

**REPORT OF THE COMMITTEE ON LANDS, ENVIRONMENT AND TOURISM FOR THE SECOND SESSION OF THE ELEVENTH NATIONAL ASSEMBLY APPOINTED ON 27<sup>TH</sup> SEPTEMBER, 2012**

Consisting of:

Mr M Muteteka, MP (Chairperson); Mr G G Nkombo, MP; Ms D Siliya, MP; Mr R P Mtolo, MP; Mr M Mumba, MP; Professor G Lungwangwa, MP; Mr H Kunda, MP and Mr J M Kapyanga, MP.

The membership of your Committee was reduced to seven when on 7<sup>th</sup> May, 2013, the Supreme Court upheld the nullification by the High Court of the Chipata Central seat held by Mr R P Mtolo, MP.

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

Sir,

Your Committee has the honour to present its Report for the Second 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 thirteen 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 First Session of the Eleventh National Assembly;
- (ii) consideration of the topic on land administration in Zambia;
- (iii) tours; and
- (iv) consideration of the Committee's draft report for the Second Session of the Eleventh National Assembly.

Additionally, as a consequence of representations made to it by the Community Based Natural Resources Management Forum, your Committee also considered the proposed Kangaluwi large-scale copper mining project in the Lower Zambezi National Park.

## **PART I**

### **CONSIDERATION OF TOPICAL ISSUE – LAND ADMINISTRATION IN ZAMBIA**

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

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

5. Your Committee was informed that there was no Land Policy in place but that there was a draft Land Policy whose process of approval has stalled due to the ongoing constitution making process. It was explained that it was only after the constitution was in place that the draft Land Policy would be finalised.

As regards the legal environment, your Committee heard that there were a number of pieces of legislation that governed the administration of Land in Zambia. These included, the Lands Act, 1995, the Housing Act and the Statutory and Improvements Areas Act. In addition, there was the Land Circular No.1 of 1985 which had also been governing the administration of Land in Zambia. This circular spells out the Principal-Agent relationship between the Ministry as the Principal and Local Authorities as Agents. However, there was need to put in place the legal framework to back this circular. Further, there had been Presidential pronouncements that govern land administration. For instance, in 1988 there was a Presidential decree which created the Resettlement Department under the Office of the Vice President.

Your Committee was informed that there were multiple players in land administration in Zambia. The players and their roles were as follows:

- a) planning authorities - their role was to plan for land to be allocated by Commissioner of Lands, who was not a Planning Authority; City and Municipal Councils are Planning Authorities in their own rights, however, District Councils are not Planning Authorities and are, therefore, planned for by Provincial Planning Authorities;
- b) local authorities - their role was to consider applications and recommend to the Commissioner of Lands for allocation; some local authorities were also planning authorities; in addition, local authorities had the mandate to plan and allocate in Statutory and Improvements Areas;
- c) Department of Resettlement under the Office of the Vice President- Its role was to consider applications and make recommendations to the Commissioner of Land; the objective was to encourage people to go back to the land;

- d) Department of Agriculture (Technical Services Branch): its role was to plan agricultural land e.g. farm blocks; and
- e) traditional leaders had a mandate to administer land under customary tenure.

### **Progress made in decentralising the operations of the Ministry of Lands, Natural Resources and Environmental Protection**

Your Committee was informed that operations of the Ministry relating to forestry had been decentralised to District level. However, operations relating to land had only been decentralised to Provincial level. It was the intention of the Ministry, in the near future to decentralise to District level.

### **The procedures and processes in Land acquisition in Zambia vis-à-vis international best practices**

Your Committee was informed that procedures and processes in land acquisition in Zambia in relation to international best practices were good, though procedure and processes largely depend on the vestment of land in the country.

In countries where land was vested in the President, land was alienated by the President through established channels such as the Commissioner of Lands. Additionally, where there existed both customary and state land, traditional leaders were also key stakeholders in the procedure and processes involved. Your Committee was informed that in countries such as Zambia, where both customary and state land existed, certificates of title could only be given for state land and not customary land while in other countries such as Tanzania, certificates of title were given for both state and customary land. In Zambia, if one wanted to obtain a certificate of title for customary land, one needed to get consent from the Chief for the land in question to be converted to state land.

However, in Tanzania, there was no need for conversion as title deeds for customary land were recognized by banks allowing for security of tenure. Your Committee was informed that the President of the Republic of Zambia had directed that legislation to give security of tenure to customary land be put in place as was the case in Tanzania.

In countries such as the United Kingdom, there was freehold in which case the landlord did not pay rent. In Zambia however, there was the restriction that no person owns land in perpetuity except the President who owns it in perpetuity for and on behalf of the people of Zambia. There were also countries such as Finland and Rwanda where the entire land is parceled out and surveyed and had owners. Therefore, the Commissioner of Lands did not exist because there was no land alienated but only secondary transactions.

### **Current remaining stock of state and customary land, province by province**

The stock under state and customary land remained exactly what it was in 1928 and 1947 when the Northern Rhodesia (Crown Land and Native Reserve) Order in Council 1928 and the Northern Rhodesia Native Trust Land Order in Council 1947 were enacted.

In 1964 Crown Land changed to be called State Land. In 1995, the Lands Act combined what were called Reserves and Trust Land into customary land. The law as it stands now allows for conversion of tenure (conditions upon which one holds land) from customary tenure to leasehold and not customary land to state land.

However, through the land audit, the Ministry would be able to know the amount of land for various uses

such as agriculture, forestry, game park, residential, industrial and commercial.

**Changes, if any in the stock of land for preservation of natural resources such as forest reserves and water related land such as dambos, watersheds and river sources from 1964 to date**

There had been some changes in the stock of land for forest reserves and wetlands. The changes had been due to demand for land for the growing population which ultimately had necessitated degazetting of some forestry reserves.

In 1964 the National Forestry Reserve was 7,210,000 Ha. Currently, the National Forestry Reserve stands at 7,209,857 Ha, meaning that 143 Ha of the original National Forestry Reserve had been degazetted to allow for other uses. As for wetlands, the changes were due to drying or flooding, which were both due to climate change.

Your Committee was informed that there was no data available on the following:

- (i) ownership of any in the stock of land for preservation of natural resources such as forest reserves and water related land such as dambos, watersheds and river sources held by private individuals or corporations;
- (ii) quantity of land held by non-Zambians, including investors in mining, agriculture, tourism and other sectors; and
- (iii) quantity of land initially allocated for housing, statutory improvement areas and any changes that may have occurred from 1964 to date.

**Government policy on large scale land allocation - Lands Act**

The Government policy on large scale land allocation is as follows:

- a) any hectares of land up to 250 hectares is allocated by the Commissioner of Lands without seeking any approval from the Minister or the President;
- b) allocation of land between land between 250 and 1000 hectares has to be approved by the Minister before the Commissioner can allocate; and
- c) land of more than 1000 hectares of land has to be approved by the President before it can be allocated by the Commissioner of Lands.

Your Committee was informed that when allocating these tracks of land, the interest of the Zambian people is considered.

**Challenges in Land administration in Zambia**

Your Committee was informed that the main challenges in the administration of land were:

- a) lack of accurate statistics on the quantities of the various categories of land;
- b) lack of proper coordination between the many government agencies involved in the land allocation;
- c) lack of a decentralised system for processing title deeds;

- d) lean staffing and institutional structures;
- e) defective Land Information Management System; and
- f) out-dated laws and procedures that do not address present day land issues.

### **Proposed solutions to challenges in Land administration in Zambia**

Your Committee was informed that the proposed solutions to the challenges in land administration in Zambia are as follows:

- conduct of land audit in order to ascertain the statistics on the quantities of the various categories of land;
- the Ministry in consultation with other stakeholders in land administration should work on establishing a proper coordinated way of dealing with land matters;
- the Ministry intends to pursue the decentralisation of land administration functions to district level;
- development of a land policy that can streamline operations of the various agencies; and
- review of legislation relating to land and Land Circular No. 1 of 1985.

### **SUBMISSIONS BY STAKEHOLDERS**

6. To further assist your Committee fully appreciate the subject under consideration, it invited the following to provide both written and oral submissions:

- (i) Lands Tribunal;
- (ii) Zambia Land Alliance;
- (iii) Africa Internally Displaced Persons Voice;
- (iv) Zambia Wildlife Authority;
- (v) Lusaka City Council;
- (vi) Chongwe District Council;
- (vii) Kitwe City Council;
- (viii) Mongu Municipal Council;
- (ix) House of Chiefs;
- (x) Zambia Environmental Agency;
- (xi) Ministry of Chiefs and Traditional Affairs; and
- (xii) Ministry of Local Government and Housing.

The stakeholders expressed the views as tabulated below.

#### ***Corruption in Land Administration***

Corruption in the land sector had been fuelled mainly by bureaucratic procedures of acquiring title coupled with centralisation of the administration system. Further, lack of knowledge among land seekers on the actual procedures involved when acquiring land had seen a lot of individuals succumb to corruption in the hope of getting land quicker.

#### ***Boundary Disputes***

Boundary disputes among chiefdoms had been reported arising out of the unavailability and sometimes non-existence of chiefdom maps and unmarked boundaries that created uncertainty and was one of the major causes of boundary disputes.

### ***Women's Limitations to Access, Ownership and Control of Land***

Most of the subsistence farmers in Zambia were women, yet most had access to land through male guardians such as husbands. Despite the fact that women are mostly responsible for food production, they often have limited means to realise their rights to the land they use to produce this food.

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

7. Your Committee's observations are as set out below.

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

Zambia has never had a Land Policy to guide the overall administration of land in Zambia. The Land Policy should be a vision that sets out goals and direction for the present and the future. It should consist of measures and guidelines which the Government should implement to achieve its objectives of attaining the optimal utilisation and management of land, and from which laws governing land administration and management are drawn. As a consequence of the absence of a land policy there is no coordination or discernible cohesive interrelationship between the different pieces of legislation that deal with land such as the Land Act; the Mines and Minerals Act; the Zambia Wildlife Act; the Environmental Management Act; the Water Management Act; the Chiefs Act and others. This has resulted in some instances in conflicting views by the different stakeholders on land administration.

Additionally, some laws relating to land have been inherited from the British Colonial Government with very little change or review. These outdated laws and procedures do not, in most instances, address present day land issues. Further, Zambia land administration system has been directed by Presidential directives, pronouncements and circulars without the supporting legal framework.

#### ***Local Authorities***

Most urban local authorities have run out of reserve land for future expansion and development, whereas a number of rural local authorities have disputes with traditional land owners with regard to boundaries. Additionally, due to the erosion of local authorities' revenue bases, they were unable to provide services to planned areas as per their mandate. This has led to land owners planning their own sewerage and water reticulation resulting in increased risk of ground water contamination in some areas.

#### ***Town and Country Planning***

The Town and Country Planning aspect is failing as evidenced by the mushrooming of unplanned settlements because the *Town and Country Planning Act, Cap 283 of 1962* and the *Housing (Statutory and Improvement Areas) Act, Cap 294 of 1974* are outdated and unable to adequately address the current planning challenges in Zambia. These laws give preference to planned urban settlements in terms of planning standards and security of tenure as compared to unplanned urban settlements and peri-urban areas where the majority of the population lives. The laws also centralise planning powers with very few planning functions at the district level. Further, even where settlements have been planned there is hardly provision of services such as roads, water lines and electricity due to most local authorities' incapacity to service these areas. Your Committee is dismayed that Town and Country Planning functions do not extend beyond district boundaries meaning that the 94% majority of the land which is customary is not amenable to planning. This has resulted in haphazard development and mushrooming of squatter settlements at the periphery of planning boundaries as well as in the customary land areas.

### ***Customary Land Issues***

Though the majority of the land is under customary tenure, there are no guidelines on how this land is to be administered. In view of the fact that traditions and custom differ as well as chiefs' points of view, this has resulted in differing method of land allocation styles with some chiefs giving out land at the expense of their people who are sometimes displaced as well as in some instances exhausting the chiefdom land.

### ***Land Tenure Security***

Though state land enjoys security of tenure and is recognised, customary land does not. Therefore, rights of people living on customary land are susceptible to tenure insecurity if these rights are not adequately recognised as fully legitimate and respected in law and practice. Ensuring tenure security for customary land rights in this country is an essential element for sustainable development, given the preponderance of customary tenure.

### ***Statistical Information on Land***

There is a lack of statistics on the quantities of the various categories of land as well as records on titles to land. Further, there has been no land audit in Zambia to determine the status of all land in Zambia.

### ***Inadequate Institutional Capacity***

Institutions dealing with issues of planning and land alienation generally have inadequate capacity to carry out their work effectively. The Surveyor General's office particularly is understaffed and over-worked. This leads to delays in the granting of full land title of demarcated plots. If development has already proceeded in advance, it was sometimes found to be in the wrong location and this further exacerbates the situation. Out of date Development Plans cause problems in land allocation, as do out-of-date base maps, which do not properly reflect the situation on the ground.

### ***Informal Urban Settlements***

Invasion of planned areas by squatters has led to shortage of planned land uses such as commercial zones, clinics, schools, industrial zones and others. Invasion of land means that development takes place contrary to the provisions and the vision of a Development Plan, thereby creating a shortage of land for the planned development, which may then have to be re-located in less suitable areas.

### ***Large Scale Land Acquisitions and Insecurity of Tenure***

Large scale land investments in Zambia are on the rise in areas such as mining, tourism and agriculture. In many instances, local people and traditional leaders are not consulted or there was very little consultation before large scale land acquisition occurs.

In some instances, this has led to customary landholders being dispossessed of their land with major investments having no tangible benefits for these communities. There has also been inadequate compensation for communities who have been dispossessed of their land and where compensation was given, people lost access to sources of livelihood such as forest and land to grow crops or access to water sources.

### ***Internal Displacement of People***

There continues to be displacement of people from their land from current land administration practices as well as from historical injustices which remain unresolved to date.

### ***Centralised Land System***

Your Committee is disappointed to note that the land administration and management systems in Zambia are still overly centralised despite the Government pronouncement to change this. This state of affairs which sees all Title deeds being processed in Lusaka has exacerbated the level of corruption in the land administration system as well as discouraging people from finalising land transactions. This has also contributed to the double allocation of land where the same piece of land is allocated from the Ministry of Land and also by the local authority in the area.

Your Committee recommends as set out hereunder.

- (i) The Government should as a matter of urgency put in place a land policy.
- (ii) The Government should review all laws relating to land, land administration and management in line with the Government policy objectives.
- (iii) 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.
- (iv) The Government should expedite the decentralisation of the functions of the Ministry of Lands to all districts.
- (v) The Government should conduct a countrywide reconciliation and up-date of chiefdom and boundary maps.
- (vi) Where necessary, degazetting of forest reserves should be undertaken to make land available especially for local authorities in urban areas. Unplanned settlements must be upgraded. There should be continuous amicable negotiations for land between local authorities and the traditional leadership.
- (vii) 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.
- (viii) The Government should expedite the decentralisation process so as to allow all local authorities to be planning authorities.
- (ix) The Government should put in place legislation, structures and guidelines on how chiefs should manage land that is under their jurisdiction. In this regard the Government should create land administration boards in each chiefdom.
- (x) The Government should put in place legislation that provides for customary land certificates that are recognized by financial and other institutions.

- (xi) The Government should empower the relevant bodies that facilitate land transactions such as the Office of the Surveyor General by way of finance and training.
- (xii) All informal urban settlements must be re-planned, with provision of requisite services.
- (xiii) 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.
- (xiv) Wherever there are displacements of people, there should be alternative resettlement land as well as adequate compensation given.

## **PART II**

### **KANGALUWI LARGE SCALE MINING PROJECT IN LOWER ZAMBEZI NATIONAL PARK**

#### **SUBMISSION BY THE COMMUNITY BASED NATURAL RESOURCE MANAGEMENT (CBNRM) FORUM**

8. Your Committee was informed that the Lower Zambezi National Park was an International Conservation Union (IUCN) category II protected area in South-East Zambia on the Zambezi River. A category II National Park was a protected area managed mainly for ecosystem protection and recreation. The National Park was within close proximity of the Kafue and Luangwa Rivers. It not only provides refuge to globally threatened wildlife species such as elephants and Wild dogs but it was home to unique vegetation types that include Zambezi endemics and the only protected and intact lowland deciduous thickets in the Southern African region. In addition, the Park shares boundaries with the Mana Pools World Heritage site to the south and it was also being considered for designation as a World Heritage site by UNESCO. Further, given its proximity to Lusaka with relatively easy access, the Lower Zambezi National Park has the potential for growth as a tourist destination with potential for sustainable income to the local community. Going ahead with the mining project even when the Zambia Environment Management Authority (ZEMA) has rejected the proposal citing serious environmental concerns has various local and international ramifications. The nature of the proposed mining project would not only undermine the capacity of the Lower Zambezi National Park to provide refuge to wildlife and unique vegetation but it would also undermine development of tourism for the area; may lead to large scale pollution and contamination of ground and surface water sources including the shared Zambezi River system. Further, proceeding with the project would conflict with the provisions of several regional, bilateral and multilateral agreements including the SADC protocols on Shared Water Courses, Protocol on Forestry, Tourism, Wildlife and UNESCO World Heritage sites.

Your Committee heard that while the Zambia CBNRM forum supported sustainable development projects, it believed that a mining project within a national park needed to exhibit exceptional benefits to the community and the country as a whole as well as provide industry leading environmental management plans to address identified impacts in order to be considered. This project, as provided in the Environmental Impact Study (EIS), did not provide significant benefits at the local and national level and had failed to meet even basic minimum requirements of environmental management plans for a project of this scope.

#### **Environmental Impact Study and Environmental Management Plan vis-à-vis National, International and Industry Standards**

Your Committee was informed that the EIS as submitted by the Developer failed to meet the minimum

technical standards for a project of the magnitude proposed. The poor quality of the EIS showed a lack of preparedness, seriousness, and professional competence by the developer. The EIS lacked clarity on basic issues such as the life of the proposed mine and failed to provide comprehensive analysis of projected impacts of the mine as well as fails to provide a necessary environmental management plan. Further, the EIS does not provide a viable alternative to the project site, which was a necessary requirement of the Environmental Impact Assessment process in Zambia.

In addition, the Developer, in response to the ZEMA decision to reject the project, demonstrated a lack of understanding of the Zambian EIA requirements and process by indicating to its shareholders that the project was rejected out of hand and it could soon be approved as it had wide support from senior cabinet ministers, the local people and environmental NGOs. The Developer further demonstrated a level of impunity against the Zambian regulations as well as a lack of willingness to meet the regulatory requirements that was likely to continue if the project was to proceed. This was demonstrated through the obtaining of venture capital funding to move the project to pre-feasibility phase in 2013 through a share issue in the project, after the project had been rejected.

### **Potential impact of the project on ground and surface water sources and its implication on the SADC Protocol on Shared Water Courses**

Your Committee was informed that while the EIS does not provide a comprehensive analysis of the projected impact of the project on ground and surface water sources, the nature of the project was likely to lead to exposure of water sources to contamination. There was a high risk of contamination of ground and surface water sources from Acid Rock Drainage (ARD) from the open pit, dewatering process and from the tailings damp seepage. In addition, given the topography of the project site, the high risk of flush flooding in the area and the nature of open pit mining, there is a high risk of contamination of the Zambezi River within the area shared with Zimbabwe and Mozambique. This was likely to compromise the ability for Zambia to meet its obligations under the SADC Protocol on Shared Water Courses as well as the ZAMCOM Agreement such as provisions of Article 2 of the Revised SADC Protocol on Shared Watercourses and Article 14 of the ZAMCOM Agreement which provides for obligations of member states. Proceeding with the project has the potential to strain bilateral relationships with neighboring countries such as Malawi, Mozambique and Zimbabwe and also poses a high risk of Zambia failing to meet its obligations under both the SADC Protocol on Shared Water Courses and the ZAMCOM agreement.

### **Potential impact of the project on Wildlife and its implication on the SADC Protocol on Wildlife**

Your Committee was informed that the proposed project site was within the middle Zambezi elephant corridor as well as the dispersal corridor for the endangered African Wild dog. In addition, the Lower Zambezi National Park provides important breeding habitat for the African Pitta, an intra-Africa migrant bird that nests in the remnant low land deciduous thickets within Lower Zambezi National Park and adjacent areas. Proceeding with the project would not only severely impact the corridor for these endangered and shared wildlife species but the mine operations may lead to significant displacement of these species into community spaces. This may lead to increased human-wildlife conflict in Luangwa district and other surrounding areas. The EIS does not provide a comprehensive analysis of the potential impact of the project on wildlife and the communities in the surrounding area. Going ahead with the proposed project at the site would severely impact wildlife corridors and critical habitats with additional knock-on impacts on the communities around the protected area. The project would further, jeopardise regional and international efforts to protect migratory wildlife species. The negative impact on wildlife could also significantly damage the tourism industry that supports employment of a large section of the local community. Loss of employment and community income may lead to increased poaching and encroachment pressure on Lower Zambezi National Park.

## **Potential impact of the project on Forests and its Implication on the SADC Protocol on Forests**

Your Committee was informed that the Lower Zambezi National Park encompasses several vegetation and forest types with Mopane woodland dominating the Zambezi River valley interspersed with low-land deciduous thickets. While the escarpment and plateau is dominated by Miombo woodland, with the Mopane woodland within the Lower Zambezi National Park represent one of the few protected areas of this forest type within the middle Zambezi valley. This was true for other woodland types and may represent the last remaining intact and protected low-land deciduous thickets in the sub-region (Leonard, 2005). LZNP also contained several Zambezian endemics. If the project was to proceed as proposed, it would lead to extensive clearing of vegetation from the project site, access points and adjacent areas. In addition, mining would attract new settlements in and around the mine area increasing human pressure on Lower Zambezi National Park and surrounding forest areas. There was a very high risk that going ahead with the project would result in severe impact on the vegetation mosaic of the Lower Zambezi National Park. The project would also compromise Zambia's standing under the SADC Protocol on Forestry especially relating to Article 4- Guiding Principles.

### **Project's Footprint at National Level**

Your Committee was informed that according to the EIS, the Developer would transport all the copper concentrates from the mine site to smelters on the Copperbelt for the life of the mine. The Developer proposes moving 160 tonnes of concentrates from Lower Zambezi to Chambeshi and Mopani per day using 6x30 tonne trucks. This was likely to lead to increased pressure on and damage to national roads. In addition, this had a very high risk of hazard waste spillage and increases accident risks throughout the transportation route in Lusaka, Central and Copperbelt Provinces. The EIS does not address this significant risk and does not provide any environmental management plans. Proceeding with the project could lead to severe impacts on the country's public health, road network and national budget which would completely erode any potential socio-economic benefits from the project. On this basis, the project was more likely to lead to significant costs to the country and no significant benefits.

## **SUBMISSIONS BY STAKEHOLDERS**

9. The following stakeholders submitted on the topic:

- (i) Ministry of Lands, Natural Resources and Environmental Protection;
- (ii) Ministry of Tourism and Arts;
- (iii) Ministry of Mines, Energy and Water Development;
- (iv) Office of the Vice President;
- (v) Zambia Environmental Management Agency;
- (vi) Zambia Wildlife Authority; and
- (vii) Zambezi Resources Limited trading as Mwembeshi Resources.

Apart from the proposer of the project, Mwembeshi Resources Limited, only the Ministry of Mines, Energy and Water Development was in support of the proposed mining development. At the time of reporting, the Ministry of Lands, Natural Resources and Environmental Protection did not give a position as it was seized with the matter of the appeal from the Mwembeshi Resources Limited and it was due to make its ruling on 28<sup>th</sup> May, 2013.

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

10. Your Committee makes the following observations:

- (i) Mwembeshi Resources Limited was issued with a mining licence by the Ministry responsible for Mines prior to it undertaking an Environmental Impact Assessment as per legal requirement;
- (ii) the issue of prospecting does not necessarily mean that a mining licence will be given;
- (iii) the issues raised by Mwembeshi Resources Limited in their appeal to the Minister are new technical issues that the Company should have included in its EIA to the experts at the Zambia Environmental Management Agency;
- (iv) some issues raised regarding the quality of the EIA are valid; in this regard, Mwembeshi Resources proposes to mine for 25 years, that is, 8 years of actual mining and 13 years of rehabilitating the site which means that the revenue to the country from the proposed mine will only be for 8 years whereas the restoration of the park, if possible, will take longer; and
- (v) the Lower Zambezi National Park is the third largest earner in the tourism industry in Zambia.

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

- (i) the mining licence that Mwembeshi Resources holds was issued without following the requirements of the law and procedure and is invalid and should be revoked;
- (ii) 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;
- (iii) 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.

### **PART III**

#### **COMMITTEE ON LANDS, ENVIRONMENT AND TOURISM TOURS 2013**

##### **FOREIGN TOUR –UGANDA**

11. Your Committee undertook a comparative study tour to Uganda in view of the two countries similar colonial histories. In this regard, your Committee wanted to study how and if Uganda had undertaken land administration reforms.



*Your Committee undertaking a tour of the Ugandan Parliament Chamber: from left to right Prof G Lungwangwa, MP; Mr G G Nkombo, MP; Mr M Mumba, MP; Mr J M Kapyanga, MP; Mr H Kunda, MP*

Your Committee interacted with the following:

- (i) Committee on Physical Infrastructure;
- (ii) Lands Commission;
- (iii) Buganda Land Board;
- (iv) National Forest Authority; and
- (v) Ministry of Lands, Housing and Urban Development.

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

Your Committee observed the following:

- (i) the Government has enacted a law that provides for persons holding land under customary tenure to obtain certificates and that these certificates are to be recognised by financial and other organisations;
- (ii) the Government has enacted a law that provides for certificates of occupancy for persons who have been on the land for at least 12 years as of 1995;
- (iii) the Government has enacted a law providing for district land boards which allows for land administration to filter to the districts as well as giving local people an opportunity to have a say in land administration issues within their districts. The district land boards are where appeals from the traditional land boards are made;
- (iv) land in the Buganda kingdom is administered by the Buganda Land Board which oversees the administration of customary land;
- (v) although the law in Uganda provides that forest reserves can be degazetted for other uses, it also provides that at any given time the stock or area of forest reserves should remain the same; in this regard, the degazettement of a forest reserve has to be accompanied with an

alternative piece of land equal to or greater than the forest reserve that is being degazetted as a replacement.

Your Committee, therefore, makes the following recommendations:

- (i) the Government should decentralize land administration in Zambia through the establishment of district land boards;
- (ii) customary land tenure should be secured by law which should introduce traditional land certificates that are recognised by financial institutions and other institutions; and
- (iii) if protected land is degazetted, equivalent land or greater to the degazetted area must be found as a replacement.

## **LOCAL TOUR**

Your Committee visited the following places:

- (i) Lusaka National Park;
- (ii) Kamwala South (unplanned settlers);
- (iii) Chibolya;
- (iv) Kanyama;
- (v) Makeni;
- (vi) Proposed Kangaluwi large scale Copper mining project site;
- (vii) Lower Zambezi, Chief Chiawa's Area;
- (viii) Siavonga;
- (ix) Livingstone; and
- (x) Sioma.

### **Lusaka National Park**

Your Committee visited the Park arising out of the Action-Taken Report.



*One of the two rhinos (Thabo) at Lusaka National Park*



*ZAWA officers showing Members One of the man-made drinking holes at Lusaka National Park*

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

In closing the matter, your Committee urges the Government to expedite the opening of this Park by facilitating the completion of outstanding issues.

## **Kamwala South**

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

Your Committee makes the following observations:

- (i) the entire Kamwala South residential area had been planned for by the Lusaka City Council (LCC); however LCC has been unable to implement this plan fully due to the encroachment of squatters on parts of the planned area;
- (ii) the residents in the unplanned area who do not have title to these properties lack basic services including connection to water and power lines; consequently, they are constructing their own sewer and septic facilities as well as boreholes resulting in the requirement for 61 metres between sewer and water facilities being breached;
- (iii) there are no roads or access for vehicles in this area;
- (iv) the Lusaka City Council does not collect ground rent from the residents in this encroached area;
- (v) the local authority is desirous to normalise the area by way of re-planning as per provision of the law but is constrained to act due to political interference where there is unwillingness on the part of the authorities to act against illegal land allocators and settlers; and
- (vi) the unclear, lengthy and tedious land acquisition processes have compounded the problem of illegal land allocation.

Therefore, your Committee recommends as follows:

- (i) there is need for the Government to up-grade the area that has been illegally settled on; and
- (ii) political interference in the administration of land must stop.



*Structures built haphazardly*



*A toilet with waste water draining into a road*



*A water pipe surrounded by rubbish*

## **Chibolya**

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

Your Committee makes the following observations:

- (i) the area is a no go area for the Government and its agents, including the police;
- (ii) the Ministry of Local Government and Housing, which is looking for funding, in conjunction with JICA has developed approved plans to create a commercial area on this site as well as a complex of multi-storey residential apartments;
- (iii) the social-economic survey results done in Chibolya indicate that the residents have rejected the proposed plans by the Ministry of Local Government and Housing; and
- (iv) the local authority has no land within Lusaka City to relocate the residents of Chibolya and it is reluctant to move them to the outskirts as these are mainly people who work within the central business district.

From the above, your Committee recommends the following:

- (i) the Government should bring order to Chibolya;
- (ii) the Government together with the local authority should negotiate and sensitize the community leaders in Chibolya on the importance of re-planning and upgrading the area; and
- (iii) the upgrading and re-planning of Chibolya should proceed as per plan.

## **Kanyama and Makeni**

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

Your Committee makes the following observations:

- (i) the land along Los Angeles Road opposite Simoson up to Mumbwa Road has been illegally settled on;
- (ii) the planned industrial area of Chinika has been encroached on and illegal mining is taking place;

- (iii) the boundary for Kanyama has expanded and gone into Makeni, with some structures for the two areas overlapping; and
- (iv) the existence of absentee landlords is compounding the issue of illegal land allocations and encroachment.

Your Committee, therefore, recommends as follows:

- (i) the Government should bring an immediate stop to the illegal mining taking place in Chinika industrial area;
- (ii) the Government must remove illegal settlers as well as stop further encroachment on farm land in the Makeni area; and
- (iii) the Government should expedite the land audit with a view of identifying absentee landlords so that corrective action can be taken.



*An industrial plot in Chinika that has been overtaken by illegal miners (with craters filled with stagnant water and rubbish) and Members of your Committee with Lusaka City Council officials witnessing actual explosive blasting at the site*



*Plots in Makeni which have been overrun by illegal settlers (behind is Lusaka Open University)*

## **Proposed Kangaluwi Copper Mining Project**

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

Your Committee makes the following observations:

- (i) the only signs that the area was being prospected are several holes with pipes sticking out of them; and
- (ii) contrary to submissions from the proposer of the mine, there are indications of wildlife in the area through droppings.

Arising from the foregoing, your Committee recommends that the proposed mining project should not be allowed to proceed.



*Pipe at site of proposed Kangaluwi mine*



*Animal droppings near the proposed mine site*

### **Chief Chiawa's area**

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

Your Committee makes the following observations:

- (i) Chief Chiawa's area is in a Game management area with wildlife roaming freely; consequently no real cultivation of food crops can be undertaken as these are inevitably eaten by hippos and or elephants;
- (ii) tourism is the mainstay of the area as well as the main employer for the local residents;
- (iii) a substantial area of the Zambezi riverfront has been bought off by foreigners;
- (iv) there is hardly any corporate social responsibility from the investors in the area; the lack of a Government policy, directive or legal framework exacerbates the issue for local communities who are 'powerless' to make demands on investors; and

- (v) in most instances, the land along the river belongs to individual families or clans and these are passed down within the same family lineage. When such a family wants to sell land to an investor, it approaches the Chief who makes inquiry as to whether this decision is unanimous and whether the family has an alternative. The general lack and low levels of education makes local communities vulnerable to investors and the promise of quick money at the expense of losing their rightful heritage and inheritance.

Your Committee recommends that for all areas with water, access to the waterfront should be protected and enforced by law. Additionally your Committee is of the view that the 50-60 metre buffer zone should be strictly enforced to allow for common usage.



*Your Committee meeting with Chieftainess Chiawa of the Goba People*



*Your Committee poses with Chieftainess Chiawa after the meeting*

## **Siavonga**

### **Committee's Observation and Recommendations**

Your Committee makes the following observations:

- (i) Siavonga town and district is poorly planned and land allocation has been chaotic;
- (ii) the chaotic state of Siavonga land administration is compounded by an inept and sometimes compromised Government system that allows investors to obtain title from Lusaka or Choma, while the local authority is merely informed, resulting in instances of multiple land allocation;
- (iii) Siavonga District Council has been rendered irrelevant vis-à-vis land allocation as most land is allocated directly from Lusaka or Choma, consequently most land developers disregard the Council's authority and directives in relation to land use and management;
- (iv) Siavonga District Council has allocated plots to several religious organisations clustered in one area in Mitcho Unplanned settlement without going on the ground to ascertain the state of the land, consequently several residents of Mitcho who have been there for over ten years have been ordered to leave, to pave way for the "legal" owners of the land without an alternative area being given;

- (v) the style of land administration in Siavonga has resulted in the second displacement, after the displacement during the Kariba dam construction, of the local people who have been pushed away from the lake and its surroundings into areas not of their choice;
- (vi) due to the challenges in the way the Council has been allocating plots, Siavonga District Council has been estopped for the last year from allocating land until the conclusion of the land audit;
- (vii) Siavonga has high tourism potential with several tourist attractions over and above the Kariba dam, for example, Nakulimba cave (believed to be the source of all pigeons in Zambia); hot and cold springs as well as a special bird that migrates to Siavonga from Europe are some of such attractions. However this potential remains and will remain undeveloped as a result of the poor or lack of planning of the District especially in relation to the lake;
- (viii) although Lake Kariba is the key tourist attraction for the town, the entire lake is closed off by private properties except for two access points making the water front inaccessible to the public. Therefore, for one to access the water front, one has to go to one of the lodges or properties along the lake;
- (ix) the development of the lake front is meaningless to the local people as there have been no benefits but only negative effects. There are no benefits that are accruing to Siavonga and its residents as a result of this ‘investment’ along the lake out of which only two are Zambian;
- (x) the 50-60 metres buffer zone from the highest point has been completely ignored by developers in Siavonga who have in most cases extended their properties right up to the lake; consequently, the local authority’s plan to build walkways along the lake has failed and requests to developers to observe the rule have been ignored completely;
- (xi) Siavonga has islands which have been given to foreigners despite these being State assets; consequently State security in Siavonga is a source of worry and uncertain as this state of affairs make Zambia’s border porous; and
- (xii) though the available stock of land in Siavonga is limited, as with most districts, the district appears to have a good rapport with the traditional leadership that is accommodating requests for land for the district.

Your Committee makes the following recommendations:

- (i) Siavonga District Council should strictly adhere to regulations and guidelines on land allocation in order to avoid conflict among stakeholder as well as ensuring that the town is properly zoned, planned and developed;
- (ii) the Central Government, through the Ministry of Land, Natural Resources and Environmental Protection should refrain and desist from allocating plots in lieu of existing and functioning local authorities;
- (iii) the Government should desist from the practice of suspending local authorities for inordinately long periods of time thereby creating gaps in the management of the affected areas;
- (iv) at all times when land is allocated, the Government and its agents must primarily, take into account the rights of the local people of the area;

- (v) the 50-60 metre buffer zone from the lake to the highest point must be re-established and strictly enforced to allow the public access to the lake;
- (vi) the Government must take stock of and ascertain the status and ownership of islands on Lake Kariba, especially those along or near the border; and
- (vii) the practice of clustering churches and other religious groups in one area must be stopped.



*Some of the properties along Lake Kariba extending all the way into the water*



*Mrs Tembo in front of her house which is under an order for demolition*



*Another affected family in Mitcho*

## **United Nations World Tourism Organisation Conference Preparations, Livingstone**

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

Your Committee makes the general observation that plans for the UNWTO are behind schedule and therefore, a source of concern to your Committee. Specifically, your Committee observes that:

- (i) key infrastructure works, such as those for the International Bus Terminal and the Zimbabwe-COMESA market are still in their initial phase i.e. the ground has merely been broken; and
- (ii) the main road from town centre to the Victoria Falls, despite having been worked on in the recent past, is in a deplorable condition and it is unclear as to whether this will be worked on in time for the UNWTO Conference.

From the foregoing, your Committee recommends that funds should be released on time to ensure the completion of all outstanding projects before the UNWTO Conference.



*The Director of Works, Livingstone City Council (foreground) explaining a point to your Committee in the company of DCs for Kazungula and Livingstone and the Chairman for the Livingstone Tourism Association at the site of the International Bus Terminal under construction*



*One of the township roads being worked on in Livingstone*



*Site for the new three storey modern market (Zimbabwe-COMESA Market)*



## **Livingstone (Land Administration)**

### **Committee's Observations and Recommendation**

Your Committee observes as follows:

- (i) Livingstone, like most urban centres, is unable to expand as it no longer has land to do so. Consequently, it had applied for 4,000 hectares of Dambwa Forest from the relevant department. However, after obtaining and surveying this land, the Anti-Corruption Commission launched investigations on the propriety of how this land was given;
- (ii) the local authority has challenges vis-à-vis land administration within Livingstone as there are parallels with the Ministry of Lands, Natural Resources and Environmental Protection in terms of allocation of land for Livingstone;
- (iii) there are no unplanned settlements in Livingstone as most have been upgraded, with piped water and electricity provided to such areas;
- (iv) the local authority is concerned about residents in these upgraded areas as generally they tended not to have documentation of proof of ownership as the Council Land Record Cards are not recognised by the system; further, the renewal of the Land Record every ten years has proven to be cumbersome;
- (v) Livingstone and its development are unique because the master plan provides for heritage and historical sites which cannot be altered; and
- (vi) the landfill for Livingstone which is near the international airport poses a serious and immediate danger due to the scavenging birds that frequent the dumpsite; this is because should a bird be sucked into an aircraft engine, this would result in a plane crash.

Your Committee recommends as follows:

- (i) the Anti-Corruption Commission should expeditiously conclude its investigation into the degazetting and allocation of 4,000 hectares from Dambwa Forest to Livingstone City Council;
- (ii) Livingstone City Council should establish a proper ICT based land record system;
- (iii) the Central Government, through the Ministry of Land, Natural Resources and Environmental Protection should refrain and desist from allocating plots in lieu of existing and functioning local authorities; and
- (iv) the existing landfill should be closed and an alternative site found immediately.

## **Sioma**

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

Your Committee observes the following:

- (i) Sioma, like most of Western Province is mostly customary land with Certificates of land ownership being given by the Barotse Royal Establishment (BRE) through its hierarchy of “Kutas”;
- (ii) The BRE land certificates lack a scientifically ascertainable form of area measurement to identify the land with most land being deemed to be family land and never individual, as it passes from one generation to the next of the same lineage;
- (iii) there are strict rules of land ownership such as no individual can be given part of a river as part of one’s property nor is one permitted to disallow people from accessing the river, lake or stream even when such a water body is near one’s property; and
- (iv) land is not for sale nor is it sold, the applicant for land is required to pay K50.00 for the BRE certificate of ownership.

Therefore, your Committee recommends as follows:

- (i) the Government should legislate for traditional land certificates to have legal status and recognition with the prerequisite surveyed diagrams; and
- (ii) 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.



*Your Committee meeting with Headman Imukonono and his Council of elders (Sioma)*



*Your Committee meeting with Headman Imukonono and his Council of elders (Sioma)*

**Local Tours in Pictures**



*Area of Kamwala South (right) occupied by Illegal settlers*



*Road separating properly planned and allocated plots (right) from the area occupied by illegal settlers (left)*



*A herd of buffalo (Lower Zambezi)*



*Elephants (Lower Zambezi)*



*House under order of demolition in Mitcho*



*Church allocated land in Mitcho*



*Only land currently unsettled along the banks of Lake Kariba (near the dam wall) where ZESCO is to construct housing and other amenities*



*Livingstone Civic Centre being renovated and one of several public fee paying ablution blocks being constructed*

## **PART IV**

### **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**

12. Your Committee has the matters set out hereunder as outstanding.

#### **The Status of the Tourism Industry in Zambia**

- (i) Your previous Committee had been of the view that the issue of the high cost of aviation fuel has been glossed over. The Energy Regulation Board was a Government regulatory body and, therefore, worked within a relevant framework.

The Executive responded that following Government's directive to reduce the number of licenses in the Energy Sector, the Government through the Energy Regulation Board streamlined some of its licenses to reduce the burden of doing business in the Energy Sector. To this end, the Petroleum Distribution License was merged with the Import and Export licenses to form one combined Distribution, Import and Export License.

This would therefore lessen the burden of doing business in the sector thereby attracting many players hence impacting positively on the Aviation Fuel Pricing.

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

Your Committee notes that though it had made the enquiry in relation to the entire spectrum of petroleum products, the answer restricts itself to aviation fuel. Your Committee requests that the matter be addressed in totality.

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

The Executive responded that the Government was still looking for a credible partner locally or internationally to jointly develop the Livingstone University for Hotel and Tourism Training. The Government has a vision of developing Livingstone as a tourist capital with modern tourism infrastructure facilities and products. The proposed University for Hotel and Tourism Training is among the facilities that have been identified and packaged for interested investors.

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

Your Committee notes the response and awaits a progress report on the matter.

#### **Nsumbu National Park**

- (iii) Your previous Committee had requested for a response on the issue of the tour boat on Lake Tanganyika.

In response, the Executive explained that the Government did not provide tour boats but that it would liaise, through the Ministries of Transport, Works, Supply and Communication and Tourism and Arts on the provision of a tour boat on Lake Tanganyika.

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

Your Committee notes that while on one hand the Government states that it does not provide tour boats, on the other hand it states that it will liaise with the relevant Ministries on the provision of a tour boat on Lake Tanganyika. Your Committee requests for clarity on the matter.

- (iv) Your previous Committee had requested for a formal impact assessment vis-à-vis animal movements as the airport was located between the bush and the water source.

The Executive responded that Kasaba Bay Airport would not affect animal movements to the water source. When an aircraft was to land at the aerodrome, over flights or landing procedures would be used to ensure that there were no animals on the landing area.

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

Your Committee while noting the response, reiterates its request for an impact assessment report on the matter.

### **Climate Change Adaptation and Mitigation in Zambia**

- (i) Your previous Committee had requested updates on climate change conferences and to be availed with information on the amount of funds available for sensitisation of communities on climate change.

In response, the Executive stated that the Ministry of Lands, Natural Resources and Environmental Protection (MLNREP) being the focal point institution for the United Nations Framework Convention on Climate Change (UNFCCC), with a mandate to carry out climate change awareness programmes had a budget line for conducting education and awareness programmes on climate change. Further, cooperating partners such as the United Nations Development Programme (UNDP) had also been complimenting Government's efforts to support awareness programmes on climate change. For instance, the UNDP had allocated some funds to the Climate Change Facilitation Unit (CCFU) under the MLNREP to upscale awareness programmes on climate change. With this funding, the Ministry working in collaboration with the Civil Society and other stakeholders has been carrying out awareness raising activities across the country targeting different stakeholders. However, more funding is needed to ensure that all stakeholders at different levels including policy makers and the local communities are sensitised on the issue of climate change.

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

Your Committee observes that the answer is devoid of information on Climate Change conferences. It requests for updates on these conferences and again urges the Government to do more on sensitisation of the public on climate change matters and that this has to be continuous.

- (ii) Your previous Committee had requested for clarification on the stakeholder consultations to develop mechanisms for encouraging private sector participation in growing new forest plantations.

In response, the Executive stated that the proposed Forestry Policy and the 2012 Forestry Bill once enacted would provide for an enabling environment for private sector participation including the provision for incentives in commercial forest

plantations.

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

Your Committee notes the response and awaits a progress report on the matter.

- (iii) Your previous Committee had requested a progress report on the recapitalisation of ZAFFICO Limited.

In response, the Executive stated that ZAFFICO submitted financial statements to the Auditor-General's Office for the financial years ending 31st March, 2005, 2006, 2007 and 2010 for audit. The Auditor-General's Office had since conducted the audits for financial years ending 31st March, 2005 to 31 March, 2010 but had not yet been certified. Management is awaiting the certificate of the Corporation's financial statements up to 31st March, 2010.

Once the Auditor-General's Office has certified the financial statements and the Ministry of Finance has converted the IDA loan into equity, ZAFFICO may be in a position to borrow from financial lending institutions as a way of recapitalising its operations.

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

Your Committee notes the response and awaits a progress report on the matter.

### **Lumwana Copper Mines**

- (iv) Your previous Committee had requested to know how safe the uranium stockpile was.

In response, the Executive stated that the status of processing uranium rich ore had not changed, Lumwana Mine has not yet started processing the Uranium rich ore. All the Uranium rich ore so far mined has been stockpiled at Malundwe Waste Dump. As per Environmental Management Plan (EMP) that was approved prior to commencement of mining activities at Lumwana Mine, the stockpile is encapsulated with low permeability material (gravel). The cumulative quantity of Uranium rich material as by October, 2011, when the material was last dumped, is 3,837,832 tonnes.

ZEMA had mandated Lumwana to be conducting monitoring of radiation at suspected areas also as per the approved EMP. Monitoring results are submitted to ZEMA in bi-annual returns and the results are analysed by ZEMA by comparing monitoring results with the 20mSv/year exposure limit commitment in the approved EMP which is much lower than the International Atomic Energy Agency (IAEA) safety standards for protecting people and the environment requirements of which the limit for Uranium Ores and concentrates is 0.4mSv/h. Based on the foregoing, the Uranium stock pile can be considered safe as long as Lumwana abides by the set standards.

This means that a worker working in the area with the highest radiation (encapsulated area) 24 hours per day will be exposed to 9.81mSv/year which is less than the limit in the approved EMP of 20mSv/year and also lower than the IAEA limit. Therefore, the stockpile is currently safe as long as there is strict adherence to set standards.

In addition ZEMA works closely with the Radiation Protection Authority in monitoring the

radiation levels as well as developing capacity in radiation monitoring. For instance in the year 2011, one inspector took part in a training held in Namibia's uranium mine.

Lumwana Mine has started developing the second pit (Chimiwungo Pit) which is also part of the approved EIS. ZEMA could not allow Lumwana to be transporting Uranium rich ore to the Malundwe Uranium stockpile to avoid contamination of the environment during transportation, therefore the mine was asked to submit an Environmental Project Brief (EPB) to create a separate uranium stockpile adjacent to the Chimiwungo Open Pit so as to reduce the distance of transportation. The EPB has been tabled for consideration and the Uranium rich ore is not yet generated at this open pit site.

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

Your Committee resolves to keep this matter open with a view to verifying it from time to time.

#### **Itezhi-tezhi Power Project**

- (v) Your previous Committee had requested a progress report on the Itezhi-tezhi Power Project.

In response, the Executive stated that the following works had been completed: construction of staff houses for Itezhi-tezhi Power Corporation; the office block; guest house; warehouse and guard houses; water treatment and sewerage plant; and the distribution and substation.

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

Your Committee notes the response and awaits a progress report on the matter.

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

- (vi) Your previous Committee had requested a progress report on the matter.

In response, the Executive stated that the progress on grading and classification of Hospitality Establishments is that the new Administration was still studying the Instruments on tourism enterprise licensing and the licensing of hotel managers. The Two Statutory Instruments would indeed, help the Ministry to effect classification and grading systems and licensing of hotel managers. It is envisaged that the two instruments would be finalised within the first quarter of 2013.

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

Your Committee notes the response and awaits a progress report on the matter.

#### **Game Management Plans**

- (vii) Your previous Committee had requested a progress report on the review of the Zambia Wildlife Act and consequently the legal status of Game Management Areas.

In response, the Executive stated that the *Zambia Wildlife Act No. 12 of 1998* provides for Game Management Plans but is inadequate in terms of enforcement. It is expected that the review of the Act would strengthen the provision for Game Management Plans. However,

the Government had decided to precede the review of the Act with the review the National Parks and Wildlife Policy. Policy review is already underway and is expected to be completed during the first half of 2013.

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

Your Committee notes the response and awaits a progress report on both the policy and Wildlife Act.

#### **Kapishya Geothermal Plant**

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

In response, the Executive stated that ZESCO Limited made a submission to request for financing of the Project to the European Union and the Dutch Governments. This request was based on a cost estimate of US\$12.65 million for the rehabilitation and expansion of Kapishya Geothermal Plant. However, there is no significant progress regarding this request. Therefore, the major setback to developing the project has been securing funds to implement the project.

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

Your Committee notes the response and awaits a progress report on the matter.

#### **Rural Electrification**

(iv) Your previous Committee had requested to be availed with the findings of the 2010 National Population Census vis-à-vis the percentage of rural areas that had been electrified.

In response, the Executive stated that the Government was still waiting for the release of official statistics from the Census of Population and Housing Report before it could inform the Committee. So far, reports on Census that had been released by the Central Statistical Office (CSO), such as the Preliminary Census Report lacked statistics on access to electricity.

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

Your Committee notes the response and awaits a progress report on the matter.

#### **Zambia Forest and Forestry Industry Corporation**

(v) Your previous Committee had requested for a progress report on the conversion of the loan into equity.

In response, the Executive stated that the Ministry of Finance had requested Management to submit audited Financial Statements by External Auditors as at 31st March, 2012. Management has since advertised for audit services and the process of engaging External Auditors is in progress.

A draft Agreement has been drawn between ZAFFICO and the Ministry of Finance and submitted to the Ministry of Justice for clearance. Once a response is received from the Ministry of Justice, ZAFFICO and the Minister of Finance shall sign the

Agreement for the conversion of the loan into equity in the Company. The Committee shall be informed on the progress.

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

Your Committee notes the response and awaits a progress report on the matter.

#### **CONCLUSION**

13. In conclusion, your Committee wishes to express its gratitude to you, Mr Speaker, and to the Clerk of the National Assembly for the support 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.