well the conservation and use of forests and trees for the sustainable management of forests ecosystems and biological diversity; Establish the Forest Development Fund.</p> <p><i>The act includes guidelines on rights and restrictions to the above categories of land use as well as associated matters of compensation.</i></p>
<p>The seven principles that will guide the implementation of the NFP 2014 are: Broad based participation; Equity and responsibility; Sustainable Forest management; Holistic and ecosystem based; Abatement of climate change; Precautionary principle; Free, prior informed consent;</p> <p><b>The Zambia Forestry Action Plan (ZFAP 1998-2018)</b></p> <p>Provides guidance (and serves as a National Strategic Plan) on forest management in Zambia and has strategies to implement policy objectives: Promoting forest ecosystem conservation awareness at all levels; Facilitating sufficient and sustainable allocation of land between major competing uses and sectors such as agriculture and energy; Promoting land use systems for protection of head waters, river basins and terrestrial resources; Promoting use of indigenous knowledge in the management and utilization of forest resources; and sustainable, commercial utilization of all natural resources.</p> <p><b>National REDD+ Strategy 2015 (NRS 2015)</b></p> <p>The seven core principles to guide the NRS 2015 are: effectiveness, efficiency, fairness, transparency, accountability, inclusiveness and sustainability. The NRS 2015 has been developed on the basis of an integrated NRM perspective and landscape level with strategic interventions that include: enhancing participatory approaches and roles of traditional authorities in forest and timber concession management and monitoring in open areas as well as capacity building of local institutions; Strengthening local institutions for forest concession management and forest-based business development; and Developing generic cost-benefit sharing principles for management of forests in open areas. The local communities through traditional leaders and village committees will be the implementers of REDD+ at the ground and field levels.</p> <p><b>National Conservation Strategy (NCS) for Zambia 1985:</b> In 1985, the Government of Zambia adopted the NCS as the main policy document on the environment. The NCS led to the establishment of environmental legislation and institutions. The NCS was developed to manage natural resources and the environment in the context of a <u>centrally planned and controlled economy</u>. The goal of the NCS was to satisfy the basic needs of all the people of Zambia, both present and future generations, through the wise management of natural resources. The objectives of the NCS were threefold: to ensure the sustainable use of Zambia's renewable natural resources; maintain Zambia's biological diversity; and to maintain essential ecological processes and life-support systems.</p>	

<p><b>National Parks and Wildlife Policy</b> <b>1998</b></p> <p>This policy intends to conserve ecosystems, and to protect wildlife<sup>3</sup> against illegal use. This entails numerous activities including inter alia: research; input into development and tourism; drafting of regulations; setting of standards; and public relations.</p> <p>Management of all National Parks will be effected through an approved general management plan prepared through an interactive planning process which includes stakeholders, local community and other parties general management planning will be conducted by an interdisciplinary team of planning professionals, park managers, staff scientists and research specialists and led by PAPU of ZAWA.</p>	<p><b>Zambia Wildlife Act, No. 14 of 2015</b></p> <p>An Act to provide for the winding up of the affairs of the Zambia Wildlife Authority; and</p> <ul style="list-style-type: none"> <li>▫ establish the Department of National Parks and Wildlife (DNPW) in the Ministry responsible for tourism;</li> <li>▫ establish the Wildlife Management Licensing Committee;</li> <li>▫ establishment, control and management of National Parks, bird and wildlife sanctuaries and for the conservation and enhancement of wildlife eco-systems, biological diversity and objects of aesthetic, pre-historic, historical, geological, archaeological and scientific interest in National Parks;</li> <li>▫ establishment, control and co-management of Community Partnership Parks for the conservation and restoration of ecological structures for non-consumptive forms of recreation and environmental education;</li> <li>▫ sustainable use of wildlife and the effective management of the wildlife habitat in GMAs; enhance the benefits of GMAs to local communities and wildlife; involve local communities in the management of GMAs;</li> <li>▫ development and implementation of management plans; and the regulation of game ranching;</li> <li>▫ licensing of hunting and control of the processing, sale, import and export of wild animals and trophies;</li> <li>▫ provide for the implementation of international instruments to which Zambia is party;</li> </ul> <p>A person who settles or lives in a GMA shall comply with the provisions of a general management plan for the GMA. The Act also provides under Regulations for the control or prohibition of entry into, passage through, settlement or residence and the regulation of the activities of persons in a Game Management Area; as well as mining rights. Mining right shall not be granted in a National Park, Community Partnership Park or bird or wildlife sanctuary <u>without</u> an environmental impact assessment conducted in accordance with procedures specified by the Environmental Management Act, 2011.</p>
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<sup>3</sup> Means all components of the ecosystems in national parks (including all archeological and historical sites) and all wild animals and their habitats outside national parks (Policy for National Parks and Wildlife in Zambia, 1998:6)



### **National Parks & Wildlife Sector Strategies and/or Principles Relevant To Integrated Natural Resource Management**

To that purpose it promotes the appreciation and sustainable use of wildlife resources by: facilitating the active participation of local communities in the management of the wildlife estate; promotion and development of tourism; enhancing the recognition of the economic value of wildlife resources amongst public and private stakeholders; and education of the general public

Principles of wildlife conservation and management:

- a) Wildlife shall be conserved and managed as an asset for present and future generations and to achieve economic growth;
- b) wildlife utilization, management and conservation shall protect biological diversity, preserve the integrity and ensure the sustainability of the ecosystem and biological diversity;
- c) wildlife conservation and management shall be integrated, because all the elements of the environment are linked and inter-related;
- d) The equitable and effective participation of local communities and traditional leaders shall be promoted taking into account their interest and needs;
- e) Wildlife utilization shall promote equitable access to, and fair distribution of, the economic, social, health and environmental benefits derived from wildlife;
- f) Wildlife utilization shall promote opportunities and benefits for sustainable development and ensure the potential yield of economic, social and environmental benefits of wildlife conservation and management;
- g) Global and international responsibilities in wildlife conservation and management shall be discharged in the national interest; and traditional knowledge shall be recognised in wildlife management and incorporated in management plans.

<p><b>National Policy on Environment, 2007</b></p> <p>The policy a framework management guide for the management of Zambia's environment and natural resources management on a basis that is sustainable, retains integrity in setting that includes macroeconomic issues, the Millennium Development Goals and National Poverty Reduction Strategy and considers economic incentives for improved environmental management as well as promotes a cross-sectorial implementation that would follow an integrated strategy or approach to policies implementation. It provides i) environment and natural resources management policies to address current and future threats to the environment and to human livelihoods; and ii) policy guidelines for sustainable development. Its emphasis is on the duty of any stakeholder (i.e. institution, Government or Non-Governmental Organization, any community group or people's organization or any individual) to exercise proper control to maintain the productivity and integrity of the environment.</p>	<p><b>Environmental Management Act No. 12 of 2011</b></p> <ul style="list-style-type: none"> <li>▫ integrated environmental management and the protection and conservation of the environment and the sustainable management and use of natural resources;</li> <li>▫ the preparation of the State of the Environment Report, environmental management strategies and other plans for environmental management and sustainable development;</li> <li>▫ the conduct of strategic environmental assessments of proposed policies, plans and programs likely to have an impact on environmental management;</li> <li>▫ the prevention and control of pollution and environmental degradation;</li> <li>▫ public participation in environmental decision-making and access to environmental information; establish the Environment Fund;</li> <li>▫ environmental audit and monitoring; facilitate the implementation of international environmental agreements and conventions to which Zambia is a party.</li> </ul> <p>A total of five Regulations have been passed as Statutory Instruments under this Act and these relate to Water Pollution Control, Waste Management, Air Pollution Control, Water Pollution Control and Environmental Impact Assessment Regulations.</p> <p>The EIA studies include an assessment of:</p> <ul style="list-style-type: none"> <li>▫ social economic impact of the project, such as resettlement of affected people;</li> <li>▫ Socio-economic and cultural considerations such as effects on generation or reduction of employment in the area, social cohesion or resettlement, local economic impacts; and</li> <li>▫ Effect on land uses and land potential in the project area and surrounding areas.</li> </ul> <p><i>Environmental Impact Assessment Regulations</i>: A developer shall not implement a project for which a project brief or an environmental impact statement is required under the Regulations, unless a Project Brief or an Environmental Impact Assessment (EIA) has been concluded in accordance with the regulations and the Agency has issued a decision letter. As part of the process of developing an EIA, an EMP will be prepared. Elements in the EMP are detailed procedures the identified stakeholders must follow to receive support from given projects. An EIA will provide assurances for mitigation against potential environmental or social risks.</p> <p><i>Pesticides and Toxic Substances Regulations, 1994</i>: The safe use and management of pesticides and toxic substances so as to safeguard the general health, safety and welfare of persons, animal life, plant life and property across all user categories.</p> <p><i>Hazardous Waste Management Regulations, 2001</i>: safe management of hazardous wastes by controlling the generation, collection, storage, transportation, pre-treatment, treatment, disposal, export, import and trans-boundary movement of hazardous wastes.</p> <p><i>Water Pollution Control Regulations, 1993</i>: Measures aimed at controlling the discharge of effluents and water pollutants into the aquatic environment in order to ensure public health and protection of aquatic ecosystems by prescribing standards to be complied with for all discharged effluents and waste water streams.</p> <p><i>The Air Pollution Control (Licensing and Emissions Standards) Regulations, 1996</i>: prohibit unauthorized discharge of pollutants into the air</p>
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### Environment Sector Strategies and/or Principles Relevant To Integrated Natural Resource Management

An effective framework and legislative mechanism will be created for common goals, collective action and cooperation. Coordination of strategies and actions relating to the environment and natural resources among concerned bodies, including government, non-government, private sector and other stakeholders is a fundamental tenet of the Policy. Effective governance through decentralization of environmental management services will be ensured through equitable distribution of government resources and cross-sectorial strategic planning reflecting the following:

- 1) The Policy will catalyze the implementation of sustainable environmental, social and economic development tenets bringing together in an holistic strategy all aspects of preventive and precautionary actions, equitable benefit sharing, community participation, information dissemination, access to environmental information, education and awareness for informed personal choices and decisions and gender equality;
- 2) Appreciating the environment as a common heritage with abiotic and renewable biotic resources to be managed and used sustainably i.e. consistent with maintaining the integrity of ecosystems and ecological processes
- 3) The polluter pays and the need to conserve resources, reduce consumption and recycle and reuse material to the maximum extent possible;
- 4) Recognize cost effectiveness and cost-benefit essential elements in development planning for national and local priorities;
- 5) Involve people including local communities in policy development, natural resource management and benefit allocation arising there from.

**National Environmental Action Plan - NEAP 1994:** the neap was prepared as a comprehensive instrument to contain the ever increasing environmental degradation in Zambia. Its preparation was meant to update the National Conservation Strategy (NCS). The neap is founded on three fundamental principles: the right of citizens to a clean and healthy environment, local community and private sector participation in natural resources management and obligatory Environmental Impact Assessments (EIAs) of major development projects in all sectors. The overall objective of the neap is to integrate environmental concerns into the social and economic development planning process of the country. The main thrust of the neap is to identify environmental problems and issues, analyze their causes and recommend actions required to resolve those issues. In the neap, this is done for the major sectors. Some recommendations, inevitably, cut across several sectors. From the recommended actions, an implementation strategy is drawn for each sector and it proposes the action, priority ranking, time-frame for its implementation and finally the responsible agency for the implementation of the recommendation. These proposed actions will therefore form the basis for a detailed action plan which will support the implementation of the neap through the Environmental Investment Program (EIP).

National Biodiversity Strategy and Action Plan (NBSAP) of 2015 proposes actions for the conservation, protection and sustainable use of Zambia's biodiversity and ecosystems in line with the Convention on Biological Diversity to which Zambia is a party.

<p><b>National Agricultural Policy, 2004</b></p> <p>Policy is aimed at providing a supportive environment for the growth of the agricultural sector up to 2015, the policy encompassing all facets of the agricultural sector namely; food and cash crop production, inputs, agro processing, agricultural marketing including exports, sustainable resource use, livestock and fisheries development, irrigation, agricultural research and extension services, institutional and legislative arrangements, co-operatives and farmer organizations, biodiversity, emergency preparedness and crosscutting issues i.e. HIV/AIDS, gender and the environment.</p> <p>Facilitates and supports the development of a sustainable and competitive agricultural sector that ensures food security at national and households levels and maximizes the sector's contribution to GNP, through its sector objectives that include: i) food security; ii) contribution to industrial development; iii) income and employment; and iv) improve and sustain the resource base, as well as to expand the sector's contribution to the national balance of payments.</p>	<p><b>Chapter 187: The Agricultural Lands Act of 1994, Cap 187</b></p> <p>The creation of the Agricultural Lands Board (its membership, powers and functions) <b>tenant farming schemes</b>, and alienation and ownership of land for agricultural purposes, focusing on individual land ownership in State Land outside urban and peri-urban Areas.</p> <p>Section 40 of The ALA 1994 identifies improvements qualifying for compensation to include:</p> <ul style="list-style-type: none"> <li>▫ Afforestation.</li> <li>▫ Boreholes/wells, ponds; and</li> <li>▫ Drainage.</li> <li>▫ Erection, alteration and enlargement of building.</li> <li>▫ Formation of silos, dip tanks, spray races and stock handling facilities.</li> <li>▫ Improvement to watercourses for water supply – domestic and agricultural;</li> <li>▫ Making of firebreaks.</li> <li>▫ Making of permanent fences (subject to the provisions of the Fencing Act).</li> <li>▫ Making of works of irrigation.</li> <li>▫ Making or improvement of roads or bridges.</li> <li>▫ Planting of orchards or fruit bushes;</li> <li>▫ Soil or water conservation works.</li> <li>▫ Stumping and clearing of land.</li> </ul>
<p><b>Agriculture Sector Strategies and/or Principles Relevant To Integrated Natural Resource Management</b></p> <p>Reviewing and realigning institutional and legislative arrangements; Facilitating availability of and accessibility to land for agriculture and development of infrastructure in potentially productive agricultural areas; Development and promotion of appropriate technology; Promotion of gender equity in resource allocation and access to agricultural services focusing more on women and young farmers; Promotion of sustainable and environmentally sound agricultural practices; Promoting conservation of fisheries resources; Strengthening emergency preparedness through early warning; Promoting and strengthening Cooperatives and Farmer Organizations as a vehicle for agricultural development; Facilitating provision of incentives for local and foreign agricultural investment; Maintaining agro-biodiversity and promoting conservation of aquatic eco-system and sustainable utilization of natural resources; Strengthening information collection and dissemination.</p>	

<p><b>National Energy Policy, 2008</b></p> <p>The overall goal of NEP is to create conditions that will ensure provision and management (to rural and urban areas) of dependable, sustainable and adequate supply of energy mix from various energy sources, which include but not limited to: Electricity; Biomass (wood fuel, bio fuels, briquettes and biogas); Petroleum; Coal; Solar; Wind and Geothermal energy. Seeks to reduce dependence on woodfuel and ensure sustainable provision of affordable, reliable modern energy services to rural and urban households as a means of reducing poverty and raising standards of living. The policy seeks to ensure environmentally sustainable exploitation of the biomass resource by ensuring efficiency through better management and introduction of new technologies i.e. bio fuels and gel fuel.</p>	<p><b>Energy Regulation Act, 1995 Cap. 436</b></p> <p>Establish an Energy Regulation Board and to define its powers and functions that include (in conjunction with other Government agencies), formulate measures to minimize the environmental impact of the production and supply of energy and the production, transportation, storage and use of fuels and enforce such measures by the attachment of appropriate conditions to licenses held by undertakings (Cap 416).</p> <p>The licensing of undertakings for the production of or the handling of energy and certain fuels;</p> <ul style="list-style-type: none"> <li>▫ Repeal the National Energy Council Act and the Zambia Electricity Supply Act;</li> </ul>
<p><b>Energy Sector Strategies and/or Principles Relevant To Integrated Natural Resource Management</b></p> <p>The effective implementation of the National Energy Policy will be greatly enhanced through the participation of all key stakeholders including the Decentralization Secretariat</p> <p>1. Development of appropriate energy technologies and resources to enhance socio-economic development; 2. Provide incentives to enhance the performance of the energy sector; Integrate energy development into national development interventions and strategies; 3. Create partnerships with the private sector, civil society and community groups; and 4. Encourage participation of Zambian citizens in the energy industry, including ownership structures. Encourage interdisciplinary and participatory research approaches that provide linkages between technology and communities; “communities should be involved at all stages of energy resource development and management” and that community views will be valuable in reaching decisions in the management of energy resources. The policy outlines three (3) strategies how this would be done, namely: 1. Train community in community energy project identification, formulation and implementation so as to equip them with appropriate knowledge and skills; 2. Introduce participatory techniques in energy resource management programs; 3. Create awareness and support from the general public and key decision makers on the best practices for management and development of energy resources. Effective participation of both gender in the decision- making process.</p> <p><b>Policy Measures and Strategies on biomass:</b> Establish community based woodfuel resource management systems; Providing appropriate financial and fiscal instruments for stimulating the production and use of biomass; Raising public awareness on the benefits and opportunities of other modern biomass energy sources and develop capacity for their implementation; Develop the regulatory framework of Biomass; Woodfuel: Ensure better management of woodlands and forests as sustainable sources of woodfuel; Improve the technology of charcoal production and utilization; Promote appropriate alternatives to woodfuel and reduce its consumption; Encourage utilization of agro, forest and sawmill residues for combustion and gasification; Improve revenue collection from the woodfuel industry</p>	

## [Draft] Land Policy, 2006

To have an efficient and effective land administration system that promotes security of tenure equitable access and control of land for the sustainable socio-economic development of the people of Zambia. The rationale for this policy is based on the need to govern land tenure administration, land use management and remove historical imbalances, address contentious issues and attend to new challenges of nationhood. There are various pieces of legislation in Zambia, which provide for administration of land.

### It outlines policy challenges and measures (below are selected few) such as:

- **Introduce** group land rights to allow for registration of village, family and clan land as well as co-operatives as policy measure; and recognize the rights of land users by defining these rights through formal survey and registration to advance the advantages of customary tenure practice.
- Provide guidelines that will enable allocation of land according to market value and ensure that land in urban areas attract higher prices than in rural areas;
- Ensure systematic planning in the land delivery process; and regulate the system of land allocation and decentralize the functions of the Commissioner of lands up to district level.
- Decentralize and modernize land registry offices and unify all land registries, under the central land information and management registry; and Provide for registration of all properties under public institutions and other estates such as forestry and wildlife sanctuaries and concessions
- Decentralize the operational structure of the Ministry of Lands up to district level;

## Lands acquisition Act, 1995

An Act to make provision for the compulsory acquisition of land and other property. If such land is not developed, no compensation is given. The President may, whenever he is of the opinion that it is desirable or expedient in the interests of the Republic so to do, compulsorily acquire any property of any description by statutory order, on the recommendation of the Board, acquire any land.

For government schemes, **106(1)** The Minister may, after reasonable notice to any occupier, construct and maintain, upon any land, any Government scheme. (2) The Government shall pay compensation, in accordance with the Lands Acquisition Act, to the occupier of the land on which any Government scheme shall be constructed but, in assessing the amount of compensation payable, the President shall take into consideration any benefit accruing as a result of the construction of the scheme.

Compensation payable for property acquired: where any property is acquired by the President under this Act the Minister shall on behalf of the Government pay in respect thereof, out of moneys provided for the purpose by Parliament, such compensation in money as may be agreed or, in default of agreement, and determined in accordance with the provisions of this Act. No compensation shall be payable in respect of undeveloped land or unutilized land. Compensation Advisory Board is established to advise and assist the Minister in the assessment of any compensation payable under this Act. **22.**

## Lands Act, 1995

- the continuation of leaseholds and leasehold tenure;
- the continued vesting in and alienation of land by the President;
- the statutory recognition and continuation of customary tenure;
- the conversion of customary tenure into leasehold tenure; to establish a Land Development Fund

*All land<sup>4</sup> in Zambia is subject to this Act, which identifies two types of land tenure: leasehold rights to state land and customary tenure. Although all land in Zambia is vested in the President, the actual alienation is delegated to the Commissioner of Lands. No land can be alienated for a term longer than 99 years.*

The administration of land involves the need for consultation with the Chief and the affected parties without whose consent the President may not alienate land. The owner of the land earmarked/and or acquired for development is entitled to full compensation for the improvement made to the land in accordance with the procedures laid down in Part III sections 10 and 12 of the Lands (Acquisition) Act (1995). Land means “any interest in land whether it is virgin, bare or has improvements, but does not include any mining rights as defined in the Mines and Mineral Act in respect of any land<sup>5</sup>.

<sup>4</sup> Land is defined to mean any interest in land whether the land is virgin, bare or has improvements but excludes mining right as defined under the Mines and Minerals Act. The Act describes ‘customary area’ as all land, which until the Act was referred to as Reserves and Trust land. Customary tenure applies to “individual plots, forest land, common land within a village, and communal grazing land.”

<sup>5</sup> As defined in Part I of the lands Act

**Draft ZIFLP Resettlement Policy Framework**

<p>(1) The functions of the Board shall be discharged by committees of not less than three persons chosen by the Minister from a panel of persons nominated by the President.</p>	
<p>?</p>	<p><b>The Land (Perpetual Succession) Act, Cap 186</b></p> <p>The Act provides for the creation and registration of trusts. It allows the holding of land in the name of a trustee or trustees. Any community of persons bound together by custom, religion, kinship or nationality, or by anybody or association of persons established by any religious, educational, literary, scientific, social or charitable purpose, or for any purpose which in the opinion of the Minister of Lands is for the benefit or welfare of the inhabitants of Zambia can apply to the Minister to register land under a trustee or trustees with the following key requirements: the nature of the community, the objects of the body or association, the rules and regulations of the association, together with the date of, and the parties to, every deed, will or other instrument, if any, creating, constituting or regulating it, submission of a statement and short description of the land, or interest in land, which at the date of application is possessed by, or belonging to, or held on behalf of, the community, body or association of persons.</p>
<p><b>Lands Sector Strategies and/or Principles Relevant To Integrated Natural Resource Management</b></p> <p>1. Land is a common heritage, a national and communal resource and asset for meeting long term needs of the people of Zambia; citizenship as a right to land individually, severally and or collectively anywhere in Zambia; 2. Optimal land use for human settlement, industry and commerce, infrastructure, agriculture, forestry and mining, the protection of right to access and wise use of water bodies in the long-term interest of the people of Zambia; 3. Fair and equitable access to land and secure tenure among all the people of Zambia irrespective of their abilities, race, beliefs, gender and ethnicity; 4. User liability for restoration of environmental changes of land values; 5. Centrality of land markets in the development of Zambia subject to land use guidelines; 6. Private sector driven national development subject to environmental and land use guidelines; Government facilitation of land development and delivery and organizational capacity of land related service institutions; 7. Participation, accountability and democratic decision making within communities, government, and other development partners; and 8. Due process in land disputes handling and management.</p>	

Survey Policy	<p><b>Chapter 188: Land Survey Act (CAP 293, 1960)</b></p> <p>An Act that makes comprehensive provisions for the registration and licensing of land surveyors; the manner in which land surveys shall be carried out and diagrams and plans connected therewith shall be prepared; the protection of survey beacons and other survey marks; for the establishment and powers of a Survey Control Board which will be responsible for the registration and licensing of land surveyors and for the exercise of disciplinary control over such surveyors.</p>
?	<p><b>Chapter 185: Lands and Deeds Registry Acts (1914 and 1994)</b></p> <p><b>An Act to provide for the registration of documents; to provide for the issue of Provisional Certificates of Title and Certificates of Title; to provide for the transfer and transmission of registered land; and to provide for matters incidental to or connected with the foregoing.</b></p> <p><b>Registration of documents.</b> Every document purporting to grant, convey, or transfer land or any interest in land, or to be a lease or an agreement for a lease or permit of occupation for a longer term than one year must be registered. Similarly, a document purporting to create any charge upon land, whether by mortgage or otherwise, must be registered. Any document that evidences the satisfaction of any mortgage or charge, and bills of sale of personal property where the grantor remains in apparent possession must also be registered. All bills of sale must be registered within three months of their execution, whilst all other documents must be registered within thirty days, ninety days or one year, if within same district as the registry, within Zambia or outside Zambia, respectively. If such documents are not registered within the prescribed time, they become invalid.</p> <p><b>Types of documents:</b> Three types of registers are kept; the lands register, the common leasehold register and the miscellaneous register. The lands register contains documents relating to land other than land that is on common leasehold. The common leasehold register registers documents relating to strata titles. Any other document is registered in the miscellaneous register. Any document relating to land that is lodged for registration must describe the land by reference to a diagram, plan, or description of the land, quoting the year and the Surveyor General's number of the plan, diagram, or description. Registration does not cure defects in a document. Registration of a document comprises the filing of the document, or a certified copy, and entry in a register of the names of parties, date of the document, date of registration, and a brief description of the document. The registers and their related files are kept separately. Documents are filed consecutively. The registry may be searched and examined by anyone, and certified copies may be obtained, if required, upon payment of a prescribed fee.</p> <p><b>Provisional certificate and certificate of title:</b> To register a document for dealing in land for a term longer than fourteen years, one first needs to have a certificate or provisional certificate of title. The certificate of title, provisional or final, is conclusive evidence of ownership from the date of registration, and the registered proprietor is protected against ejection or adverse possession, except in the case of mortgage, fraud, or mistakes in the certificate such as wrong description of boundary or grant to more than one person.</p> <p><b>Transfer and transmission of registered land:</b> A purchaser from a registered proprietor of any estate or interest in land, in respect of which a certificate of title has been issued, is not required to inquire into the circumstances under which the proprietor got his estate or interest in land. A bona fide purchaser or mortgagee for valuable consideration is also not liable for recovery of damages, or possession, or deprivation of land in respect to which a certificate of title had been issued. This stands regardless of whether his vendor or mortgagor became a registered proprietor through fraud, error, or a void instrument. A registered proprietor with a provisional certificate or certificate of title may create various estates in his land.</p> <p><b>Trust and caveats:</b> Trusts<sup>6</sup> cannot be entered in the Lands Register or on a provisional certificate or a certificate of title, except those that are specially authorized. All trusts declared by deed or instrument may be registered in the Miscellaneous Register. Any person claiming to be entitled to or to be beneficially interested in any land or estate by virtue of any unregistered agreement, instrument or transmission may lodge a caveat with the registrar. The caveat protects the estate or interest in land against any dealing, until it is removed. Such caveat is notified to the registered proprietor.</p>

<sup>6</sup> Section 74 subsection 2 of the Lands and Deeds Registry Act stipulates that Trusts affecting land may be declared by any deed or instrument, and such deed or instrument may be registered in the Miscellaneous Register.



<p>?</p> <p><b>Common Leasehold Act (1994)</b></p> <p>The <b>Common Leasehold Act</b> was enacted to allow for the registration of “horizontal” rights (strata title) for high-rise flats and semi-detached buildings. The Act thus provides for the division of land and buildings into units with separate titles by means of common leasehold schemes. Upon registration of the scheme, the unit-holders become a corporate body with perpetual succession and a common seal. Incorporation of the scheme members has the same effect as a contract under seal. Amongst other things, the body corporate can make by-laws, enforce by-laws, and control and manage the common property (that which is not part of any one unit). The Act only allows Quantity Surveyors and Architects to prepare plans. The Surveyor General must approve the plans before registration.</p>	
<p><b>Mining Policy, 1995</b></p> <p>Aims to reduce, minimize, mitigate, and /or the danger of environmental/ecological damage arising from mining operations through EIAs and annual environmental audits to ensure socially acceptable balance between mining and biophysical environment and standards of health, safety and environmental protection as well as damage on the health of workers and inhabitants of the neighborhood through air, water and land according to new and existing environmental and mining laws. This will be achieved through, inter alia, developing environmental assessment processes and gazettement environmentally sensitive areas (national and local forests, national parks, GMAs, etc.) into protected areas The policy also makes provision for the exploration and mining only when rehabilitation of areas affected is guaranteed.</p>	<p><b>Mines and Minerals Development Act No. 11 of 2015</b></p> <ul style="list-style-type: none"> <li>▫ to revise the law relating to the exploration for, mining and processing of, minerals;</li> <li>▫ provide for safety, health and environmental protection in mining operations;</li> <li>▫ provide for the establishment of the Mining Appeals Tribunal;</li> <li>▫ repeal and replace the Mines and Minerals Development Act, 2008</li> <li>▫ provides for the granting of mining rights, prospecting, mining, disposal of minerals, conservation and protection of air, water, soil, flora, fisheries and scenic attractions in or on the land over which the mining right is sought. It also provides for EIA, air quality and emission standards, storage, handling and processing of hazardous materials, and regulates mine dumps, mining rights and surface rights and Environmental Protection Fund</li> <li>▫ Mining Licensing Committee with one representative each of the Ministries including those responsible for the environment and land;</li> </ul> <p>In case of an application for exploration license for consideration, if the land is within a National Park, Community Partnership Park, Game Management Area, bird or wildlife sanctuary, National Forest, Local Forest, Botanical Reserve or private forest, the applicant has obtained the necessary written consent of the appropriate authority;</p> <p>As liability and redress: Where any harm or damage is caused to the environment or biological diversity, compensation shall include the cost of reinstatement, rehabilitation or clean-up measures which are incurred and where applicable, the costs of preventive measures. Liability shall extend to— any negative impact on the livelihood or indigenous knowledge systems or technologies of any community; any disruption or damage to any production or agricultural system; any reduction in yields of the local community; any damage to the economy of an area or community;</p>
<p><b>MINES AND MINERALS DEVELOPMENT SECTOR STRATEGIES AND/OR PRINCIPLES RELEVANT TO INTEGRATED NATURAL RESOURCE MANAGEMENT</b></p> <p>General principles/objectives for mining and minerals development: Develop a participatory and collaborative approach to mine planning, development and decommissioning taking into account the needs and concerns of the local communities; Promotion of Citizen economic empowerment; Transparency and accountability in the management of mineral resources and administering mining laws and regulations; exploitation of minerals shall ensure safety, health and environmental protection; development of local communities in areas surrounding the mining area based on prioritization of community needs, health and safety citizens shall have equitable access to mineral resources and benefit from mineral resources development;</p>	

<p><b>National Water Policy, 1994</b></p> <p>The policy guides the planning, management, development, conservation, management, demand and supply of water resources. The objective is to promote sustainable water resource development in order to facilitate an equitable provision of adequate quantity and quality of water for all competing groups of users at acceptable costs and ensuring secure supply under varying conditions.</p>	<p><b>Water Resources Management Act, 2011</b></p> <p>Provides for the management, development, conservation, protection and preservation of the water resource and its ecosystems. It covers the equitable, reasonable and sustainable utilization of the water resource; to ensure the right to draw or take water for domestic and non-commercial purposes, and that the poor and vulnerable members of society have an adequate and sustainable source of water free from any charges. create an enabling environment for adaptation to climate change; provide for the constitution, functions and composition of catchment councils, sub-catchment councils and water users associations; provide for international and regional cooperation in, and equitable and sustainable utilization of, shared water resources; provide for the domestication and implementation of the basic principles and rules of international law relating to the environment and shared water resources as specified in the treaties, conventions and agreements to which Zambia is a State Party;</p>
<p><b>WATER RESOURCES SECTOR STRATEGIES AND/OR PRINCIPLES RELEVANT TO INTEGRATED NATURAL RESOURCE MANAGEMENT</b></p> <p>1. Recognizing the important role the water sector in the overall socio-economic development of the country; 2. Vesting control of water resources in the country under state control; 3. Promoting water resources development through an integrated management approach; 4. Providing adequate, safe, and cost-effective water supply and sanitation services with due regard to environmental protection; 5. Defining clear institutional responsibilities of all stakeholders in the water sector for effective management and coordination; and developing an appropriate institutional and legal framework for effective management of the water resources by strengthening capacity in water resources management activities etc. and 6. Recognizing water as an economic good.</p> <p><b>National water resources strategy and plan:</b> for the management, use, development, conservation, preservation, protection, control and regulation of water resources. set out the principles, objectives, procedures and institutional arrangements of the Authority for the management, use, development, conservation, preservation, control and regulation of water resources within each catchment, including possible financing requirements; contain water allocation plans which set out the principles for allocating water, taking into account the reserve; provide mechanisms and facilities for enabling the public and communities, in particular women, to participate in managing the water resources within each catchment; and generally contain measures to avert environmental degradation, such as desertification, deforestation, erosion, sedimentation, toxic waste and the aftermath of the use of unsuitable agro-chemical products.</p>	

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<p><b>Tourism Policy</b></p> <p>The mission is to contribute sustainably to the economic well-being and enhanced quality of life for Zambians through Government led, private sector driven, quality product developments that are consistent with the protection of the unique natural and cultural heritage.</p> <p>Development of tourism in National Parks, particularly in Game Management Areas, and selected heritage sites in the country, will involve full participation of local communities. The participating local communities should benefit from natural and cultural resource-based tourism development in form of employment, income and entrepreneurial opportunities, and possibly, through partnerships or independent investments or shareholding.</p>	<p><b>The Tourism and Hospitality Act No 13, 2015</b></p> <ul style="list-style-type: none"> <li>▫ the sustainable development of the tourism industry through effective tourism planning, management, promotion and coordination to ensure sustainable tourism;</li> <li>▫ an enabling and facilitating environment for the growth of the tourism industry by ensuring that Zambia responds to changing tourism trends in the macro and competitive tourism market environment;</li> <li>▫ effective mechanisms for coordination amongst the Government, private sector and local communities for the sustainable development of tourism through public-private partnerships and community participation;</li> <li>▫ integration of tourism into national development planning, budgeting and decision-making processes related to infrastructure development, environmental management and protection and empowerment of local communities; strengthen linkages and co-ordination between tourism development and key subsectors such as arts and culture, heritage, transport, education, energy, forestry, fisheries, wildlife and water resource management by using a whole of Government approach;</li> <li>▫ ensure that the tourism value chain is enhanced by positive linkages between tourism and supporting services and sectors; establish the Zambia Tourism Agency and constitute the Board of the Agency with their functions to: regulate tourism enterprises and tourism-related services and enforce standards of operation and service; establish the Tourism Development Fund and provide for its administration; repeal the Tourism and Hospitality Act, 2007, and the Zambia Tourism Board Act, 2007</li> <li>▫ Promote private sector investment and local community participation in the development of tourism and tourism related services; promote children and youth participation in tourism; promote indigenous knowledge and folklore.</li> <li>▫ Provide for sustainable tourism and development in planning and developing tourism in priority areas, protected areas and designated areas for rural and urban development; facilitate consultation with local communities on sustainable tourism planning and conservation, including training on local management of tourism;</li> </ul>
<p><b>Tourism And Hospitality Sector Strategies and/or Principles Relevant To Integrated Natural Resource Management</b></p> <p>Bring about growth in the tourism industry through the encouragement of the private sector; redistribute both the opportunities to participate in tourism growth, and access to the benefits from it, towards Zambians; ensure that such equitable growth is environmentally sustainable and will be accessible to future generations raise public awareness of the national significance of investment in and promotion of tourism; promote domestic tourism, leisure and recreation; promote initiatives for regional tourism co-operation; promote proper investment incentives in Zambian wildlife, cultural tourism, Sustainable use of the environment at all times: adopting practices that enhance the sustainable use of the environment; and Empowerment of Local Communities and Entrepreneurs</p> <p>Under sustainable tourism the intent is to: (a) engage local communities in planning and decision making, empower women, children and youth, and embrace the wisdom, knowledge and values of local communities in the development of tourism; (b) design and implement broad public awareness campaigns, focusing on the linkages of tourism, environment, climate change, meteorology, sustainable development and broader society issues;</p>	

<p><b>Fisheries Policy 2004</b></p> <p>The Fisheries Policy falls within the National Agricultural Policy 2001-2010 as a subsector. The policy aims to increase fish production and promote sustainable utilization of fishery resources in order to contribute to the economy through generation of employment, income, and improved availability of fish. The proposed policy encourages sustainable fisheries management, and stakeholder participation (especially the participation of local communities) in the capture fishery and aquaculture. In general terms the policy would therefore seem to support the objectives of a National Policy on Environment.</p> <p><b>As a sub-sector under agricultural policy, 2004, the Fisheries policy is:</b> To increase fish production and promote sustainable utilization of fisheries resources, thereby contributing to the economy through the generation of employment, income and improved availability of fish. With regard to Fisheries Management, Research and Extension, the policy states: To contribute to increased food security and nutrition through increased production and consumption of fish. To promote the understanding and application of research information that will form the basis of fisheries planning, management and development through participatory approach; To promote sustainable fisheries management through participatory approach by involving various stakeholders; To ensure monitoring, control and surveillance of the country's fisheries and fish resources; 3. To strengthen management strategies and the dynamics of the aquatic resources."</p>	<p>The Fisheries Act, 2011</p> <p>It provides for the sustainable development of fisheries and a precautionary approach in fisheries management, conservation, utilization and development. Furthermore, it establishes fisheries management areas; fisheries management committees and the Fisheries and Aquaculture Development Fund.</p>
<p><b>Fisheries Sector Strategies and/or Principles Relevant To Integrated Natural Resource Management</b></p> <p>Strategies under <b>Capture Fisheries Management and Extension:</b> Provide techniques that would add value to fish products, improve post-harvest management and the flow of marketing information to fish producers, processors and traders; Provide the legal framework for community participation in sharing the responsibility for better management of aquatic resources; Promote conservation of fisheries resources; 2. Promote and strengthen Cooperatives and Farmer Organizations as a vehicle for agricultural development.</p>	
<p><b>Wetlands Policy, 2001</b></p> <p>Promote the conservation and sustainable use of Zambia's wetlands to sustain their ecological and socio-economic functions for the benefits. The policy identifies three broad objective themes: institutional and legal arrangements for wetlands conservation, promotion of public awareness and increasing the participation of local communities in the wetlands conservation programs; and activities for the conservation of wetlands and biodiversity.</p> <p>Harmonize traditional and government regulations on wetlands conservation; and the wetlands act with other legislation on natural resources conservation; Establish joint wetlands management structures involving traditional leadership, government institutions, local authorities and other community level stakeholders</p>	<p>Wetlands Act</p> <p>There is no single institution or law in Zambia that has the overall responsibility of or provides managing wetlands</p>

<p><b>Wetlands Sector Strategies and/or Principles Relevant To Integrated Natural Resource Management</b></p> <p>Wetlands have hydrological, ecological, socio-economic, cultural, aesthetic and ethical values; Holistic conservation of wetlands: Wetlands structures and functions are linked to other ecosystems and are desirable component of the total biodiversity; Positive attitudes and perceptions of wetlands as vital to their conservation and sustainable use; Adequate and effective governance structures for local communities, the recognition and integration of their indigenous knowledge and practices, the creation of incentives, the regulation of wetlands populations and their participation in decision-making and conservation programs; Promote community participation in wetland conservation programs and ensuring equality and equity in decision-making, and the sharing of benefits and costs; Approval and participation of the local communities in research work on natural resources management.</p> <p>These policy objectives combine both the conservation and socio-economic development aspects. In addition, the multi-sector approach to planning and management of natural resources combined with community participation is a very useful tool to ensure sustainable use of natural resources in the wetlands by all stakeholders.</p> <p>Strategies: The National Conservation Strategy and The Wetlands Strategy and Action Plan.</p>	
<p><b>The Urban and Regional Planning Policy</b></p> <p>?</p>	<p><b>Chapter 283: The Urban and Regional Planning Act, 2015</b></p> <ul style="list-style-type: none"> <li>▫ provide for development, planning and administration principles, standards and requirements for urban and regional planning processes and systems;</li> <li>▫ provide for a framework for administering and managing urban and regional planning for the Republic; provide for a planning framework, guidelines, systems and processes for urban and regional planning for the Republic;</li> <li>▫ establish a democratic, accountable, transparent, participatory and inclusive process for urban and regional planning that allows for involvement of communities, private sector, interest groups and other stakeholders in the planning, implementation and operation of human settlement development; ensure functional efficiency and socioeconomic integration by providing for integration of activities, uses and facilities;</li> <li>▫ <b><u>establish procedures for integrated urban and regional planning in a devolved system of governance</u></b> so as to: <ul style="list-style-type: none"> <li>○ ensure multi-sector cooperation, coordination and involvement of different levels of ministries, provincial administration, local authorities, traditional leaders and other stakeholders in urban and regional planning;</li> <li>▫ ensure sustainable urban and rural development by promoting environmental, social and economic sustainability in development initiatives and controls at all levels of urban and regional planning;</li> <li>▫ ensure uniformity of law and policy with respect to urban and regional planning</li> </ul> </li> </ul> <p>A planning authority is a public body with delegated authority to undertake town and/or regional planning. A district council may be appointed as a planning authority. Chipata in Eastern is a planning authority. Under this Act, a land user is required to obtain planning permission before undertaking to develop the land.</p>
<p>?</p>	<p><b>Chapter 194: The Housing (Statutory and Improvement Areas) Act (1974)</b></p> <ul style="list-style-type: none"> <li>▫ Section 38 of PART VIII of the Act relates to functions of a council in an improvement area, whereby with the approval of the Minister, it may subdivide land; erect any building or effect any improvement on any piece or parcel of land; or execute the construction and maintenance of roads, pathways, waterworks, drainage, sewage and other works for public amenity as it may deem necessary or desirable. These should be accordance with specifications approved by the NHA or by the Council in whose jurisdiction such land is situated. <i>This may be applicable to cases of resettlement under the planned ZIFLP.</i></li> </ul>

?	<p><b>Provincial and Boundaries Act Cap 286</b></p> <p>An Act to make provision for the division of the Republic into Provinces and Districts; and to provide for the boundaries of such Provinces and Districts and the names by which they shall be known.</p>
?	<p><b>Village Registration and Development Act No. 30 of 1971 or 1979</b></p> <p>An Act to provide for the registration of villages and of the inhabitants thereof; to provide for the establishment of Village Productivity Committees, Ward Councils and Ward Development Committees as well as their composition, functions and duties.</p>
?	<p><b>Chiefs Act 287, 13 of 1994</b></p> <p>the recognition, appointment and functions of Chiefs and Deputy Chiefs; for the exclusion of former Chiefs and Deputy Chiefs from specified areas in the interests of public order; for the appointment and functions of Kapasus</p>
?	<p><b>The Co-operative Societies Act 397, 13 of 1994</b></p> <p>provide for the registration, inspection, examination and supervision of co-operative societies which belong to the people who use their services, the control of which rests equally with all their members, and the gains from which are distributed among the members in proportion to the use they make of these services or their interest in their society; to encourage co-operative development by the provision of services to assist the organization and operation of various kinds of co-operative societies to meet the economic and social needs of their members on a self-help basis;</p> <p>A society may be registered for one or more of the following principal objects and purposes: maintaining and supervising an area of land for watershed development, flood control, drainage, soil erosion control, and crop rotation.</p> <p>Co-operative services for producers of natural products: obtaining or providing equipment, contracts and management services for the production and marketing of pulp wood, fuel wood, timber, lumber and other forest products, or products derived wholly or partially there from.</p>
?	<p><b>The public roads act, 2002</b></p> <p>Section 18 (3) of this Act gives authority to the RDA to enter upon any land for purposes of extraction of materials for road formation. The Act under the same section provides for the notification to the property/land owner before preparation for commencement of extraction of materials starts. Under section 18 (4) of the Act, compensation should be paid to the affected land owner/occupier if such land is on title. Section 18 (5) allows the land/owner occupier to submit written request to the RDA for any expense or loss that may be incurred if such land is appropriated. In the event of failure to agree on the amount of compensation, the matter shall be decided by arbitration in accordance with the Arbitration Act.</p>
?	<p><b>The Arbitration ACT, No. 19 of 2000</b></p> <p>This Act, among other things, provides for an arbitral procedure which is fair, efficient and capable of meeting the specific needs of each arbitration. In Part II section 6 (1) – (3) the Act defines matters subject to arbitration and exceptions and it is applicable to disputes that might arise in matters related to resettlement.</p>

**Draft ZIFLP Resettlement Policy Framework**

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?	<p><b>Heritage and Conservation Commission Act 173 No 13 of 1994</b></p> <p>An Act to repeal and replace the Natural and Historical Monuments and Relics Act; to establish the National Heritage Conservation Commission; to define the functions and powers of the Commission; to provide for the conservation of ancient, cultural and natural heritage, relics and other objects of aesthetic, historical, prehistorical, archaeological or scientific interest; to provide for the regulation of archaeological excavations and export of relics;</p>
	<p><b>Heritage Development and Management Strategic Plan 2003-2007.</b></p> <p>The Heritage Policy is "to conserve Zambia's natural and cultural heritage for sustainable utilization and appreciation by the public, in order to significantly contribute to improvement of the quality of life of rural communities where heritage is located and to the growth of the national economy". The policy's guiding principles recognize the importance of public-private partnership, with the government creating conducive environment for private sector investment. A further principle recognizes that heritage assets should be considered as an integral part of the resources belonging to local communities and that therefore, their management should be community based.</p>