



CENTRE FOR ENVIRONMENT JUSTICE (CEJ)

TRADITIONAL LEADERS CAUCUS ACTION PAPER

A Summary Action Paper Presented During the 3rd Environmental Protection Dialogue (EPD), Held at the Mulungushi International Conference Center (MICC) - Kenneth Kaunda Wing from the 13-14 of October 2022

CONVENING PARTNER:



OCTOBER 12, 2022

CENTER FOR ENVIRONMENT JUSTICE

Plot 269, Off Twin Palm Road, Monkey Close, Ibex Hill - Lusaka, Zambia

BACKGROUND;

THEIR ROYAL HIGHNESSES, REPRESENTING THE CHIEFDOMS, AND THE PEOPLE OF ZAMBIA, AND **OTHER ROYAL HIGHNESSES IN THE COUNTRY**, NOT PRESENT;

HAVING MET AND DELIBERATED, DURING THE TRADITIONAL LEADERS CAUCUS, HELD AT THE MULUNGUSHI INTERNATIONAL CONFERENCE CENTER (MICC) HERE IN LUSAKA ON THE 12TH OCTOBER, 2022;

CONVENED BY THE CENTER FOR ENVIRONMENT JUSTICE (CEJ); AND SUPPORTED BY ADVANCING LAND BASED INVESTMENT GOVERNANCE ALIGN, WHOSE THEME, WAS **"STRENGTHENING LAND-BASED INVESTMENTS AND ENVIRONMENTAL GOVERNANCE IN ZAMBIA,"**

SEEKING, TO ENHANCE IMPROVEMENTS IN THE GOVERNANCE AND ADMINISTRATION OF LAND BASED INVESTMENT MATTERS FOR THE BENEFITS OF ZAMBIA, AND OUR COMMUNITIES, AND THE SECURITY OF OUR NATURAL RESOURCES IN ALL THE CHIEFDOMS OF ZAMBIA;

DO HEREBY AGREED AND PROPOSED, THAT THE FOLLOWING AREAS OF CONCERNS, AND ACTIONS SUGGESTED HENCEFORTH, ARE CONSENTED RESOLUTIONS OF THE TRADITIONAL LEADERS, AND OUR RESOLVE AS FOLLOWS;

- i. **THE DECENTRALIZED MANAGEMENT OF NATURAL RESOURCES TO LOCAL LEVEL:**
 - TRADITIONAL LEADERS WERE PART AND PARCEL AND KEY STAKEHOLDERS PROVIDING OVERSIGHT FOR THE BENEFIT OF THE PEOPLE IN MANAGING NATURAL RESOURCES IN ZAMBIA.
 - THIS WILL REQUIRE THAT ALL THE NECESSARY LEGAL AND POLICY SAFEGUARDS ARE PUT IN PLACE AND IMPLEMENTED FOR THEM TO EXERCISE THAT OVERSIGHT ROLE.
- ii. **BALANCING ENVIRONMENTAL SUSTAINABILITY AND LAND BASED INVESTMENTS:**
 - WE REALISE INVESTMENT IN OUR VAST LAND AND OTHER NATURAL RESOURCES IS KEY TO OUR LOCAL AND NATIONAL ECONOMIC DEVELOPMENT AND IS WELCOME. THE MINISTER OF LOCAL GOVERNMENT AND RURAL

DEVELOPMENT POINTED TO THIS DURING HIS OFFICIAL SPEECH STATING THAT THE ECONOMY OF ZAMBIA DEPENDS ON NATURAL RESOURCES AND LAND USE.

- WE HOWEVER REALISE AND CALL FOR A BALANCE TO BE STRUCK BETWEEN THOSE INVESTMENTS AND THE SECURITY OF NATURAL RESOURCES, PARTICULARLY OUR CULTURAL HERITAGE, ECOSYSTEMS, AND BIODIVERSITY.
- WE HAVE WITNESSED MANY INEQUITIES, ENVIRONMENTAL DEGRADATION, CONTINUED DISPUTES ASSOCIATED TO LAND TENURE DISPUTES, AND LACK OF ADEQUATE COMPENSATION IN MANY CHIEFDOMS. THESE HAVE LEFT MUCH TO BE DESIRED. HENCE OUR CONCERN TO BALANCE BETWEEN NATURE AND LAND BASED INVESTMENTS.

iii. **SAFEGUARDING LAND RIGHTS AND VALUE OF OUR CUSTOMARY LAND**

- WE NOTED WITH CONCERN THAT THERE IS A SEEMINGLY FAILURE TO APPRECIATE THE INTRINSIC VALUE OF OUR LAND.
- OUR CONCERN IS THAT MANY OF OUR PEOPLE MUST BEGIN TO CHANGE THEIR PERCEPTIONS AND BEGIN TO THINK THAT LAND IS A CULTURAL HERITAGE AND MUST NOT BE TREATED AS A COMMODITY FOR SALE IN SIMPLE COMMERCIAL TRANSACTIONS.
- OUR PEOPLE AND STAKEHOLDERS MUST UNDERSTAND THAT LAND RIGHTS IMPLIED THAT ONE HAD THE RIGHT TO USE LAND, THE RIGHT TO OCCUPY AND LIVE ON THAT LAND, AND FOR THEIR CHILDREN TO INHERITANCE.
- THEREFORE, AS WE PONDER ON POLICY AND LEGAL DISCUSSIONS AND REFORMS, LET US KEEP AT THE BACK OF OUR MIND THE IMPORTANCE OF OUR LAND.
- LAND WAS A CROSS CUTTING ISSUE, AND THE 1964 STRUGGLE FOR INDEPENDENCE WAS BECAUSE WE WERE FIGHTING FOR LAND AND THAT LAND IS MORE THAN JUST THE PHYSICAL SPACE. IN PRINCIPLE CUSTOMARY LAND MUST BE FAIRLY DISTRIBUTED, DEVELOPED, AND PROTECTED.

iv. ENSURE AVAILABLE LAND IS UTILIZED CORRECTLY IN INVESTMENTS.

- THE LAND ADMINISTRATION SYSTEM HAS SEEMINGLY BEEN FRAGMENTED. THE DUAL TENURE SYSTEM OF CUSTOMARY AND STATUTORY LAND GIVES THE STATE CERTAIN CAPACITIES FOR PLANNING.
- WE FEEL, THERE IS NEED FOR INTEGRATING SYSTEMS AND MECHANISMS TO ALLOW FOR THE ENJOYMENT AND SECURITY OF BOTH LAND OWNERSHIP RIGHTS BY COMMUNITIES.
- AND ALSO, THE ENJOYMENT AND SECURITY OF INVESTMENTS RIGHTS OF INVESTORS AND THE NEED TO ADDRESS CHALLENGES ASSOCIATED WITH INADEQUATE COLLABORATION AMONG ACTORS INVOLVED IN LAND GOVERNANCE AND INVESTMENTS.

v. ARRANGE CUSTOMARY LAND LAW INTO WRITTEN LAWS.

- THEIR ROYAL HIGHNESSES FEEL THAT THERE WAS NEED TO ENSURE THAT COMMUNITIES MUST HAVE MECHANISM FOR PROTECTING RIGHTS TO OWN LAND. WE NOTE THAT THE CURRENT SYSTEM SEEMED TO GIVE POWER TO THOSE WHO HAD AUTHORITY AND THE POWER TO MAKE DECISIONS.
- BECAUSE OF SOME OF THESE CHALLENGES, CUSTOMARY LAND RIGHTS HAVE REMAINED ELUSIVE. ESPECIALLY THAT CUSTOMS RELATED TO LAND WERE NOT REDUCED TO WRITING OR CODIFIED LIKE STATUTORY LAW.
- HOWEVER, TRADITIONAL SYSTEMS THAT PROTECTED THE ENVIRONMENT, SOCIAL HARMONY, AND RIGHTS OF PEOPLE CANNOT BE DONE AWAY WITH. HENCE THOSE PRACTICES MUST BE REDUCED INTO WRITTEN FORMATS.
- THIS WILL HELP TO REDUCE CASES OF CONFLICTS WHICH HAVE CONTINUED TO AFFECT OUR PEOPLE LIVING ON CUSTOMARY LAND.

vi. HARMONIZE THE CONVERSION OF CUSTOMARY LAND AND STATE LAW

- THE VOLUME OF CUSTOMARY LAND HAS CONTINUED TO REDUCE COMPARED TO STATUTORY LAND ON THE ASSUMPTION THAT THOSE WITH CERTIFIED LAND CAN ATTRACT INVESTEMENTS AND OTHER BENEFITS BECAUSE IT SEEMED TO HAD REAL VALUE. THIS SHOULD NOT BE THE CASE.

- WE OBSERVED THAT CONVERSION OF LAND, WHICH WAS UNDER STATE LAW, NEEDED TO BE HARMONIZED. THIS IS IN ORDER TO ALLOW FOR EASIER REGULATION AND DEVELOPMENT SO THAT TRADITIONAL LEADERS ARE NOT RELEGATED TO MERE WITNESSES OF PREARRANGED INVESTMENT AGREEMENTS. CHIEFS MUST UNDERSTAND THEM INCLUDING THE ORIGINS, AND INTENTIONS OF THE INVESTOR.
- ITS ALSO MEANS THAT ALL PILOT MECHANISMS AND PROGRAMMES IN RELATION TO BETTER GOVERNANCE AND INVESTMENTS ON CUSTOMARY LAND MUST BE IMPLEMENTED IN FULL TO AVOID SPECULATIONS.

vii. IMPLEMENT THE RESETTLEMENT POLICY PROVISIONS

- WE HAVE OBSERVED THAT THE RESETTLEMENT POLICY PROVIDED FOR A CONTROLLED MOVEMENT OF PEOPLE DURING RESETTLEMENTS OR ECONOMICAL DISPLACEMENTS. THIS HAS NOT BEEN THE CASE AS MENTIONED EARLIER IN MANY INSTANCES HAPPENING IN OUR CHIEFDOMS THAT HOST THE MINES AND OTHER BUSINESSES.
- THEREFORE, MECHANISMS MUST BE IN PLACE TO ENSURE THAT RESETTLEMENTS ARE VOLUNTARY. COMMUNITIES MUST BE GIVEN A CHOICE TO MOVE OR RELOCATE BASED ON THEIR OWN INFORMED CONSENT TO DO THAT. THE LAW AND POLICIES MUST DISCOURAGE INVOLUNTARY DISPLACEMENTS OF COMMUNITIES.
- COMPENSATIONS MUST ALSO FOLLOW THE POLICY GUIDELINES FOR LOSSES INCURRED. IT SHOULD TAKE INTO CONSIDERATION MARKET VALUES, WHAT WAS PHYSICALLY AND ECONOMICALLY DISPLACED, AND OTHER INTERCONNECTED RESOURCES AROUND COMMUNITIES THAT MOVED.

viii. REVIEW DISCUSSIONS AND FORMULATION OF LAND POLICY

- WHILST THERE WAS A LAND POLICY IN PLACE, TO WHICH ALL THE CHIEFS MADE SUBMISSIONS IN THE PAST AT A MEETING HELD AT COMESA IN LUSAK, THERE WAS NEED TO CONSIDER REVIEWING ITS CONTENT FOR THEIR ROYAL HIGHNESSES TO AGREE ESPECIALLY THAT THEIR CHAIRPERSON WAS NOT INVITED. THEIR ROYAL HIGHNESSES ARE CONCERNED THAT IT MAY NOT BE IN THEIR FAVOUR AS THEY WERE NOT AWAILED OF THE FINAL DRAFT BEFORE IT WAS APPROVED BY CABINET IN 2021 AFTER SUBMISSIONS.

- IN SUCH CASES, PEOPLE WHO ACQUIRED LAND WITHOUT THE INVOLVEMENT OF CHIEFS RISKED LOSING THEIR INVESTMENTS. HENCE THE NEED FOR CHIEFS TO BE INVOLVED AT ALL STAGES TO ADDRESS IDENTIFIED GREY AREAS.

ix. SENSITIZE AND EDUCATE COMMUNITIES ON PLANNING BEFORE CERTIFACTES

- IN REGARDS TO LAND TENURE RIGHTS PROMOTION AND ADVOCACY, THE SUPPORT FROM NGOS WAS WELCOME.
- HOWEVER, THIS MUST NOT BE PREMISED ON THE ASSUMPTION THAT VILLAGES WERE WELL PLANNED. HENCE THE ROLE OF PLANNING MUST BE ADDRESSED BEFORE ENGAGING COMMUNITIES FOR THEM TO RECEIVE PROPER SERVICES, AHEAD OF CERTIFICATES OF TITLE.
- THE LAND POLICY FOCUSED MORE ON TITLING OF LAND AND CERTIFICATES OTHER THAN OTHER SERVICES. THIS REDUCED THE POWER OF CHIEFS ON LAND CONTROL. HENCE, THE NEED TO RE-ENGAGE GOVERNMENT AND USE OPPORTUNITY TO REVIEW POLICIES.
- MOST CHIEFDOM, NEEDED TO BE REMAPPED. AFTER INDEPENDENCE, POLITICAL STRUCTURES HAVE REMAINED INTACT, AND SO WERE THE CHIEFDOMS.

x. NATURAL RESOURCES AND LAND-BASED INVESTMENT BENEFITS SHARING

- THERE ROYAL HIGHNESSES ARE DEEPLY CONCERNED THAT THERE WAS LACK OF DELIBERATE MECHANISMS AND FRAMEWORK FOR BENEFITS SHARING AND DISTRIBUTION TO COMMUNITIES IN NATURAL RESOURCE BASED INVESTMENTS AND PROFITS IN THE COUNTRY.
- THIS MADE IT DIFFICULTY FOR COMMUNITIES TO SHOW OF ANY FORM OF DEVELOPMENT DEPSITE HOSTING MANY LAND BASED INVESTMENTS. THE APPROACH IS THEREFORE FOR THE PROCESS OF GRANTING INVESTMENTS TO COMMENCE FROM THE COMMUNITIES THAN FROM CENTRAL GOVERNMENT.
- THIS IS IN ORDER TO CREATE COMPETITION AND SECURE BETTER PERCENTAGES OF BENEFITS THAT WOULD BENEFIT THE COMMUNITIES. THE CURRENT LAWS MUST ALSO BE LOOKED AT TO ENSURE THAT MONITORING TOOK PLACE AT COMMUNITY LEVEL IN AN EVENT OF CHANGE OF LAND USE, AND INVESTORS MUST COME BACK TO THE COMMUNITY TO COMMUNICATE CHANGES IN LAND USE.
- THIS WOULD SUPPLEMENT THE ROLES OF ZEMA WHEN IT COMES TO ENVIRONMENTAL PROTECTION WHERE PROCESSING PLANTS WERE ESTABLISHED IN NATIONAL PARKS AND PAUSED DEVASTATING EFFECTS UNDERGROUND AND ON THE SURFACE.
- COMPLIANCE BY MINING CONTRACTORS SHOULD BE ENFORCED TO MAKE GOOD OF THE DAMAGE CREATED.

xi. **PROHIBITION OF UNSUSTAINABLE USAGE OF NATURAL RESOURCES AND CHARCOAL BURNING**

- THEIR ROYAL HIGHNESSES ARE CONCERNED THAT THE SCALE OF DEFORESTRATION DUE TO CHARCOAL BURNING NEED GOVERNMENT TO CONSIDER BURNING THE ACTIVITY. THE ROLE OF THE MINISTRY OF ENERGY TO ADDRESS ISSUES OF ENERGY DEFICITS MUST BE SCALED UP AS WELL AS MEASURES TO CURTAIL CHARCOAL TRADING IN URBAN AREAS.
- THE BANNING OF CHARCOAL BURNING AND TRADING MUST BE ACCOMPANIED BY MEASURES OF PROVIDING ALTERNATIVE LIVELIHOODS FOR THOSE INVOLVED IN CHARCOAL TRADING. ALTERNATIVE INNOVATIONS OF ENERGY MUST BE SUPPORTED AS A REPLACEMENT FOR CHARCOAL BURNING.
- WE RECALL THAT DURING THE FEDERATION GOVERNMENT AND THE UNIP GOVERNMENT OF DR KENNETH KAUNDA, ANYBODY WHO CUT TREES WENT THROUGH THE PALACE. A REGISTER OF SUCH WAS KEPT. THE SLAUGHTERING OF ANIMALS WAS ALSO CONTROLLED. AND ALL CONTROL MECHANISMS WERE AVAILABLE AT CHIEFDOM LEVEL.
- RESPONSIBLE DEPARTMENTS SUCH AS THE FOREST DEPARTMENT SHOULD SERIOUSLY GET INVOLVED IN CONTROLLING THE DESTRUCTION OF TREES SUCH AS IN WESTERN PROVINCES WERE TREE COVERS DESTRUCTION HAS BEEN ACCELERATED AT AN ALARMING RATE.
- THEIR ROYAL HIGHNESSES FEEL, WE NEED TO GO BACK TO WHAT IT USED TO BE REGARDING MANAGEMENT OF NATURAL RESOURCES. ALLOW THE CHIEFDOMS TO MANAGE THE NATURAL RESOURCES. FURTHER THE FOREST EXTENSION SERVICES BE ESTABLISHED AT CHIEFDOM LEVEL

PRESENTED, AT, LUSAKA, MULUNGUSHI INTERNATIONAL CONFERENCE CENTER (MICC),
KENNETH KAUNDA WING, ON 12TH OCTOBER, 2022 AND 13TH OCTOBER, 2022.

1. His Royal Highness
Chief Ishima
2. Her Royal Highness
Chieftainess Chiyawa
3. His Royal Highness
Chief Shikabeta

SIGN:



4. His Royal Highness
Chief Bundabunda

[Signature]

5. His Royal Highness
Snr Chief Puta

[Signature]
0977 43 3818

6. His Royal Highness
Chief Mwansakombe

[Signature]

7. Her Royal Highness
Chieftainess Muwezwa

[Signature]

8. His Royal Highness
Chief Chipeco

[Signature]

9. Her Royal Highness
Chieftainess Shimukunami

[Signature]

10. Her Royal Highness
Chieftainess Lesa

[Signature]

11. His Royal Highness
Chief Mnukwa

[Signature]

12. Her Royal Highness
Chieftainess Mwape

[Signature]

13. His Royal Highness
Snr Chief Luembe

[Signature]
13/10/2022

14. His Royal Highness
Snr Chief Imwiko

[Signature]

His Royal Highness
Senior Chief Nkula
Chairperson
HOUSE OF CHIEFS

[Signature]
13/10/2022