



Ministry of Lands, Natural Resources and Environmental Protection
FORESTRY DEPARTMENT

Lessons: Analyzing Policies, Laws and Regulations

Presented By:

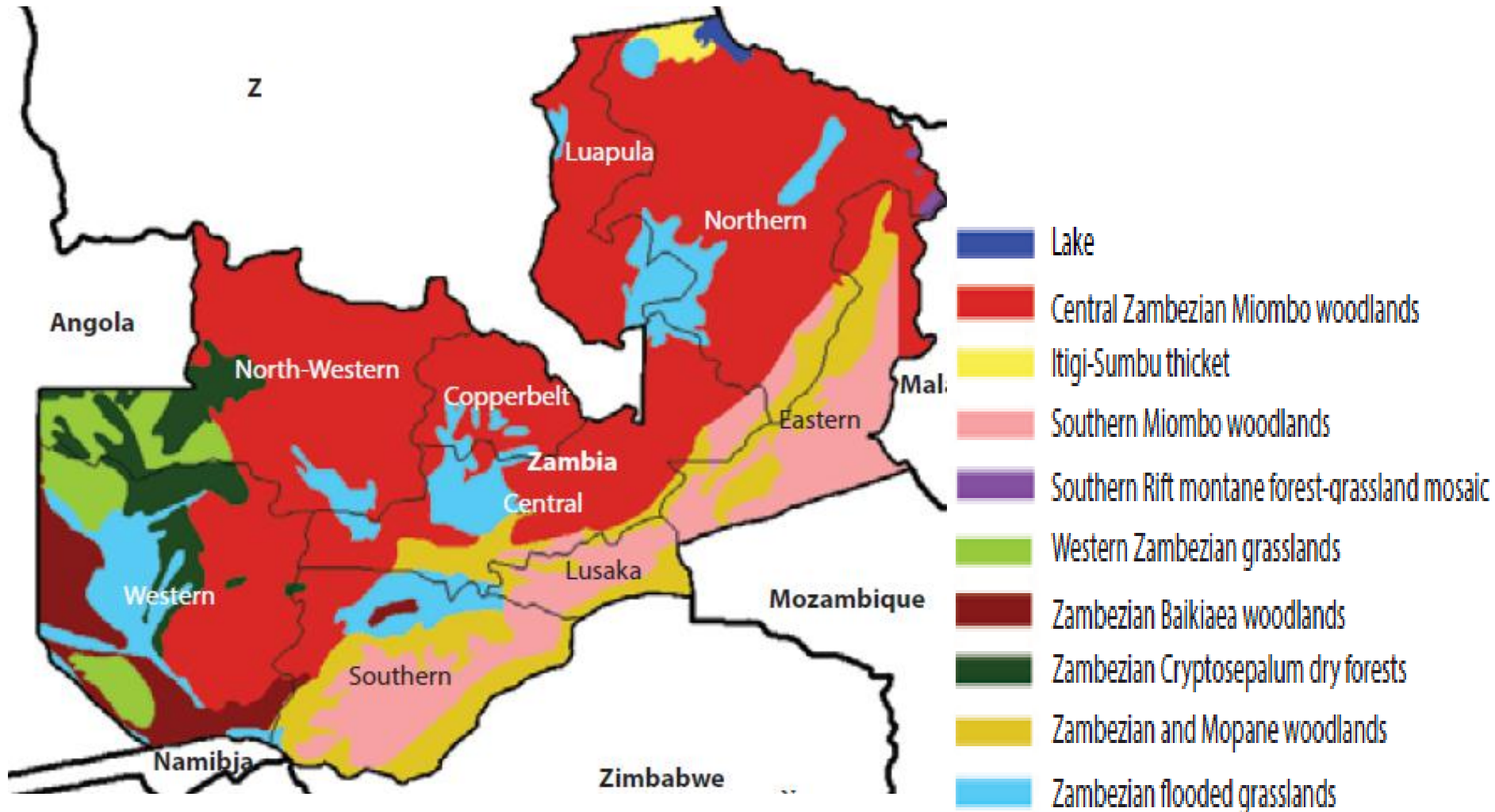
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Structure of Presentation

- Forest Resources
- Zambian' approach to REDD+
- Approach to REDD+ and Safeguards
- Consensus on Safeguards
- Innovative laws and Institutions
- Progress in Policy and Legislative reviews
- Some examples of content of the Forests Bill 2015
- Conclusion



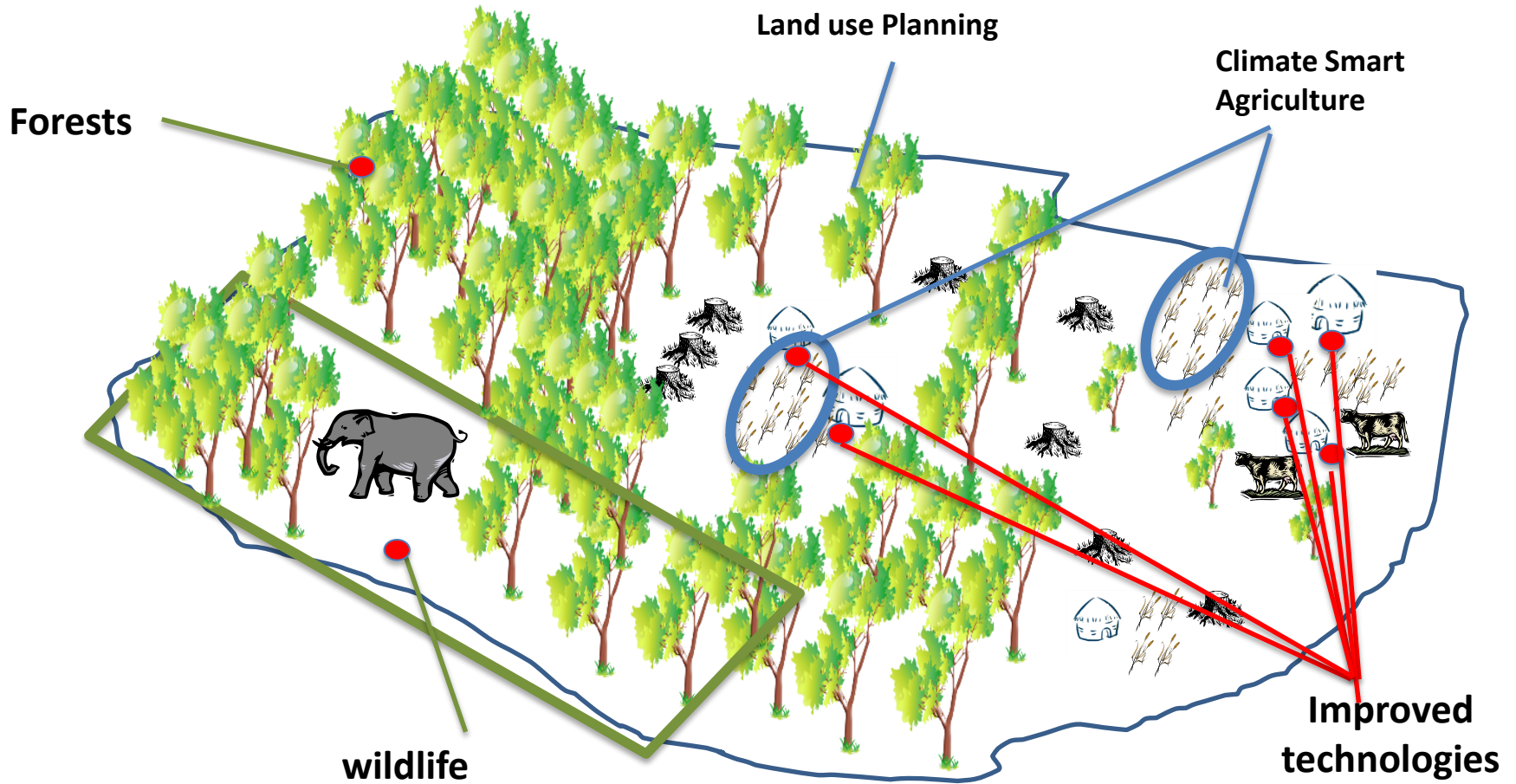
Vegetation of Zambia



Forest Resources in Zambia

- Zambia is among the top 5 African countries still well forested however the deforestation rate is 250,000 to 300,000ha per year
- Zambia surface land area is **752,614Km²**
- Forests cover about **49.9 million ha** (66% of land cover),
- The forest vegetation type is mainly Miombo (**Semi-evergreen forests**); Baikiaea, Munga, Mopane, Kalahari woodlands (**Deciduous Forests**), Ripian, Swap, Parinari, Itigi, Lake basin Chipya (**Evergreen forests**), Termitary associated bushes (**Shrub thickets**), **grasslands, wooded grasslands.**
- Plantations cover about **61,000 ha** (7,000 ha by the Forestry Department and **50,000 ha** under ZAFFICO, the rest by communities, farmers, schools etc.)
- **2.9 billion m³** of growing stock

Zambia's approach is Landscape approach to Implementation of REDD+



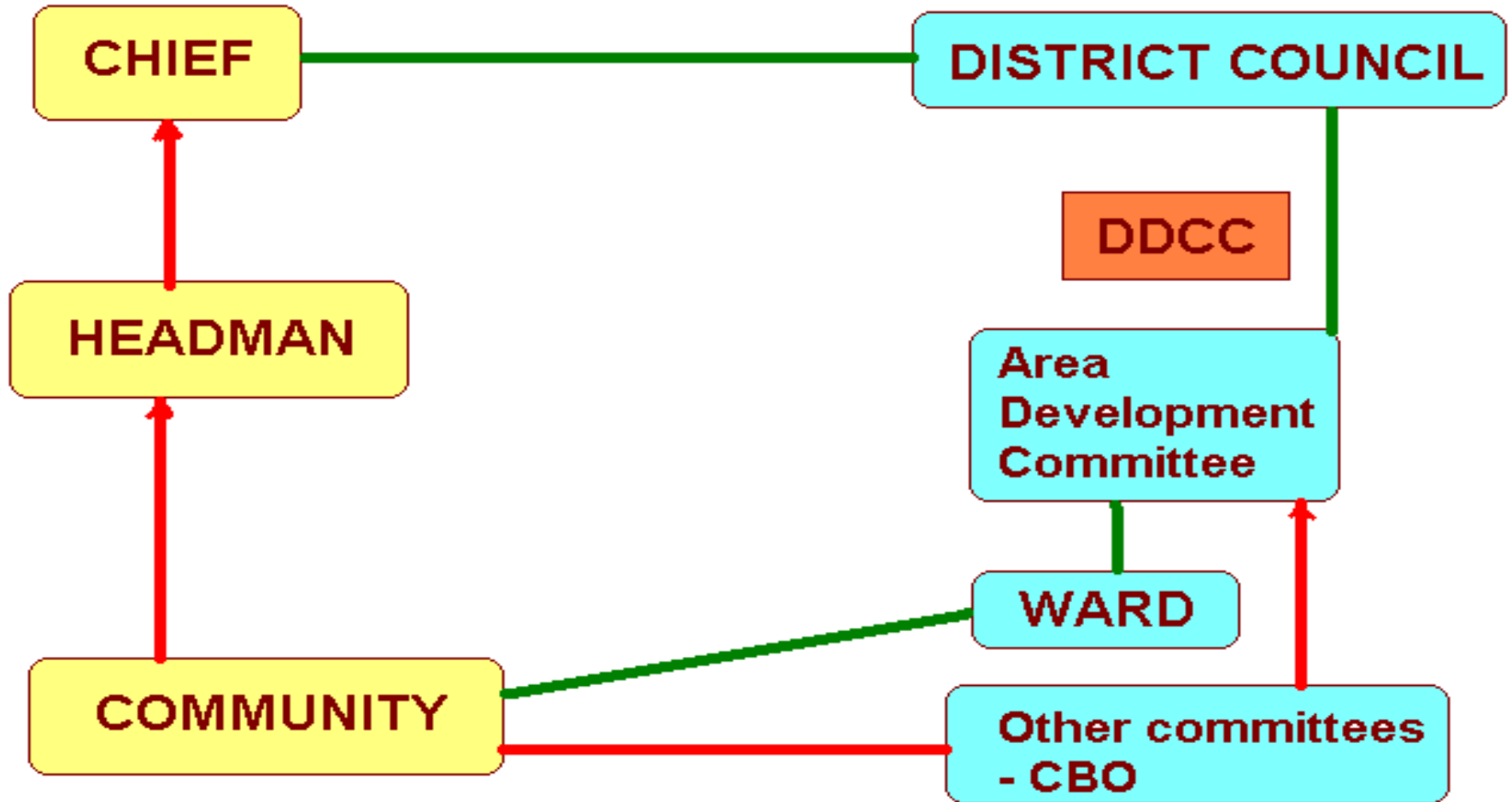
Promote integrated financing and implementation₆

Need for Holistic and Integrated Approach



A holistic and integrated approach is expected to:

- Enhanced and coordinated financing and implementation of REDD+
- Support improved technology and investments in the catchment
- Improve productivity and increased household incomes hence reduce poverty
- Capacity development and mainstreaming of REDD+ in existing institutions.

Need to recognize the Institutional set up (Traditional and Political Structures)



Key

-  Traditional administration
-  Political administration

Process of Reviewing Policies and Laws in Zambia

POLICY

- Gap is identified
- Stakeholder Consultations
- Draft Policy
- Consensus building on key elements and validated
- Submitted to **Cabinet for approval**
- Dissemination and Implementation

LEGISLATION

- Gap is identified
- Seek Cabinet approval to review
- Stakeholder Consultations
- Layman's draft is prepared
- Consensus building
- Ministry of Justice provides a legal version
- Stakeholder validation
- Legislative Committees and Cabinet approval
- Tabled in **Parliament for legislation**
- Dissemination and Implementation

REDD+ readiness Process in Zambia

All the four elements were integrated and addressed together in the process of readiness. Studies conducted aimed at addressing these and one institution was responsible for coordination:

- a. National Strategy/Action Plan
- b. National Forest Monitoring System
- c. Reference Emission Level/Reference Level
- d. Safeguards and Safeguards Information System

Preparedness for REDD+ and Safeguards

A number of **studies** and **consultative meetings** were conducted but these are related to Safeguards

- a. Legal Preparedness for REDD+
- b. Assessing the Role of Safeguards, Enforcement and Governance in REDD+
- c. Analytical study establishing possible synergies between FLES and the provision of information on safeguards in Zambia
- d. Adequacy of Policy, Legal and Regulatory instruments for REDD+ Implementation

A. Legal Preparedness for REDD+

- Zambia's broader governance framework
- Climate change strategies
- Land use, ownership and management
- Forestry
- Integrated environmental management
- Energy and electricity
- Trade, investment and financial accountability

Scope of Country Study

Over 50 policies, laws and regulations were reviewed and analyzed including:

- Constitution of 1996
- Draft Constitution of 2010
- Forests Act of 1973
- Forests Act of 1999
- Environmental Management Act of 2011
- Water Resources Management Act of 2011
- Electricity Act of 1995
- Energy Regulation Act of 1995
- Lands Act of 1995
- Draft Land Administration and Management Policy of 2006
- Lands Acquisition Act of 1970
- Lands and Deeds Registry Act of 1994
- Lands Survey Act of 1960
- Human Rights Commission Act of 1996
- Agricultural Lands Act of 1960
- Local Government Act of 1991
- Mines and Minerals Development Act of 2008
- Draft Urban and Regional Planning Bill of 2009
- National Agricultural Policy (2004-2015)
- National Anti-Corruption Policy of 2009
- Public Audit Act of 1980
- Public Procurement Act of 2011
- Zambia Development Agency Act of 2006

Legal Preparedness Study recognised Innovative Laws and Institutions

- Forestry Policy and Forests Act had been revised to improve forest management and land management
- Statutory Instruments used for a phased approach to legal Framework e.g. Piloting of JFM
- Reforms to fiscal transparency and accountability [introduction of the Integrated Financial Management Information Systems (IFMIS)]
- Integrated land-use planning on customary and state land now part of Draft Legislation
- Decentralization Policy enhances participation in decision making process
- Environmental Council of Zambia transformed into the Environmental Management Authority with added responsibilities and authority

B. Assessing the Role of Safeguards, Enforcement and Governance in REDD+

		GOVERNANCE COMPONENTS		
		Actors <i>government, international institutions, civil society, private sector</i>	Rules <i>policy & law content, policy- & law-making processes</i>	Practice <i>implementation, administration, monitoring, enforcement</i>
PRINCIPLES OF GOOD GOVERNANCE	Transparency		Safeguards, Enforcement & Governance relevant for REDD+: <ul style="list-style-type: none"> ▪ Rights & ownership of forest carbon ▪ Conflict redress & management system ▪ National safeguard policies & laws ▪ Access to & sharing of information ▪ Public participation in decision-making ▪ Strong monitoring, reporting & verification (MRV) system 	
	Participation			
	Accountability			
	Coordination			
	Capacity			
			Country Profile <i>(key facts and quantitative information relating to forest sector outcomes or outputs)</i>	

C. Forest livelihood and Economic Survey and safeguards

Cancun safeguards thematic elements		Will FLES provide useful information for the thematic safeguard element?
a)	Complement or consistent with the objectives of national forest programmes	No, exceeds the scope of FLES
	Complement or consistent with relevant international conventions and agreements	No, exceeds the scope of FLES
b)	Information on the transparency of national forest governance structures	No, exceeds the scope of FLES
	Information on the 'effectiveness' of national forest governance	Partially
c)	Information on who is considered indigenous peoples/tribal people and members of local communities	Partially
	Information on how the rights of indigenous peoples/tribal people and members of local communities under international law are respected	Partially
d)	Information on the enabled environment for effective participation	Partially
	Information on the FPIC for indigenous/tribal people	No, exceeds the scope of FLES
e)	Information on the Non conversion of natural forest	Partially
	Protection and Conservation of Natural Forests and Biodiversity	Partially
f) & g)	Monitoring and assessment	Partially
	Measures to tackle reversals and displacement	Partially
	International cooperation	No, exceeds the scope of FLES

D. ASSESSING THE ADEQUACY OF POLICY, LEGAL AND REGULATORY INSTRUMENTS FOR REDD+ IMPLEMENTATION

The study aimed at assessing the adequacy of the existing policy, legal and regulatory frameworks. ***Key Gaps based on Review of Policies/Acts/Strategies were identified.***

- Tenure rights
- Decentralized forest management and planning
- Policy harmonization
- Legislative change capacity
- Benefit sharing
- Safeguards
- National REDD Fund architecture
- Reference Emission Level/Reference Levels

Consensus on Approach to Safeguards

In order to fully respect the country's legal, institutional and compliance frameworks and in order to operationalize international safeguards at the national level, a national level safeguard system will be formulated for Zambia.

- ❑ Must be rooted in **Zambia's existing legal framework** (national policies, laws and regulations that define and regulate the effective implementation and compliance of the safeguards); e.g. Environmental Management Act, Lands Tribunal, Forests Act e.t.c.
- ❑ Must be based on the **country's institutional framework** (existing procedures for implementing and enforcing the legal framework);
- ❑ An outline of the **monitoring framework based on existing laws** (with a monitoring and information system; grievance and redress mechanisms; and noncompliance mechanisms);
- ❑ **To serve as a cross-sectoral framework for environmental and social performance** across all land-based sectors - forestry, agriculture, mining, infrastructure development and domestic energy;
- ❑ The **safeguards** were considered as **part of the National Strategy** development process including other elements (NFMS, REL/RL)

Progress in Policy and Legislative Review

- ❑ The National Forestry Policy has been approved by Cabinet
- ❑ The Forests Bill 2015 will be presented to Parliament in the current sitting of parliament

Guiding Principles

- Broad based participation;
- Equity and responsibility;
- Sustainable Forest management;
- Holistic and ecosystem based ;
- Abatement of climate change;
- Precautionary principle;
- Free, prior informed consent;

Some Items addressed by Forests Bill

- Carbon is a forest produce as well as a major forest produce (requires a licence);
- Empowers communities (citizens) to apply and manage forest (others have to partner with communities);
- Protected Area System expanded and includes JFM, Community Forests, Private Forests, Botanical Reserves;
- Benefit sharing will be based on a Management Plan (promotes innovative approach)

CONCLUSION

Since various laws in Zambia are linked to REDD+, it is important to recognize that **a phased approach** and **mainstreaming** is done to responding to the needs of REDD+ is taken into account.

REDD+ must support local community livelihoods and investments