

**REPORT OF THE COMMITTEE ON LANDS, ENVIRONMENT AND TOURISM FOR THE  
THIRD SESSION OF THE ELEVENTH NATIONAL ASSEMBLY APPOINTED ON 26<sup>TH</sup>  
SEPTEMBER, 2013**

Consisting of:

Professor G Lungwangwa, MP (Chairperson); Mr M Muteteka, MP; Mr G G Nkombo, MP; Mr E M Belemu, MP; Mrs I M Mphande, MP; Mr M Mumba, MP; Mr H Kunda, MP; and Mr J M Kapyanga, MP.

The membership of your Committee was reduced to six following the judgment in the Magistrate Court on 30<sup>th</sup> January, 2014, involving Mr M Muteteka, MP and his subsequent appeal, and following the appointment to the position of Deputy Minister on 28<sup>th</sup> March, 2014 of Mrs I M Mphande, MP.

The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
**LUSAKA**

Sir,

Your Committee has the honour to present its Report for the Third Session of the Eleventh National Assembly.

**Functions of the Committee**

2. In addition to any other duties placed upon it by the Honourable Mr Speaker or any Standing Order or any other order of the Assembly, the duties of the Committee on Lands, Environment and Tourism are as follows:

- i. to study, report and make appropriate recommendations to the Government through the House on the mandate, management and operations of the Government ministries, departments and/or agencies under its portfolio;
- ii. to carry out detailed scrutiny of certain activities being undertaken by the Government ministries, departments and/or agencies under its portfolio and make appropriate recommendations to the House for ultimate consideration by the Government;
- iii. to make, if considered, necessary recommendations to the Government on the need to review certain policies and/or certain existing legislation; and
- iv. to consider any Bills that may be referred to it by the House.

**Meetings of the Committee**

3. During the year under review, your Committee held seventeen meetings.

## **Procedure Adopted by the Committee**

4. During the course of its deliberations, your Committee considered and adopted the following programme of work:

- (i) consideration of the Action-Taken Report on the Report of the Committee for the Second Session of the Eleventh National Assembly;
- (ii) the postmortem of the United Nations World Tourism Organisation General Assembly as the first topical issue;
- (iii) the Management and Administration of Zambia's Forests and Forest reserves as the second topical issue;
- (iv) tours; and
- (v) consideration of the Committee's Report for the Third Session of the Eleventh National Assembly.

## **Format of the Report**

5. Your Committee's Report is divided into four parts. Part I deals with the topical issues while Part II is on local tours. The Action-Taken Report is Part III of the Report and Part IV is the conclusion.

### **PART I**

#### **TOPICAL ISSUES**

##### **A. POSTMORTEM OF THE 20<sup>TH</sup> SESSION OF THE UNITED NATIONS WORLD TOURISM ORGANISATION GENERAL ASSEMBLY**

##### **SUBMISSION BY THE MINISTRY OF TOURISM AND ARTS**

6. Your Committee was informed that Zambia and Zimbabwe co-hosted the United Nations World Tourism Organisation (UNWTO) General Assembly from 24<sup>th</sup> to 29<sup>th</sup> August, 2013 in the towns of Livingstone and Victoria Falls respectively. According to the UNWTO Secretary General, the General Assembly was successful, and was the most attended since its inception with a record number of 147 member states participating. The bid to host the United Nations World Tourism Organization was successfully launched in Seoul, South Korea in 2011. The desire to co-host the event was aimed at showcasing Africa as a unique tourism destination.

### **Rationale**

The rationale behind hosting the UNWTO General Assembly was to host the most successful and unique UNWTO General Assembly in Africa which would transform the two host countries and the Southern Africa Development Community (SADC) Region into the most sought after destination. It was further hoped that the successful hosting of the General Assembly would result in increased investment, employment, regional integration and an increase in Southern Africa's share of Global Tourism revenue.

## **Objectives**

The main objective of co-hosting the event was to put Zambia's tourism profile on the international market thereby making it easier for tourists to choose Zambia as a preferred tourist destination. The other objective was to discuss key issues inhibiting the growth of the sector such as visa management, poor connectivity and harmonise policies so that they support tourism development and at the same time -

- (i) improve infrastructure in Livingstone and surrounding areas;
- (ii) increase revenue collection from tourists;
- (iii) create short, medium and long term employment in the sector;
- (iv) enhance regional integration and cooperation;
- (v) provide the necessary pressure on industry players to upgrade their properties and services;
- (vi) global endorsement of the Victoria Falls as a choice tourism and investment destination;
- (vii) facilitate the introduction of the Univisa in the SADC region; and
- (viii) facilitate the establishment of open skies policies.

Your Committee was informed that though not all set objectives were realized, the Government managed to record improvement in infrastructure development, tourist arrivals, job creation, and to raise the profile of Zambia on the international market. Consultations on introduction of the Univisa were gaining momentum with about five SADC member states showing interest. However, objectives like regional integration, increased tourist arrivals and general appreciation of Victoria Falls as a World Heritage site were yet to be realised because it was long term. Other achieved objectives included general improved clean environment.

## **Expectations**

Expectations were that after the General Assembly, the Country would witness a phenomenal increase in tourist arrivals. Further, there was an expectation that the private sector in the tourist capital would seize the opportunity to invest in modern quality tourism facilities such as hotels. Another area of focus was job creation and there was an expectation that there would be more jobs created in the sector in Livingstone and other towns in the country. Overall, the expectation was that all planned projects would be completed before the General Assembly (GA).

## **Preparation for the UNWTO General Assembly**

In terms of projects which were implemented, your Committee was informed that the following were the projects that Government implemented in readiness for co-hosting the UNWTO GA:

- (i) upgrading of facilities at Harry Mwaanga Nkumbula and Kenneth Kaunda International Airports, including the construction of new arrival and departure terminals at Harry Mwaanga Nkumbula International Airport;

- (ii) improvement of facilities at the Victoria Falls World Heritage Site, including construction of an ablution block, erection of a steel fence, enhancement of the viewing barriers and walkways within the heritage site, upgrading of the signage as well as construction of a car park and curio market;
- (iii) improvement of infrastructure at the Mosi-oa-tunya National Park which resulted in the construction of a new entry gate facility and information centre, rehabilitation of the roads within the park, and construction of an ablution block at Dry Manzi picnic site;
- (iv) improvement of facilities at Victoria falls Border Post involving the construction of a loading bay shelter, ablution block, taxi rank, as well as refurbishment of the office block;
- (v) improvement of facilities at Kazungula Border Post involving the construction of a loading bay shelter and ablution block, completion of the fencing, and the concrete paving of the truck parking bay. The construction of a concrete paved driveway was converted to a legacy project status;
- (vi) computerisation of the land border posts of Victoria Falls, Kazungula and Katima Mulilo which means that all the border posts are now connected electronically and this has facilitated efficiency;
- (vii) construction of two ablution blocks located at the city council premises and Mukuni Park in the city of Livingstone;
- (viii) completion of the amphitheater and construction of additional buildings such as a restaurant and open air stage at Maramba Cultural Village;
- (ix) construction of an intercity bus terminus at Villa Grounds and a three storey ultra-modern market in the city of Livingstone, which are also legacy status projects;
- (x) rehabilitation of township roads;
- (xi) removal of street vendors from the streets; and
- (xii) facelift of the city of Livingstone involving repair and painting of buildings.

*Soft issues*

Apart from infrastructure improvements, your Committee was informed that the Government also focused on capacity and skills development. In this regard, about 2,000 officers and community members were trained in different disciplines such as cooking, community policing, protocol, entertainment and exhibitions, hospitality and transport providers and tour guides. This was aimed at addressing the skills gaps identified or required for the preparation of human resource in handling different tasks during the historic event.

*Movable assets*

In order to enhance the capacity to manage the General Assembly, various moveable and non-moveable assets such as vehicles, IT equipment, office furniture, audio visual conference equipment, medical equipment and boats were procured by different implementing agencies which were used during the

General Assembly. These assets had been retained by responsible institutions and will be used to improve operations in various ministries and Government institutions.

### **Funding of UNWTO General Assembly Activities**

Your Committee was informed that a total of K70, 574,019.24 was released by the Government for the preparation and co-hosting of the 20<sup>th</sup> Session of the UNWTO General Assembly covering the years 2012 and 2013. In addition, the Treasury approved a supplementary budget of K197, 384,770.00 which was released for capital projects which were undertaken by various Government ministries and institutions to enhance tourism attractions, and tourism-related infrastructure.

#### **Operational budgets**

The operational budgets were short-term detailed projections of all UNWTO GA preparation expenses consisting of several sub-committee expenses. For example, there were ten (10) sub-committees. A total amount of K70, 574,019.24 was approved as operational budget for all the committees out of which K65, 627,158.57 was released leaving a balance of K964, 860.67.

Some of the notable funding that were released for different operations included the following:

- (i) capacity building, skills development and information dissemination exercises K900,000.00;
- (ii) hire of the services of professional conference organiser K1,073,179.00;
- (iii) purchase of conference equipment-K5,000,000.00;
- (iv) upgrading of equipment in the outside broadcasting van, K11,000,000.00;
- (v) hire of vehicles for delegates, K1, 369,750.00;
- (vi) allowances, K7,348,794.60; and
- (vii) purchase of patrol speed boats, K12, 389,925.00.

#### **Capital Project budgets**

The capital project budgets were meant to maintain, repair and upgrade some of the tourism capital assets. The approved expenditure estimate for capital projects amounted to K157, 112,189.00 out of which K102, 598,283.00 was released leaving a balance of K54, 513,806.00.

Some of the notable capital projects which were funded included the following:

- (i) rehabilitation of VIP lounges at KK International Airport K2,000,000.00 by Cabinet Office;
- (ii) construction of Maramba Cultural Village K4,000,000.00 by the Ministry of Tourism and Arts;
- (iii) construction of a temporary dome K10,000,000.00 by Ministry of Tourism and Arts;

- (iv) construction of the Ultra-Modern Market K26,400,000 by Ministry of Local Government and Housing;
- (v) construction of the Intercity Bus Terminus K19,260,000.00 by Ministry of Local Government and Housing, and;
- (vi) rehabilitation of roads and building infrastructure K46,110,000.00 by Livingstone City Council and Ministry of Transport, Works, Supply and Communication.

### **Incomplete Projects**

By the end of the General Assembly, there were some infrastructure projects that were incomplete and still at different stages of completion such as the intercity bus terminus, some roads, the airport and the new market. These projects would continue using the funds already released and any additional funds budgeted for in a normal budgeting process by respective spending institutions.

### **The Professional Conference Organiser**

With regard to provision of conference facilities, your Committee was informed that the Government entered into a service contract with Gear House, a South African Company to erect a temporary structure (dome), on the lawns of Royal Livingstone Hotel's River Front. The dome was mounted according to international standards and was well received by the UNWTO and the delegates.

Your Committee was informed that a number of irregularities were observed but that the Ministry took timely and appropriate action by requesting the Auditor-General's Office to audit the works midstream as opposed to waiting until the end of the event. The Anti-Corruption Commission (ACC) was called in to investigate any possible malpractices that could have caused any lapses in the procurement process. Administrative actions were also taken against officers found wanting.

### **Deliberations and Outcomes**

The key issues deliberated on by the Assembly are set out below.

#### **(i) *Policy Harmonisation***

The General Assembly observed that tourism policies in member states and regions were not harmonised. In this regard, it was proposed that member states start working together to ensure that regional and national policies support the growth of the sector.

#### **(ii) *Air Connectivity***

The General Assembly, noted that the sector was not doing well particularly in Africa due to poor air connectivity. It was, therefore, agreed that Member States in their respective regional groupings review pieces of legislation that could promote good airline connectivity. In the same vein, inadequacy of good infrastructure such as roads, airports, including network connectivity, was identified as a major challenge inhibiting the growth of the tourism sector.

#### **(iii) *Visa Facilitation***

The General Assembly extensively debated the issue of visa facilitation and the concerns were that there had been a challenge in obtaining visas to move from one country to another. As a

consequence, the growth of the tourism sector had been stifled. It was recommended that Member States should promote effective visa facilitation in order to promote increased tourist arrivals.

### **Side Events, Exhibitions and Entertainment**

In terms of entertainment, about 500 artists participated at the General Assembly. Artists were selected from across the country and all the provinces were represented. This was in an effort to showcase Zambia's national cultural heritage. These artists were drawn from various types of art which included:

- (i) traditional and contemporary music and dance;
- (ii) traditional cuisines;
- (iii) film; and
- (iv) visual and literary arts.

Various forms of entertainment were also conducted during the General Assembly around the city of Livingstone with the main entertainment venue being Maramba Cultural Village. There were also performers from Angola, Botswana and Zimbabwe. Different sporting activities were also lined up in an effort to include the general public's participation in the event.

Several exhibitions were set up at Maramba Cultural Village, Livingstone National Museum, Falls Park and Protea Hotel Car Park. This was in addition to the existing crafts markets at Mukuni Park, Mukuni Village and Victoria Falls Heritage Site. The exhibitions provided an opportunity for the art and craft exhibitors to showcase their products and the delegates to buy Zambian produced curios and art works.

While the creative industries did a good job in mobilising themselves to sell arts and crafts, the sub-sector did not perform to expectations, as many traders that flocked to Livingstone in the hope of selling their products were unable to finish their stocks. This was due in part to the fact that the General Assembly structure and programme was too full, providing little chance for the delegates to find time to frequent the exhibitions outside the meetings. The Ministry was aware that there have been complaints from some traders who did not obtain a good return on their investment. This was a result of circumstances beyond the organising committee's control. The Secretary General of the UNWTO commented on this matter and promised to ensure that in future, the programme took that into account by allocating free time for delegates to shop around.

It was also noted that many curio makers and sellers would require some basic training in quality control, marketing and pricing in order for them to be able to effectively attract customers.

### **Key Challenges Encountered**

One challenge which was encountered was the inadequate capacity of infrastructure required to host meetings of such magnitude in the Country. The current capacity for conference venues in Livingstone can only take up to 400 delegates if it is in one place, posing a challenge in attracting big events such as this one. It was against this background that the Ministry of Tourism and Arts had decided to hire the temporary structure to use for the plenary sessions of the General Assembly.

Your Committee was informed that to mitigate this inadequacy, the Ministry was currently wooing investors to put up convention centres in Livingstone and other cities in the Country. This would consolidate the status of Zambia as an ideal destination for holding international meetings and events.

The other challenge was the lack of a national airline. The direct flights by Kenyan Airways and South African Airways alleviated this challenge but a lasting solution was to have a national flag carrier.

#### *Human capacity*

Another critical challenge was the issue of lack of adequate human capacity. The issue of lack of human capacity by the Ministry to organise such global events cannot also be over emphasised especially when it came to negotiating for the supply of goods and services, monitoring and evaluation. In some cases, the Government had a raw deal due to lack of technical capacity, incompetency, and sheer dishonesty by some staff.

However, various agencies of the Government were able to timely prevent losses on the part of the Government in the preparations of the UNWTO General Assembly. What was clear though was that, good lessons had been learned and would in future events be avoided.

#### **Benefits accrued to Zambia for co-hosting the UNWTO General Assembly**

Your Committee was informed that the hosting of the UNWTO GA brought some benefits which accrued to the nation in the immediate, medium and long term period through enhanced economic activities in the tourism sector and its contribution to the national Gross Domestic Product (GDP). These were as tabulated below.

##### *(i) Increased visibility, spotlight and media focus on Zambia*

The conference brought several international and domestic media houses that covered the event, thus complementing the nation's promotion and marketing efforts. To this end, Zambia had succeeded in establishing herself on the world map as a tourist destination of choice. The UNWTO General Assembly gave an opportunity to Zambia to showcase the country's tourism endowment to a worldwide audience, and particularly Zambia's tourism icon, the Victoria Falls, a world Heritage Site and one of the seven natural wonders of the world.

During the run-up to the event, the Zambia Tourism Board managed to create significant exposure of Zambia's tourism product through the print and electronic media both locally and internationally and on channels such as CNN, BBC and Super Sport and social media. Collaboration with the airlines brought in tour operators and journalists from tourism-generating countries on familiarisation tours, to visit the destination and write stories about their experiences.

##### *(ii) Increase in tourist arrivals in Livingstone and the country at large*

The General Assembly brought in several delegates from 147 countries to the Victoria Falls area and Zambia attracted a significant portion of this traffic to Livingstone. Some of the delegates engaged in pre and post tour packages, which took them to other parts of the country's tourist attractions. These delegates would now act as the "ambassadors" and advocates" through word of mouth recommendations to their friends and families on the destination which is one of the most reliable selling tool and thereby attracting repeat visitors.

(iii) *Income generation*

The co-hosting of the UNWTO General Assembly brought increased hotel revenues, arts and crafts sales, and economic activity. The increased number of tourist arrivals during and after the UNWTO General Assembly boosted earnings for the tourism sector and would increase the tourism sector's contribution to GDP.

In addition, the successful co-hosting of UNWTO General Assembly created a platform for hosting other future major local and international events as well as expanding Zambia's Meetings, Incentives, Conference and Exhibitions (MICE) markets in both the regional and international markets. This would lead to an increase in receipts as well as benefits to local communities to get involved or participate in satellite business activities like handicrafts, gemstone and agro-business to mention but a few.

(iv) *Employment creation*

The UNWTO General Assembly gave an opportunity for creation of temporary and permanent employment for the residents of Livingstone. Existing jobs were supported, especially in the hospitality sub-sector where extra staff was required. Jobs were also created through construction and up-grading of the various roads and buildings. Some of the infrastructural works have resulted in the creation of permanent jobs not only to the people of Livingstone, but the country at large.

For instance, the newly constructed international airport and bus terminus would definitely be a prospective venue for display and purchase of indigenous Zambian artworks to both local and international visitors in the interior and exterior premises. In addition, other businesses would be established within the airport/bus terminus as a way of service provision to travelers.

(v) *Promotion of human resources, skills development, community outreach, social and health activities*

The co-hosting of the conference required the provision of high quality services, which called for up-skilled and improved service delivery through enhanced human resources and skills training and included people in the transport sector (taxi drivers), industry staff, small scale entrepreneurs, public officers such as police and immigration. This was done through tailor-made short and purpose-oriented courses. The communities also benefited from these activities.

(vi) *Building on the success of the UNWTO General Assembly*

There is little doubt that Zambia is now better known as a tourism destination and more specifically a good destination. The Ministry of Tourism and Arts will ride on the successful hosting to target platforms that promote meetings and incentives with a view to attracting other conference organizers to bring large conferences to Zambia. The Ministry would also enhance its collaboration with airlines to encourage more services into Zambia. The consistent messages about Zambia's tourism attributes that have been used through various channels such as radio, television, print and billboard locally prior, during and after the General Assembly would continue to be used to promote domestic tourism.

Further, the Government witnessed an unprecedented level of collaborative efforts between various ministries and sectors which delivered achievements such as road rehabilitation, street lighting and water reticulation in record time. Zambia also witnessed a level of mobilization of

stakeholders such as street vendors, cross border traders and the general citizenry who took ownership and identified themselves fully with the programme to host the General Assembly and made sacrifices and contributions which were still reaping benefits to date.

Your Committee was informed that the country successfully co-hosted the 20<sup>th</sup> session of the UNWTO General Assembly. Further, although not all objectives were achieved, there was an appreciable amount of progress made towards infrastructure development. At policy level, a lot was happening on visa facilitation.

However, the event brought to the fore the critical issues needed to be addressed to improve the performance of the tourism sector on the national, regional and global markets. Notable among them were:

- i) the need to harmonise the policies at every level;
- ii) harmonisation of visa facilitation;
- iii) improvement of connectivity, which in Zambia's case means promotion of a national flag carrier;
- iv) infrastructure development;
- v) improved marketing strategies; and
- vi) production of developed and diversified tourism products.

## **Way Forward**

The Ministry submitted that given the many challenges highlighted above, it was clear that more needed to be done in terms of preparations. For example, Zambia needs to develop well qualified manpower to engage in international negotiations on various key technical matters. Further, future assignments of the same magnitude needed to have stringent monitoring and evaluation measures to ensure that leakages in terms of resources were sealed.

Tourism was a growing industry, therefore, Zambia should strive to be highly competitive through provision of targeted incentives, well developed quality infrastructure and mount vigorous marketing campaigns.

## **STAKEHOLDERS' CONCERNS**

To further assist your Committee appreciate the subject matter, that is, the hosting of the UNWTO, it invited the following stakeholders to provide both written and oral submissions:

- (i) National Arts Council;
- (ii) Livingstone Museum;
- (iii) Protea Hotel;
- (iv) Kagem Zambia Limited;

- (v) Zambia Women Writers Association;
- (vi) National Association of Media Arts;
- (vii) Tourism Council of Zambia;
- (viii) National Tourist Board;
- (ix) National Heritage and Conservation Commission;
- (x) Office of the President, Southern Province; and
- (xi) Ministry of Communications, Transport, Works and Supply.

The concerns of the stakeholders are outlined below.

#### ***Funding Towards the UNWTO***

The Government funding towards improvements to the Ministry of Tourism and Arts were released late and came in parts, causing difficulties in planning and leaving very little time to go through legal procedures such as the tender process. The scale of the building and maintenance projects involved ideally required at least a year to prepare for, since the process required preparation of bills of quantities by experts, identification of an appropriate tender board, advertising for tenders, opening of tenders, sitting of an evaluation committee, sitting of the tender board to select the winning bidder, signing of contracts and mobilisation of the contractors.

#### ***Planning and Coordination Issues***

There were lapses in planning and information flow. There was also a tendency by some Government officials to withhold information among the various subcommittees. This caused lapses in terms of meeting deadlines at both the planning and event stages. For instance the sub-committee on logistics, transport and infrastructure had challenges in obtaining information on arrivals of delegates to be able to plan their pick-ups from the airport to the hotels. The other challenge was at the registration of delegates which was quite chaotic.

#### ***Registration of Delegates***

Accreditation for the delegates needed to be more co-ordinated so that delegates and those who needed to be accredited were guided and directed accordingly. As a result of this shortcoming there was congestion and commotion at centres of accreditation. This could have been done online by the delegates. As a result, protocol officers who were not accredited could not perform their functions at designated places.

#### ***Personnel Capacity***

Although the Government provided protocol officers, they were not adequately trained to handle high profile delegates, their uniforms were only ready two days into the conference, they were also not provided with communication tools hence some hotels had to provide airtime at their cost. Protocol officers also lacked correct information about the General Assembly events and venues which were changed at short notice. This resulted in some hotels filling in the gaps, at their own cost to ensure that all

the delegates were catered for.

## **COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS**

Your Committee's observations are set out below.

### ***Funding towards the UNWTO***

The Government funding towards the various UNWTO projects was released late and in tranches, causing difficulties in planning.

### ***Planning and Coordination Issues***

There were complaints about lapses in planning, coordination and information flow. Further, it was also reported that there was also a tendency by some Government officials to withhold information among the various subcommittees resulting in lapses in terms of meeting deadlines at both the planning and during the event. The other challenge was the registration of delegates which was quite chaotic.

### ***Human Capacity***

The professional competences of some of those hired in the area of protocol were lacking or below par. There was also a general lack of technical capacity to negotiate for the supply of goods and services, monitoring and evaluation and lack of capacity to supervise. To compound matters, the high staff turnover at the lead Ministry left things in a perpetual state of flux leading to gaps in planning.

### ***Professional Conference Organiser***

The cost benefit analysis indicates that there was no real value for money for the Professional Conference Organiser (PCO) who was hired from outside the country at great cost. The Professional Conference Organiser was contracted late and failed to bring the various stakeholders together and was generally unavailable for consultation. Stakeholders, in general were not even aware of the PCO's terms of reference. The PCO also lacked the necessary knowledge of the local environment.

### ***Incomplete Projects***

By the end of the General Assembly, there were some infrastructure projects that were incomplete and at different stages of construction such as the intercity bus terminus, some roads, some airport infrastructure and the new market.

### ***Marketing of Zambia's Tourism***

The financial facilitation of the Zambia Tourism Board during the preparations leading up to the UNWTO enabled it to extensively market Zambia's tourism product globally. However, it is unfortunate to note that funding for 2014 has been reduced to its pre UNWTO levels.

Your Committee notes that, though the current trends in tourism and its marketing are aimed at Meetings, Incentives, Conferences and Events (MICE), Zambia has done very little to position herself in this regard. Consequently there is no policy on MICE and there are no facilities such as large-scale convention centres nor infrastructure to support this type of tourism.

Your Committee further notes that Zambia's focus on nature based tourism has led to the relegation of equally important potential tourism tools. These include the country's artist expressions of dance, film, music as well as the use of minerals such as emeralds which are an important component of Zambia's economy and that the UNWTO would have been an opportunity to showcase and market these assets.

### ***Benefits Accrued***

On average, immediate as well as short term benefits were lacking to those who participated at the Conference. In this regard, your Committee's view is that focus was unnecessarily skewed towards infrastructure development and repair which infrastructure is necessary with or without the hosting of an international conference.

### ***Long-Term Tourism Development***

The Committee noted the challenges highlighted at the UNWTO Conference relating to lack of policy harmonisation in Member States, inadequate air travel connectivity and the difficulties in obtaining visas for allowing persons moving from one country to another.

### **Recommendations**

Your Committee, therefore, recommends that for future events, there should be comprehensive and conclusive planning to avoid the issues highlighted above. Your Committee in this regard, specifically makes the recommendations set out below.

- i. Infrastructure development and maintenance in all tourist destinations should be done yearly from recurrent expenditure so that conferences and their preparations should be focused on their intended or key objectives and the selling of Zambia's tourism.
- ii. In coming up with a policy on Meetings, Incentives, Conferences and Events and as part of a broader policy review, the Government should review the current Tourism Policy so that it caters for new developments in the tourism sector.
- iii. Funding to the Zambia Tourism Board should be constant and comparable to at least other countries within the region which get at least US\$10 million to market their tourism.
- iv. Government should subcontract the exhibition management to those who manage such events as opposed to leaving these to Government technocrats. In this regard, the issue of a world class training institution should be resolved and the Government should expedite the establishment of the Livingstone University for Hotel and Tourism Training.
- v. There should be a holistic and comprehensive analysis of the conference objectives so that the selling of Zambia as a tourist destination is focused on those aspects that would give it a comparative advantage.
- vi. All incomplete projects left over from the UNWTO should be completed expeditiously.
- vii. The Government should expeditiously work on the impediments identified at the UNWTO that hinder tourism growth in Zambia. In this regard, issues of regional policy harmonisation, air connectivity, infrastructure and the Univisa should be resolved.

## **B. ADMINISTRATION AND MANAGEMENT OF FORESTS AND FOREST RESERVES**

### **SUBMISSION BY THE MINISTRY OF LANDS, NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION**

#### **Forests and Forest Reserves in Zambia**

7. Your Committee was informed that forests in Zambia cover about 66% of the total land area of the country and play vital roles in people's livelihoods as major sources of timber, traditional medicine, wood fuel, food and building materials. Furthermore, forests play an important role in the mitigation of climate change and are key factors in watershed protection, wildlife habitat, and biodiversity conservation. Globally, the forestry sector was reported to contribute 20% of the total greenhouse gas emissions. The sector contributes to emissions as a result of land use change, deforestation caused by various drivers, natural and human induced forest degradation.

In Zambia, the rate of deforestation was estimated at 250,000 to 300,000 hectares per year and as such has a bearing on national emissions. Forests by nature utilise carbon dioxide in photosynthetic processes and assist in keeping the atmospheric levels of the gas in balance. In this way, forests were considered a major carbon sink. Removal of forests due to deforestation therefore reduces the capacity of the sink and thus contributes to climate change. Under the multilateral process of the United Nations Framework Convention on Climate Change (UNFCCC), the mechanism for reducing emissions from forest degradation with sustainable management of forests, conservation of forest carbon stocks and enhancement of forest carbon stocks (REDD+) has been identified as a cost effective mechanism to mitigate climate change by way of maintaining the existing forests as well as enhancing forest cover. However, it was also acknowledged that forests were a source of livelihoods for local communities who had historically been custodians of these resources. It has, therefore, been proposed that any approach to use forests to mitigate climate change should provide alternative sources of livelihoods for affected communities thus incentivising them for participating in forest management.

#### **Policy and Legal Framework**

The management of forest resources in Zambia is guided by *the Forests Act No 39 of 1973, Cap 199* of the Laws of Zambia. The ownership of trees and forest produce is vested in the President on behalf of the Republic until lawfully transferred. The day-to-day administration of all the trees and forest produce from State land, customary areas as well as those found in gazetted forest reserves (i.e. national and local forests) has been delegated to the Director of Forests who is a public officer and is responsible for carrying out the provisions of the Forests Act.

The strategies and programmes that the forestry sector implements are derived and developed from the National Forestry Policy of 1998, the Zambia Forestry Action Plan of 1997, the National Policy on Environment of 2007, including other national plans and strategies.

Your Committee was informed that the legal framework of the forestry sector and effective management of forest resources has had set backs due to the non-commencement of the Forests Act No 7 of 1999 which should have transformed the Department of Forestry into a Forestry Commission. As a result, the Ministry over the years has had to develop statutory instruments to enhance the implementation of the Forests Act of 1973 especially on matters relating to community participation in forest management. For instance, the Statutory Instrument No. 47 of 2006 introduced Joint Forest Management in forest reserves and customary areas.

In terms of other emerging issues such as climate change, forest governance, community and private sector participation, these have been proposed in the revised National Forest Policy and the Forests Bill which were yet to be approved and enacted, respectively.

### **Key Players and their Roles in the Management and Administration of Forests and Forest Reserves**

Forests and trees play a major role in the livelihoods of many people in Zambia. In addition, forests and trees offer opportunities for investment in the forestry sector. Forests, therefore, offer a wide range of products including timber, charcoal and other non-wood forest products such as honey and beeswax. Between the pre-colonial era and a couple of decades after independence, forest management was left in the hands of the Government. Nowadays, it was generally accepted that participatory forest management is key to sustainable utilisation of forest resources in the country. This has been compounded by the fact that the larger part of the forest cover is in customary areas, hence the need for traditional authority and community participation.

The private sector also plays a very important role especially in the establishment of private forests for timber, poles and for eco-tourism purposes. Value addition to timber products can only be achieved through private sector investment in high technology equipment to produce finished wood products.

The rampant depletion of forest resources currently taking place was affecting a lot of human lives and hence the need for civil society and other non-governmental organizations to compliment Government efforts. In the recent past, local and international NGOs have become key stakeholders in the management of forests in the country.

As outlined in the 1998 National Forestry Policy, the following were the key players in the forest management in Zambia:

- (i) *Central Government* (through the Ministry responsible for forest resources) is responsible for forest resources development, including formulation and development of forest policy and coordinating its implementation;
- (ii) *Local Government*: responsible for the formulation of by-laws, enforcing them and facilitating proper and smooth administration of forest estates, in conformity with its policy and existing legal framework;
- (iii) *Traditional Leaders*: responsible for the administration and management of forest estates within the areas of their jurisdiction and setting aside of land for forestry purposes and advise the Government on policy formulation and implementation and facilitating local community's participation in management and utilisation of forest areas;
- (iv) *Political Leadership*: Ministers, Members of Parliament, Councilors, and party leaders provide support to local initiatives and are responsible for resource mobilisation, interpretation and implementation of Government policy and legislation;
- (v) *Private Sector*: partners in forestry development and financial resources for forest estate management and utilisation;
- (vi) *Non-Governmental Organisations*: partners in forestry development and management of forest resources;

- (vii) *Education and Research Institutions:* provision of knowledge and appropriate management practices; and
- (viii) *Cooperating Partners:* partners in development and facilitate capacity building and resource mobilisation.

### **Government Position on Degazettion of Forest Reserves**

Your Committee was informed that the degazettion of forest reserves of both national and local forests was subject to the provisions of *the Forests Act, No 39 of 1973 Cap 199* of the Laws of Zambia. The President has powers to declare, by Statutory Instrument, any area of land within the Republic to be a protected forest reserve and may, in like manner, declare that any forest reserve be altered or extended. Over the past three decades, the forests estate had been reducing in size due to degazettion and excision. This was mostly due to the increase in the economic activities in the country especially mining activities that require large areas of land. It was important that degazettion of protection forests especially those comprising watershed areas or river catchments and headwaters should be done with serious consideration of their function. Failure to do so could lead to irreversible damage and subsequent drying of affected rivers or water bodies. Mining should not necessarily supersede water and other natural resources conservation in every circumstance.

The position of the Government on degazettion of forest reserves was done with justifiable demand of national importance such as expansion of city or township boundaries or for national developmental programmes in consultation with the local authorities. Otherwise, the Government did not encourage degazettion of forest reserves. Degazettion should only be done where other alternative land for the intended development is not available. The target of the Government was to reach 15% of the total land area of the country under forest reserves which at the moment stood at 9.1%. There had been a decrease in the area size of forest estate over the past 10 years. If the trend continued, forest estate area may even fall to 5% in the next 2 years. Therefore, there was need to consider reservation of forest estates even as some were degazetted.

### **Challenges**

Your Committee was informed that the Public Sector Reform Programme of 1997 affected the Forestry Department as it resulted in the abolishment of key divisions namely the Forest Management and Beekeeping Divisions as well as phasing out a cadre of forestry officers who are key in the enforcement of the Forests Act namely; Forest Guards and Forest Rangers. The Department had, therefore, been left with a lean structure which has resulted into poor supervision and monitoring of the implementation of most forestry activities on the ground due to inadequate staff. This has further been compounded by insufficient funding for forestry operations and lack of investment. The other challenges that have affected the administration and management of forests and forest reserves include:

- (i) the lack of mobility by Forestry Officers especially at district level to adequately supervise and monitor forest resources extraction and utilisation in many parts of the country; this had resulted in unsustainable management and administration of forests and forest reserves in the country; and
- (ii) increase in economic activities such as large scale mining, high population density in many localised areas for example along the line of rail, unplanned land clearing for agriculture and settlement expansion, land demand for development projects including road construction, cutting of trees for charcoal production in an unsustainable manner, other reasons related to land tenure and cultural set ups have put pressure on forests in the country.

The Ministry submitted that the forest sector in Zambia was a sleeping giant that required the Government to seriously prioritise it as one of the key economic sector. The sector was capable of contributing to GDP in a very positive manner and in the mitigation of climate change if well supported. The current 5.2% contribution could be increased to 20% if adequate support was provided. In this regard, the Ministry's made the following observations set out hereunder.

- (i) The policy and legal framework should be quickly revised. For over 14 years, attempts to review the Act and the Policy have been unsuccessful for unknown reasons. The Forest Policy of 1998 should be revised. Additionally *the Forests Act No 7 of 1999* which repealed *the Forests Act Cap 199 of 1973* which has not yet come into force should urgently be repealed and replaced with a new Act.
- (ii) The Forestry Department should be restructured. There was need to have specialized branches within the Forestry Department that deal with forest management, afforestation, extension, forest enterprise development and forest research. Further, consideration should be given to upgrade district level staff so that the position should be filled by a degree holder. It is worth noting that Copperbelt University was offering training in BSc Forestry but most of these graduates were just roaming the streets. It was, therefore, important to upgrade District Forestry Officer entry qualification to that of a graduate in line with other Departments such as Agriculture, Water, Community Development, and Cultural among others. The position of forest guards and/or forest rangers should also be reintroduced. These positions were standard across the world.
- (iii) In raising the profile of Forestry, the Ministry of Lands, Natural Resources and Environmental Protection was better named Ministry of Lands, Forestry and Environmental Protection. It must be realised that Natural Resources is a wide term which could be misleading in some cases especially when one looks at the current Ministry. Forests, fisheries, water, wildlife and minerals are all natural resources and these are administered by different Ministries apart from forests. There was a lot of goodwill at the International level to support forest management and it was up to individual countries to show that Forestry was a priority as it had great potential to contribute to poverty alleviation and wealth creation.
- (iv) Forest plantations provide the raw material for industrial processing of wood, construction, timber and poles for transmission and fencing. Zambia was running into a serious deficit of plantation timber. There was need to promote plantation establishment especially through the involvement of the private sector. The Government needed to identify land for plantation.
- (v) Valuable timber species such as *Muzauli* (Rosewood), *Mukusi* (Zambezi Teak), *Mukwa* and Mahogany require value addition when harvested. Currently, much of the indigenous valuable timber species were exported semi processed. There was need to enhance value addition by training in appropriate technology and skills and investing in the necessary manufacturing base.
- (vi) Forest reservation was another area where the Ministry required support from traditional authority. There was good will from most of traditional leaders on Gazettion of new forest reserves. The Ministry was currently degazzeting forest reserves without placing others on reservation. Forest areas that were depleted and degraded or were in difficult terrain should be considered for reservation. The target was to have 15% of the total land area gazetted as forest reserves.

- (vii) Decentralisation of forest management and promotion of community based forest management offered opportunities for the Government to engage local partners who were close to the forest resources and thus able to implement management interventions more effectively.
- (viii) Increasing public awareness on the socio-economic and environmental benefits of forests can assist the Government in implementing forest management efforts more effectively.

Therefore, the role forests play in the socio-economic well-being of human kind cannot be over emphasised. Not only do they provide a source of livelihood in terms of harvesting and sale of forest products, they also provide medicinal, spiritual, food and wood fuel.

### **STAKEHOLDERS' VIEWS**

To further assist your Committee appreciate the subject matter; it invited the stakeholders listed below to provide both written and oral submissions:

- (i) Community Based Natural Resources Management Forum;
- (ii) ZAFFICO Limited;
- (iii) Zambia Environmental Management Agency;
- (iv) Emerging Cooking Solutions; and
- (v) Citizens for a Better Environment.

The various stakeholders outlined the challenges as set out below.

- (a) Absence of a legal framework to support stakeholder involvement and participation in monitoring activities of stakeholders in the extraction and movement of forest resources to strengthen transparency and the corruption fight.
- (b) Absence of inter-ministerial collaboration on sustainable management and administration of forests and their resources.
- (c) Persistent failure of the Government to reserve harvesting of timber and other forest resources to indigenous Zambians in the interest of resource conservation.
- (d) Failure of the Government to control charcoal production as initiated in Maposa forest.
- (e) Failure of the Government to collaborate with traditional rulers to address the challenge of encroachments of protected forests.
- (f) Insistence by the Government to allow production and trading in timber logs in spite of negative effects on the forests and character of the trade itself.
- (g) Inadequate funding due to withdrawal of direct funding to the Forestry Department by Government.

- (h) Complete ceasing of operations of the Management, Research, and Beekeeping Divisions of the Forestry Department.
- (i) Continued subjection of forests and their resources to abuse and destruction due to limited law enforcement.
- (j) Continued exposure of forests to uncontrolled encroachments for settlement and agricultural activities.
- (k) Continued destruction of valuable tree species by uncontrolled bush fires.
- (l) Persistent failure of the Government to provide benefits from revenues on forest resources to stimulate their commitment to sustainable management of the sector.

### **Committee's Observations and Recommendations**

Your Committee's observations are set out below.

#### ***Policy, Legislative and Legal Framework***

Your Committee notes the difficulties relating to the inadequacies of the policy and legal framework as well as the inadequacies of the establishment in the Forestry Department.

Your Committee, therefore, recommends as set out below.

- (i) The Government should expedite the review of the Forest policy which policy should include the re-establishment of forest guards and forest rangers.
- (ii) In view of the problems highlighted, there should be an immediate and expeditious review of the entire legal framework guiding the forestry sector. In this regard, a new legal framework that cures the deficiencies of the 1973 as well as the non-operationalised 1999 Forest Act should be finalised as a matter of urgency.

## **PART II**

### **8. LOCAL TOUR TO COPPERBELT, SOUTHERN AND WESTERN PROVINCES**

#### **Emerging Cooking Solutions**

The findings of your Committee were as follows:

- (i) the innovation of using waste material, i.e. sawdust for fuel energy is important and can help in curbing the depletion of the forest resource;
- (ii) there is need for wide marketing and popularising of this valuable innovation which ought to be supported and whose use ought to be wide spread; and
- (iii) the price of the modern stove is out of reach of the target market, i.e. those people who currently totally depend on charcoal as a source of fuel energy.

Your Committee, therefore, recommends as follows:

- (i) as a way of lowering the price of the stove, the Government should consider addressing issues of taxes such as value added tax and import duty on the stoves; and
- (ii) in the long term, the Government should encourage or facilitate the local manufacturing of the stoves.

### **ZAFFICO - Ndola Group**

The findings of your Committee were as follows:

- (i) the Company headquarters was surrounded by private land which previously had been part of the housing stock for the Company and constructed using an IDA loan;
- (ii) the Government had given away the Ichimpe land which was part of the ZAFFICO plantations to a Chinese mining firm and ZAFFICO has been left to negotiate with the mining firm on the quantum of compensation to ZAFFICO;
- (iii) despite concerns raised by both ZAFFICO and Wood Processing Industries on the potential negative impact of mining activities on the tree stands, the then Environmental Council of Zambia went ahead to approve the granting of a licence to a mining firm;
- (iv) the award of the mining licence shows that there is a lack of appreciation by the Government of the value and critical role played by ZAFFICO through this plantation;
- (v) the mining company awarded the licence to mine found already established plantations by both ZAFFICO and Wood Processing Industries, who had established these plantations at a great cost in place, the act of allowing the mine to proceed in this locality was not done in the national interest as it renders ZAFFICO and Wood Processing Industries investments useless; once mining commences, there will be no further expansion of the plantation;
- (vi) many people depend on ZAFFICO for employment ranging from plantation, felling and wood processing, therefore, the hiving off of some of the ZAFFICO plantations to pave way for mining is, putting jobs as well as other auxiliary industries connected to ZAFFICO in jeopardy;
- (vii) there are threats to other ZAFFICO plantations on the Copperbelt due to the illegal settlements and expanding mining activities, consequently, ZAFFICO has taken a decision to set-up plantations in rural parts of Zambia where threats of encroachment are minimal and there are no mining activities;
- (viii) the demand for ZAFFICO products has outstripped supply, but without support and funding, the Company lacks the capacity to undertake a holistic and comprehensive expansion programme;
- (ix) the management of ZAFFICO has entered into negotiations with a private firm, but the conditions being made by the private firm were onerous, as the private firm was demanding that it holds over 50% of the shareholding and that the land where the venture will be should be in its name;

- (x) ZAFFICO was getting very little value for its trees, as investment takes 25 years to nurture and there is no value addition; conversely the timber companies that buy and process these trees into finished products are getting a premium price for this;
- (xi) to-date, ZAFFICO purchases all its seeds from Malaysia, whilst the mandate of research in the sector is with the Forestry Department which department is not undertaking the relevant research;
- (xii) ZAFFICO's desires and efforts to get into the value addition chain and to produce seeds locally through extensive research mechanisms is hindered by its limited terms of reference;
- (xiii) ZAFFICO has demonstrated over the years that it has capacity to grow and to be sustainable;
- (xiv) ZAFFICO's plantation cover has remained at a static size of 48,800 hectares while neighbouring Malawi, which used to depend on ZAFFICO for its seed has grown its plantations to 100,000 hectares and is now making its own seed; and
- (xv) ZAFFICO has no title to its plantations on the Copperbelt as these are within forest reserves and consequently has no real say when it comes to the Government giving away this land to other users.

Your Committee, therefore, recommends that -

- (i) the entire ZAFFICO plantation should be degazetted and hived off and put on title so that ZAFFICO's operations can be secured on a long term basis; this will give the company power to commence legal proceedings on activities that encroach on its operations as well as ensuring the sustainable operations of the company;
- (ii) there is need for the Government to support ZAFFICO in the establishment of value addition to its products especially in relation to electricity pole production;
- (iii) the Government should support the carrying out of research especially in the area of locally breeding seed as this would go a long way in the expansion of ZAFFICO; and
- (iv) since the products of ZAFFICO go a long way in addressing the issues of deforestation, the Government should support ZAFFICO's quest to acquire more land.

### **Wood Processing Industries**

The findings of your Committee are set out below.

- (i) Wood Processing Industries (WPI) Limited is the only large-scale wood processing plant in Zambia.
- (ii) WPI owns 1,000 hectares of pine plantations which it had acquired from ZAFFICO during ZAFFICO's partial privatisation. However, this is in danger as there is constant encroachment and degazetting of the forest which is happening periodically on average, every five years.

- (iii) Forestry and plantations were not getting the attention they deserved as the Government seemed primarily focused on mining. The idea that the new Chinese run mine would have an adverse impact on young tree stands within its plantation.
- (iv) The company is looking for more land to expand its plantation cover but has been unable to access land in this regard.

Your Committee, therefore, recommends as follows:

- (i) the Government should encourage private participation in the setting up of exotic plantations and public private partnerships should be encouraged for more wood processing industries to be set up;
- (ii) the Government should identify areas for the setting up of exotic plantations as these require specific weather conditions and extensive tracts of land which are not easily available; and
- (iii) the Government should have a deliberate policy for setting aside land, near the existing plantations, for expansion of both public and private plantations. In this regard, there should be consideration for giving land to the Wood Processing Industries in the same vicinity as this will cut out transport factors impacting on the final price of the wood products.

### **Dambwa Forest Reserve**

The findings of your Committee are set out below.

- (i) Dambwa Forest Reserve was established in 1943, originally covering 14,000, hectares, but this had decreased to 13,000 hectares following the proposed degazetting of 1,000 hectares which is to be given to the local authority. The forest is the source of the Dambwa Stream and provides products for the local people including firewood.
- (ii) Dambwa Forest Reserve is a pilot project on joint forest management which involves local communities in forest management and this has given the local communities a sense of ownership of their forest resource and spurred the need to preserve and protect it.
- (iii) The forest is zoned into six areas and the deforested area was managed by Lions Encounter in conjunction with the local community. The programme had a lion sanctuary with 27 lions. The Lions Encounter programme had paid into the community account a total of around K200,000.00. Though the local communities were happy with the partnership, they are unable to access the K200,000.00 as current legislation on forestry does not provide nor outline a benefit sharing mechanism and how such proceeds should be applied nor does it provide for Public Private Partnerships.
- (iv) Although the pilot joint forestry management programme is appreciated by the various players, i.e. the Forestry Department, the community and the private partner, it has weaknesses which include the lack of legislative provision to govern it.
- (v) It is extremely shocking and highly irregular that there have been instances where in this gazetted forest reserve “title” has been given to persons and other entities without the due process being followed.

- (vi) There is persistent and constant pressure for gazetted land to be degazetted all the time.
- (vii) It is extremely troubling that the local authority is one of the biggest culprits in encroaching on this gazetted forest reserve. This is a source of concern because this is an example where those who should be upholding or supporting the upholding of the law are breaking it.
- (viii) There is the persistent problem of encroachment into the forest especially by charcoal burners who have even begun to enter the area that was regenerating.
- (ix) The Forestry Department is handicapped as it lacks the personnel as well as the means to effectively do its monitoring work. The Forestry Department in Southern Province does not have a single running vehicle presently.

Your Committee, therefore, recommends as follows:

- (i) there is need to capacitate the forestry sector close to the levels that are being done with the Zambia Wildlife Authority; in this regard, there is need to reintroduce the forest guards as well as to ensure that they have the means to police the agents of deforestation; and
- (ii) the Government should expedite the conclusion of both the policy as well as the legislation governing the forestry sector to include the important aspect of joint forestry management so as to address the weaknesses currently in the pilot.

### **Harry Mwaanga Nkumbula International Airport**

The findings of your Committee were that works remain incomplete contrary to the Government pronouncements. In this regard, your Committee found incomplete ceilings and scaffolding lying around in the International Arrivals lounge. The lift has not been fitted and in its place there is a gaping hole in the ground. All VIP lounges are at various stages of incompleteness and the fountain around the airport shops is still incomplete. Some contractors were on site working on fittings. The toilets and the plumbing works were still pending. There were some electrical works being undertaken whilst the Closed Circuit Television (CCTV) and fire alarm systems were being installed. One of the conveyor belts on the departure side was still being worked on and there was scaffolding lying around in the general area. Your Committee notes that the project has stalled due to erratic funding as well as lack of funds.

Your Committee, therefore, recommends that the Government should, expeditiously, release funds to complete all outstanding works at the airport.

### **Livingstone International Bus Terminus**

The findings of your Committee were that the superstructure was complete, but the internal works remained incomplete. The escalator was yet to be installed and ZESCO was still to install a transformer for the Bus terminus. Your Committee learnt that some of the challenges being faced in completing the project were the unavailability of funds, poor project management as well as the presence of too many subcontractors on site. The contractor was using his own line of credit to proceed with the project. Your Committee was informed that the building would be ready in May, 2014.

Your Committee, therefore, recommends that all impediments should be resolved so that the project can be ready in May, 2014 as scheduled.

## **Livingstone Ultra-Modern Market**

The findings of your Committee were as follows:

- (i) the project was incomplete and that even the advanced stage at which it had reached was due to the contractor using his own credit lines which had since been exhausted;
- (ii) the cost of borrowing, i.e. the contractor's credit line, will, subsequently be passed onto the Government of the Republic of Zambia;
- (iii) the contractor has not been paid since August, 2013;
- (iv) the project scope was extensive and had been prematurely commenced with a sum of K25,500.00 from the local authority without any sense of where the rest of the funding would come from;
- (v) as a result of the financial limitations, some of the scope of works were being scaled down or done away with altogether; in this regard, there were moves to omit the lifts, air conditioning, cold rooms, ceiling and others rendering this to be an ordinary market, contrary to its nomenclature;
- (vi) the completion date of the market has been extended at least on two occasions due to lack of funds;
- (vii) the final project cost will be colossal due to the haphazard manner in which the project was initiated; and
- (viii) the project is insufficiently supervised.

Your Committee, therefore, recommends that there is need for a comprehensive and holistic revision of the bills of quantity that will see a logical conclusion of this project so that the contractor does not take undue advantage of the Government. Once these bills of quantity are agreed, there should be no shift and money should be set aside to complete the project. Further, supervision of the project should be enhanced.

## **Victoria Hall and City Library**

The findings of your Committee were that works were complete and that the Library had been renovated and a decent collection of books had been donated. However, books were piled up on the floor as there was no shelving space for them. There was also no furniture for library users. The Victoria Hall had also been worked on.

Your Committee, therefore, recommends that furniture for the Library should be purchased.

## **Western Province: Sesheke and Kaoma**

Western Province has a land area of 126,386 Square kilometres and a forest cover of 9.98 million hectares, with the second largest forest resource base after North-Western Province (ILUA Report, 2008). However, only about 6.35 % (802,594ha.) of the forested land is gazetted forests (Forest Reserves). Over 80% of the total forested area in the Province was under the jurisdiction of the traditional authority.

The Province has 124 forest reserves, most of which were set up for conservation of high value timber species, protection of watersheds and conservation of plant diversity.

The Province contributes more than 60% of the timber revenues generated in the country with Kaoma, Sesheke and Lukulu district being the major sources of this revenue. The Province is endowed with tree species of high economic value such as Rosewood, Zambezi Teak and Mukwa and Devil's Claw. The presence of these tree species of high economic value has attracted many timber exploiters both locals and foreigners.

Currently, the Province has 33 Timber Concession Licences out of which 23 are owned by Zambians and 10 by non-Zambians. Of the 10 concessions owned by non-Zambians, 7 are owned by Chinese, 2 by South Africans and 1 by a German.

An average of K3.2 million is annually generated by the Province as government revenue. An average of 20,000 cubic metres of timber is legally produced or harvested annually (equivalent to about 45,000 trees). Over 50% of this is unaccounted for as it is produced illegally

### **Challenges**

The main challenge was the capacity inadequacy of the Forestry Department in terms of staffing, funding, transport and other logistics to effectively manage and protect the forest resources. In this regard, there were staff shortages with most districts being administered by one technical officer; there was lack of transport resulting in people taking advantage of lack of mobility of Forestry Department staff to exploit timber illegally. There is also lack of infrastructure with most of forestry offices in very bad state of disrepair and requiring attention and general lack of operation logistics.

This had resulted in:

- i. deforestation and forest degradation driven mainly by agriculture activity, charcoal production, human settlements and timber harvesting;
- ii. encroachment (settlements and cultivation);
- iii. illegal cutting of timber;
- iv. smuggling of Devil's Claw;
- v. loss of Government revenue; and
- vi. possibility of overexploitation of the timber resource.

### **Masese Forest Camp**

The findings of your Committee were as follows:

- (i) the area for purposes of management was zoned as a Province and had thus had its own Provincial Forestry Officer due to the extensive nature and the value of the timber stock found therein; however, currently, this was under a single forestry officer, with no transport and other means of facilitation;

- (ii) though this was the biggest forest camp in the country, it is now completely run down and it serves as an example of the challenges of managing a large forest reserve;
- (iii) the 55 houses that were meant for officers have since fallen into a state of disrepair and most are now occupied by illegal settlers and a few by officers from other Government departments such as agriculture; from the original 92 officers occupying the staff house, there was only one single forestry officer left on the estate;
- (iv) there are no facilities to protect the forest stock as the fire towers that had served as lookout point for forestry officers in case of fires are now non-existent and there is no capacity to make fire breaks in the area more especially in view of the susceptibility to fires of the Zambezi teak which the forest once housed in large reserves;
- (v) there was inadequate capacity at the Forestry Department in terms of staffing, funding, transport and other logistics to effectively manage and protect the forest resources; as a result of staff shortage, most districts are run by one technical officer;
- (vi) lack of transport has led people to taking advantage of lack of mobility of the Forestry Department staff to exploit timber illegally;
- (vii) there was inadequate infrastructure, as most of the offices are in very bad state and require attention;
- (viii) there was lack of operational logistics;
- (ix) it is not only unacceptable to have one forest officer living alone in the middle of the forest but it is also unsafe; as this particular forest demands more of forestry officer as it is also an exit point which is porous and lax;
- (x) the forest reserve has been encroached on by the local people who are engaged in agricultural activities as well as timber producers adding to the depletion of the timber stock;
- (xi) there are threats to forestry officials by illegal settlers;
- (xii) the disregard by the Government of the important role played by the traditional systems and communities has in large part contributed to the deplorable state that the forests are in presently; and
- (xiii) the area still has potential to regenerate if adequate attention is paid to the intermediary factors that lead to deforestation such as fires, encroachments and over exploitation.

Your Committee, therefore, recommends as follows:

- (i) the Government should pay adequate attention to and rejuvenate this important resource by placing sufficient numbers of staff to the area, with facilities such as fire towers erected and transport provided for patrolling the area; in addition, due to the vast area covered by this resource, the Government must provide for mechanisms for community participation in the management and preservation of this forest resource as well as in the control of encroachments to the area;

- (ii) the World Bank recommendations that led to scrapping the position of forest guards should be reviewed;
- (iii) where there are or were existing traditional systems of managing natural resources, these should be opportunities for the Government to enter into joint forest management ventures;
- (iv) there is need for the Government to have deliberate policies to preserve key areas for the local communities for local use which can best be advised by the local communities themselves; and
- (v) the Government should come up with a forestry management system that embraces and includes traditional leaders and communities in order to arrest the declining forest stock and cover especially with an underfunded Forestry Department that has no transport to cover the large areas in question.

### **Timber Producers, Kaoma**

The findings of your Committee are set out below.

- (i) The local timber producers feel disadvantaged in relation to foreign companies operating within the area. In this regard, where a local has one licence to exploit a maximum of 100 cubic metres per month, foreign companies are being granted several commercial licences to harvest up to 600 cubic metres per month. Additionally, where the locals have to wait up to a period of two years for their licence to be approved, it takes not more than 14 days for licences for foreign firms to be approved.
- (ii) The issues in (i) above have led the local timber producers to believe that there is corruption in the issuance of timber concession licences on the part of Government officials.
- (iii) The bans on timber by the Government are being done in an ad hoc manner and being made without prior notification to the timber producer resulting in loss of business, income as well as making the players fail to plan. Additionally, the bans' effects are on the local timber producer and seldom on the foreign ones.
- (iv) The Forestry Department has no role to play in relation to allowing foreign investors to trade in Zambia's timber which investors come via the Zambia Development Agency Act.
- (v) Foreign companies trading in timber in Kaoma are using their own nationals for manual labour and, therefore, creating no employment for the locals.
- (vi) The ban that stops unprocessed timber from being moved beyond 100 kilometres has adversely affected the local people as these do not have the capacity to process the timber. This has also resulted in the suppressed prices at source and has in turn affected the locals' income generating.
- (vii) There is a lack of forest guards to safeguard the forest resource and stop over exploitation.
- (viii) There are no policies nor laws that compel the various beneficiaries of the timber resource to plant trees in places where they exploit this resource. Any effort in the area of tree planting is individually motivated and driven.

(ix) There is no information on the price of Zambian timber species at source.

Your Committee, therefore, recommends as follows:

- (i) there is need for the effective management of the forest resource and the Government, in this regard, should capacitate the Forestry Department in order to allow it to supervise the strict enforcement of the law in relation to timber felling;
- (ii) the Government should review and reconcile laws such as the Zambia Development Agency Act that allows foreign investors with a prescribed quantum of investment to go into areas such as timber felling vis-à-vis the Forestry Act which prescribes how timber felling should be done; and
- (iii) the Forestry Department should, inter alia, undertake research to determine the market value of the various timber species in Zambia with a view to have this information publicly available.

### **PART III**

## **9. CONSIDERATION OF THE ACTION-TAKEN REPORT ON THE COMMITTEE'S REPORT FOR THE SECOND SESSION OF THE ELEVENTH NATIONAL ASSEMBLY**

### ***Land Administration in Zambia***

- i. Your previous Committee had urged the Government, as a matter of urgency, to put in place a land policy.

The response from the Executive was that it was the Government's desire to ensure that there was a land policy in place as soon as practicable. However, the Government, through the Ministry of Lands, Natural Resources and Environmental Protection was awaiting the finalisation of the new constitution which had a lot of progressive ideas that would need to be taken on board.

After your Committee sought further clarification from the Ministry of Lands, Natural Resources and Environmental Protection, it was informed that the Government through the Ministry of Lands, Natural Resources and Environmental Protection was currently working on formulating a land policy. It had since commenced work in order to finalise the policy. Further, the Ministry had sourced funds from the United Nations Economic Commission for Africa (UNECA) to help in the formulation of the country's land policy. The Ministry would hold a consultative meeting this year (2014) together with UNECA to strategise on how to proceed on this important exercise. The Permanent Secretary informed your Committee that the Government was determined to ensure that the country had a land policy in place as soon as possible whether the new constitution was in place or not.

Furthermore, the Government was committed to ensure that security of tenure in customary areas was enhanced so that the interests and rights of the vulnerable groups were protected. In order to achieve this, the Government was in the process of drafting the Customary Land Administration Bill. The Bill would be presented before Parliament within the course of the year. Once the law was in place, it would ensure security of tenure under customary land.

As regards the Town and Country [Planning] Bill, the Ministry of Local Government and Housing was responsible for the formulation of Town and Country [Planning] Bill.

The Ministry explained that the current status regarding the land policy was that the Ministry had a draft land policy in place which already addressed the current policy issues. The policy would soon be presented to stakeholders for scrutiny. It is only after intensive consultations with the stakeholders that the Government would finalise the land policy. For now, the current land policy was premised on the Government pronouncements and administrative circulars.

As regards the Customary Land Administration Bill, your Committee was informed that the Government through the Ministry of Lands, Natural Resources and Environmental Protection was in the process of consulting stakeholders. So far, the Ministry had drafted the Bill which had since been submitted to Ministry of Justice. A Cabinet Memorandum on the Bill had also been prepared to enable the Ministry seek approval in principle from the Cabinet. The Bill would soon be tabled before Parliament.

### **Committee's Observations and Recommendations**

Your Committee requests for a timeframe in which these activities will be undertaken.

- ii. Your previous Committee had recommended that the Government should review all laws relating to land, land administration and management in line with Government policy objectives.

The Executive's response was that a comprehensive review of the various land related pieces of legislation would only be undertaken once the Land Policy was in place. The Policy was awaiting the finalisation of the new constitution.

### **Committee's Observations and Recommendations**

Your Committee requests the Ministry of Lands, Natural Resources and Environmental Protection to clarify whether or not it is not possible to have a policy in the absence of a new constitutional order.

- iii. Your previous Committee had recommended that the Ministry of Lands, Natural Resources and Environmental Protection, should, with appropriate and relevant terms of reference and in consultation with all stakeholders, expeditiously complete the national wide land audit.

The Executive's response was that the Government through the Ministry of Lands, Natural Resources and Environmental Protection has taken the following steps in undertaking the national wide Land Audit:

- a team of Senior Government Officials travelled on a study tour to learn from Rwanda's experience in undertaking a Land Audit;
- the Ministry has been holding Inter-Ministerial meetings to plan the best ways to carry out the Land Audit in Zambia; and
- the Land Audit Commission has been proposed as it is the condition precedent to undertaking the Land Audit in line with the PF Party Manifesto.

Following your Committee's request for clarification, the Ministry of Lands, Natural Resources and Environmental Protection Land explained that the audit is a very broad and comprehensive exercise and involves the collection of various statistics. Countries that have embarked on similar exercise have taken years to complete this. In the case of Zambia, based on the type of

statistics that the Government wanted to collect, it was anticipated that the first phase of the Land Audit would take two (2) years. The whole exercise would take ten (10) years to complete. So far, the Ministry was in the process of constituting the Land Audit Commission in line with the PF Party Manifesto. This Commission would coordinate the Land Audit exercise. The Government has budgeted for this programme in this year's budget. Therefore, the first phase of the Land Audit would commence this year.

### **Committee's Observations and Recommendations**

Your Committee requests for the current status and a progress report on the matter.

- iv. Your previous Committee had recommended that the Government should expedite the decentralisation of the functions of the Ministry of Lands, Natural Resources and Environmental Protection to all districts.

The Executive's response was that the Government was committed to deliver services closer to the people through decentralisation. Early this year, Cabinet approved the National Decentralisation Policy to expedite the process of devolving functions to district level. The Ministry of Lands, Natural Resources and Environmental Protection will use the existing district structures to devolve up-to district level. The Ministry had thus been holding meetings with the Decentralisation Secretariat to develop a strategy to effectively devolve functions.

### **Committee's Observations and Recommendations**

Your Committee requests for the current status and a timeframe in which this will be done.

- v. Your previous Committee had recommended that the Government must expedite the review of the Town and Country Planning legislation with a view of modernising it so as to address the entire spectrum of planning including customary land.

The Executive's response was that the Ministry of Local Government and Housing has started the process of reviewing the Town and Country Planning Act, Cap 283 of the Laws of Zambia. The Urban and Regional Bill was currently undergoing drafting by the Ministry of Justice. The legislation and regulations were expected to improve the methodologies of urban planning and development to meet the current urban development challenges which cities and towns faced. One of the inclusions in the Bill was for the Department of Physical Planning and Housing to plan for the whole country including in customary land. In addition, the Government has also embarked on the development of urban policy to ensure sustainable development of human settlements.

### **Committee's Observations and Recommendations**

Your Committee requests for the current status and a timeframe in which these activities will be undertaken and completed.

- vi. Your previous Committee had recommended that the Government should expedite the decentralisation process so as to allow all local authorities to be planning authorities.

The Executive's response was that the Ministry of Local Government and Housing had finalised plans for the devolution of physical planning functions to all councils and was at the moment processing the approval of new legislation to facilitate the process of devolution. In addition to

the foregoing, the Government has completed preparations for the devolution of additional functions to councils by preparing new organisational structures for all City, Municipal and District councils to receive and manage the functions to be devolved to them. It had planned to launch the use of these plans in 2013 after Cabinet approval.

### **Committee's Observations and Recommendations**

Your Committee requests for the current status and timeframe in which this will be done.

- vii. Your previous Committee had recommended that the Government should put in place legislation, structures and guidelines on how chiefs should manage land that was under their jurisdiction. In this regard, the Government should create land administration boards in each chiefdom.

The Executive's response was that the Government was in the process of introducing legislation for administration of land under customary areas. It was expected that the proposed legislation will enhance the land administration and introduce the institutions to manage and administer land in customary areas.

Following your Committee's request for clarification, it was informed that, the party in Government determined the policy direction of the Government. In this regard, the policy framework that currently guided the enactment of the various land legislation and the land policy was the PF Party Manifesto. Further, Presidential pronouncements relating to land administration and management provided the policy framework.

### **Committee's Observations and Recommendations**

Your Committee notes that by its definition, a party manifesto, which is a campaign tool, is a statement by a political party saying what they believe in and what they intend to do whereas the Government policy is a way of doing things that has been officially agreed. It is in this regard that your Committee urges the Government to come up with national policies that embrace all sectors and people.

- viii. Your previous Committee had recommended that the Government should put in place legislation that provides for customary land certificates that are recognised by financial and other institutions.

The Executive's response was that in line with the PF Manifesto, the intended legislation for administration of land under customary areas will enhance security of tenure through the introduction of legally recognised documents. As a result, holders of land in customary areas will be able to use these documents to access loans from financial and other institutions.

Resulting from your Committee's request for further clarification, it was informed that, the Party in Government determined the policy direction of the Government. In this regard, the policy framework that currently guided the enactment of the various land legislation and the land policy was the PF Party Manifesto. Further, Presidential pronouncements relating to land administration and management provided the policy framework.

### **Committee's Observations and Recommendations**

Your Committee notes that by its definition, a party manifesto which is a campaign tool is a statement by a political party saying what they believe in and what they intend to do whereas the

Government policy is a way of doing things that has been officially agreed. It is in this regard that your Committee urges the Government to come up with national policies that embrace all sectors and people.

- ix. Your previous Committee had recommended that all informal urban settlements must be re-planned, with provision of requisite services.

The Executive's response was that the Government will continue to re-plan all informal urban settlements to facilitate and improve the living environment of unplanned urban settlements but this will only be done after the declaration of these areas as an improvement areas according to the Housing (Statutory and Improvement Areas) Act, Cap 194 of the laws of Zambia. The Government has also embarked on upgrading of unplanned settlements (Squatter upgrading) and urban renewal, to facilitate and improve the living environment of unplanned urban settlements.

### **Committee's Observations and Recommendations**

Your Committee requests for the status of what actual programmes are being carried out in this regard and timeframe in which these activities will be done.

- x. Your previous Committee had recommended that local leaders and communities must be consulted for all large scale land allocations in their areas. Further, there should be legislation compelling all investors to reinvest a percentage of their earnings back into the communities where they make money from.

The Executive's response was that as per procedure of allocating land in customary areas, traditional leaders were required to consult their subjects for any piece of land to be allocated. The leaders must ensure that there are no people settled in the area earmarked for allocation. District Councils are also required to undertake an inspection of the areas and ensure that no one is settled in the area.

The Office of the Commissioner of Lands was also required to undertake an inspection of the areas earmarked for allocation if not satisfied with the report from the Councils to ensure the interests of the community were taken into account. Further, the National Remote Sensing Centre had been used to ascertain settlements on large pieces of land using satellite imagery. In addition, no land can be allocated by either the Office of the Commissioner of Lands or the District located in customary area, without the consent of the traditional leader representing that area in question.

The proposed administration of customary land legislation will ensure that it puts in place mechanisms that will require all investors and land owners to give back a percentage of their earnings into the communities for the development of the communities. Further, the proposed legislation will ensure that part of the fees raised through payment of ground rent and consideration fees is reinvested into the communities.

### **Committee's Observations and Recommendations**

Your Committee, in urging the Government to come up with a policy framework, requests for the specific timeline in which this will be done.

- xi. Your previous Committee had recommended that wherever there were displacements of people, there should be alternative resettlement land as well as adequate compensation given.

The Executive's response was that the National Resettlement Policy and guidelines on internally displaced persons has been circulated to various ministries for comments before it is submitted to Cabinet for consideration.

### **Committee's Observations and Recommendations**

Your Committee is requesting for the status and timeframe in which this will be done.

#### ***Kangaluwi Large Scale Mining Project in Lower Zambezi National Park***

Your previous Committee had recommended that the proposed mining project at Kangaluwi in the Lower Zambezi be rejected for the following reasons:

- the mining licence that Mwembeshi Resources held was issued without following the requirements of the law and procedure and was invalid and should be revoked;
- there should be no mining in the Lower Zambezi National Park which should be reserved and preserved as a conservation area and heritage for purposes of tourism development; and
- the Government should ensure that the issuance of mining licences follows the legal and laid down procedures; further, the work of the inter-Ministerial Committee should be strengthened.

The Executive's response was that the Government was currently critically studying the issue of the proposed Kangaluwi Large Scale Copper Mining Project in Lower Zambezi National Park. Cabinet will soon give a position once it has concluded on this issue.

Currently, there were various pieces of legislation with interest in protected areas which did not talk to one another as they were prepared in isolation without the consent of other interested parties. Individual legislation rarely required the need to consult other interested institutions. In order to address the problem, the Government intended to review the various pieces of legislation to curb the conflict of interest that currently existed through Inter-Ministerial Committees.

Following the above response, on 22<sup>nd</sup> January, 2014, the Honourable Minister of Lands, Natural Resources and Environmental Protection, Honorable Harry Kalaba, MP granted permission to Zambezi Resources Limited to start mining in the Lower Zambezi National Park. On 31<sup>st</sup> January, 2014, a civil society organization was granted an injunction by the High Court of Zambia restraining Zambezi Resources Limited from starting the mining project.

After your Committee sought further clarification from the Ministry of Lands, Natural Resources and Environmental Protection, it was informed that the responsibility of the Ministry of Lands, Natural Resources and Environmental Protection with regard to Kangaluwi Mining Project was to assess the impact of the project on the environment through an Environmental Impact Assessment (EIA). Following the rejection by Zambia Environmental Management Agency (ZEMA) for the project to go ahead, the developer lodged in an appeal to the Minister of Lands, Natural Resources and Environmental Protection.

Your Committee was further informed that under Section 115 of the *Environmental Management Act No. 12 of 2011*, it provided for an appeal to be heard by the Minister of Lands, Natural Resources and Environmental Protection. In this regard, an appeal was lodged and as a result, the appeal was upheld on 17th January 2014 by the Minister. The developer of the Project may now use the approved EIA to now apply for other licences. Further, it is important to note that Section 29 of the *Environmental Management Act No. 12 of 2011*, states, inter alia-

*29 (2) a person, appropriate authority or other public body shall not grant a permit or licence for the execution of a project referred to in subsection (1) unless an approval for the project is granted by the Agency, or the grant of the permit or licence is made conditional upon such approval being granted.*

At your Committee's behest, the Minister of Tourism and Arts appeared before it on 6<sup>th</sup> February, 2014 at which meeting she gave her position with regard to mining in the Lower Zambezi National Park. However, the Minister of Land, Natural Resources and Environmental Protection who appeared before your Committee on 4<sup>th</sup> March, 2014, informed your Committee that following his decision to allow Mwembeshi Resources to mine copper in the Lower Zambezi National Park, the decision had since been challenged and was before the court of law. He explained, in this regard, that it would be *sub judice* for him to make submissions on the matter. He added that the Government was ready and willing to reappear at a later date to give a position.

### **Committee's Observations and Recommendations**

Your Committee resolves to consult further on the matter.

Your Committee expressly requests that guidance on the issue of *sub judice* specifically vis-a-vis this matter be given by the National Assembly. In this regard, your Committee awaits guidance before commenting on the matter.

### **Committee on Lands, Environment and Tourism Tours 2013**

#### ***Foreign Tour – Uganda***

- i. Your previous Committee had recommended that the Government should decentralise land administration in Zambia through the establishment of district land boards.

The Executive's response was that the Government was committed to deliver services closer to the people through decentralisation. Early this year, Cabinet approved the National Decentralisation Policy to expedite the process of devolving functions to district level. The Ministry of Lands, Natural Resources and Environmental Protection will use the existing district structures to devolve up-to district level. The ministry has thus been holding meetings with the Decentralisation Secretariat to develop a strategy to effectively devolve functions.

### **Committee's Observations and Recommendations**

Your Committee is requesting for the status and timeframe in which this will be done.

- ii. Your previous Committee had recommended that customary land tenure should be secured by law which should introduce traditional land certificates that are recognised by financial institutions and other institutions.

The Executive's response was that the Government was in the process of introducing legislation for administration of land under customary areas. It is expected that the proposed legislation will enhance the land administration and introduce the institutions to manage and administer land in customary areas.

In line with the PF Manifesto, the intended legislation for administration of land under customary areas will enhance security of tenure through the introduction of legally recognised documents. As a result, holders of land in customary areas will be able to use these documents to access loans from financial and other institutions.

### **Committee's Observations and Recommendations**

Your Committee resolved to request an update on the status and timeframe in which this will be done.

### **Local Tours**

#### *Chibolya*

Your previous Committee had recommended that the Government should bring order to Chibolya. The Executive's responded as follows:

- (a) Lusaka City Council had since developed the Land re-adjustment Plan which indicated the type and location for various development opportunities; and
- (b) in addition, the concept plan had been proposed through the support from the Japanese international Cooperation Agency (JICA). All these were aimed at bringing order.

### **Committee's Observations and Recommendations**

Your Committee notes that this was the status at the time your Committee made its recommendations. Your Committee, therefore, requests for a progress report and timeline in which this will be done.

#### *Siavonga*

- i. Your previous Committee had recommended that Siavonga District Council should strictly adhere to regulations and guidelines on land allocation in order to avoid conflict among stakeholders as well as ensuring that the town was properly zoned, planned and developed.

The Executive's response was that the Government through the Ministry of Lands, Natural Resources and Environmental Protection has been sensitizing all councils across the country to adhere to the Administrative Circular No. 1 of 1985 in its land allocation. Councils which have not been adhering to the Circular have had their agency suspended. Further, the Ministry was in the process of revising the Circular in order to make it more responsive to the current situation.

### **Committee's Observations and Recommendations**

Your Committee, in observing that Circular No 1 of 1985 relates to Chiefs, notes that its concern has not addressed by the Executive. In this regard, your Committee requests the Executive to respond.

- ii. Your previous Committee had recommended that the 50metre buffer zone from the Lake to the highest point must be reestablished and strictly enforced to allow the public access to the lake.

The Executive's response was that the Government had issued restrictions concerning water frontages under Statutory Instrument No.1 of 2000 under the Water Act which stipulated that:

*"A person shall not, on any area of land within a distance of fifty metres of a bank of any public stream, cultivate or permit the cultivation of any crops, cut any tree, excavate any sand or in any manner conduct any activity likely to loosen the soil or diminish the quantity of water flowing in any part of a public stream"*

To this effect, the Ministry of Lands, Natural Resources and Environmental Protection had instituted administrative procedures that ensured that allocation of land left a buffer of 50 metres away from the water front.

Your Committee was further informed that Statutory Instrument No. 1 of 2000 was important as it ensured that at least 50 metres water frontage was left out to allow public access to water resource. Therefore, this Statutory Instrument was there to regulate areas where people have blocked off access to water frontage. The Ministry has been enforcing the Statutory Instrument by carefully scrutinising all site plans submitted to the Ministry to ensure compliance of the 50 metre buffer zone that allowed for public access.

### **Committee's Observations and Recommendations**

Your Committee urges the Government to take specific steps towards ensuring the public's access to the waterfront in Siavonga.

- iii. Your previous Committee had recommended that the Government must take stock of and ascertain the status and ownership of islands on Lake Kariba, especially those along or near the border.

The Executive's response was that the Government was aware of the strategic nature of the islands to the security of the country. The Government, through Zambia/Zimbabwe Joint Permanent Commission was engaged in discussions with the Zimbabwean counterpart. It was anticipated that a comprehensive survey of all the islands would be undertaken to reaffirm the status and the ownership of the islands.

### **Committee's Observations and Recommendations**

Your Committee requests for a progress report and timeframe in which this will be done.

- iv. Your previous Committee had recommended that the practice of clustering of churches and other religious groups in one area must be stopped.

The Executive's response was that if an area was properly planned, then the clustering of churches would not be there as it went against the practice of town planning. However, in order to address hazard clustering of the churches, the Ministry will conduct inspections in line with the provisions of the Town and Country Planning Act to ensure compliance by the developers.

### **Committee's Observations and Recommendations**

Your Committee requests for specific details vis-à-vis the situation in Mitcho Compound.

### ***Livingstone (Land Administration)***

- i. Your previous Committee had recommended that the Central Government, through the Ministry of Lands, Natural Resources and Environmental Protection should refrain and desist from

allocating plots in lieu of existing and functioning local authorities.

The Executive's response was that as earlier mentioned, all land in Zambia was vested in the President who held it in perpetuity on behalf of the people of Zambia. The President has delegated the day-to-day administration of the land to the person holding the Office of the Commissioner of Lands. The Commissioner of Lands has appointed local authorities across the country to be his/her agents in the land allocation. In most instances, the Office of the Commissioner of Lands normally got involved in the management of land when the local authority's agency was suspended.

However, it is important to note that the local authorities were only agents of the Commissioner of Lands who was the principal. As such, the Office could administer land in any part of the country with little consultation with any local authority. It was further important to note that the relationship between the Office of the Commissioner of Lands and the Local Authorities was that of a Principal - Agent relationship. However, Government, through the Ministry of Lands, Natural Resources and Environmental Protection, would work closely with Local Authorities across the country to ensure effective administration and management of land in the country.

### **Committee's Observations and Recommendations**

Your Committee requests for further clarification as this is an important procedural matter that is resulting in double and sometimes multiple allocation of one piece of land.

- ii. Your previous Committee had recommended that the existing landfill should be closed and an alternative site found immediately.

The Executive's response was that the Council has commenced the process of identification of available land to construction a new landfill in accordance with the provisions of the solid waste management regulations.

### **Committee's Observations and Recommendations**

Your Committee requests for a status report and the timeframe in which this will be done.

#### ***Sioma***

- i. Your previous Committee had recommended that the Government should legislate for traditional land certificates to have legal status and recognition with the prerequisite surveyed diagrams.

The Executive's response was that the Government is in the process of introducing legislation for the administration of land under customary areas. This will deal with technicalities such as the type of the legal documents to be issued including the issue of survey diagrams.

### **Committee's Observations and Recommendations**

Your Committee requests for a status report and the timeframe in which this will be done.

- ii. Your previous Committee had recommended that the Government in extending planning to customary land must ensure proper land use planning that protects people's rights to and access to shared resources such as water.

The Executive's response was that in the proposed new Planning Bill, planning will be extended to all areas including customary land to address the issue of shared resources such as water and sanitation facilities. The limited provision of such facilities has resulted in haphazard and most-often illegal infrastructure due to increasing rate of urbanisation.

### **Committee's Observations and Recommendations**

Your Committee requests for a status report and the timeframe in which this will be done.

### **Consideration of Outstanding Issues from the Action-Taken Report on the Report of the Committee on Lands, Environment and Tourism for the First Session of the Eleventh National Assembly**

- i. Your previous Committee also requested progress on the development of the Livingstone University for Hotel and Tourism Training.

The Executive's response was that regarding progress on the construction of the Livingstone University, not much progress had been recorded, though a potential developer had been identified and negotiations were underway to agree on financing modalities.

### **Committee's Observations and Recommendations**

Your Committee requests for a progress report.

- ii. Your previous Committee had requested for progress on the proposed Forestry Policy and the 2012 Forestry Bill.

The Executive's response was that the work towards approval of the Forest Policy had advanced. The Government through the Ministry of Lands, Natural Resources and Environmental Protection in collaboration with the Policy Analysis and Coordination Division at Cabinet office held a meeting to finalize the Forest Policy. As regards the Forest Bill, the Ministry of Lands, Natural Resources and Environmental Protection, the draft Bill has been submitted to Ministry of Justice.

### **Committee's Observations and Recommendations**

Your Committee requests for a progress report on the matter.

### ***Grading and Classification of Hospitality Establishments***

Your previous Committee had requested a progress report on the matter.

The Executive's response was that the exercise has not been completed due to delay in the review policy and related pieces of legislation due to lack of financial resources. The Government's plan was to ensure that the review of grading and classification system was in line with the new policy to avoid incoherence. Once the policy whose roadmap was drawn up was reviewed, then grading would immediately commence.

### **Committee's Observations and Recommendations**

Your Committee requests for a progress report and the timeframe in which this will be done.

## **PART IV**

### **Conclusion**

10. In conclusion, your Committee wishes to express its gratitude to you, Mr Speaker, and the Clerk of the National Assembly for the support and services rendered to it during the year. Your Committee is also indebted to all the witnesses who appeared before it for their co-operation in providing the necessary memoranda and briefs.

Your Committee is hopeful that the observations and recommendations contained in this report will go a long way in improving the land, environment and tourism sectors in Zambia.

Prof G Lungwangwa, MP  
**CHAIRPERSON**

June 2014  
**LUSAKA**

## **APPENDIX I**

### **List of Officials**

Mr S M Kateule, Principal Clerk of Committees  
Mr S C Kawimbe, Deputy Principal Clerk of Committees  
Mr F Nabulyato, Committee Clerk (FC)  
Ms S Sianga, Assistant Committee Clerk  
Ms K Chisenga, Typist  
Mr R Mumba, Committee Assistant  
Mr C Bulaya, Committee Assistant