



Ministry of Lands, Natural Resources and Environmental Protection  
FORESTRY DEPARTMENT

# Legal Preparedness for REDD+ in Zambia

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UN-REDD  
PROGRAMME

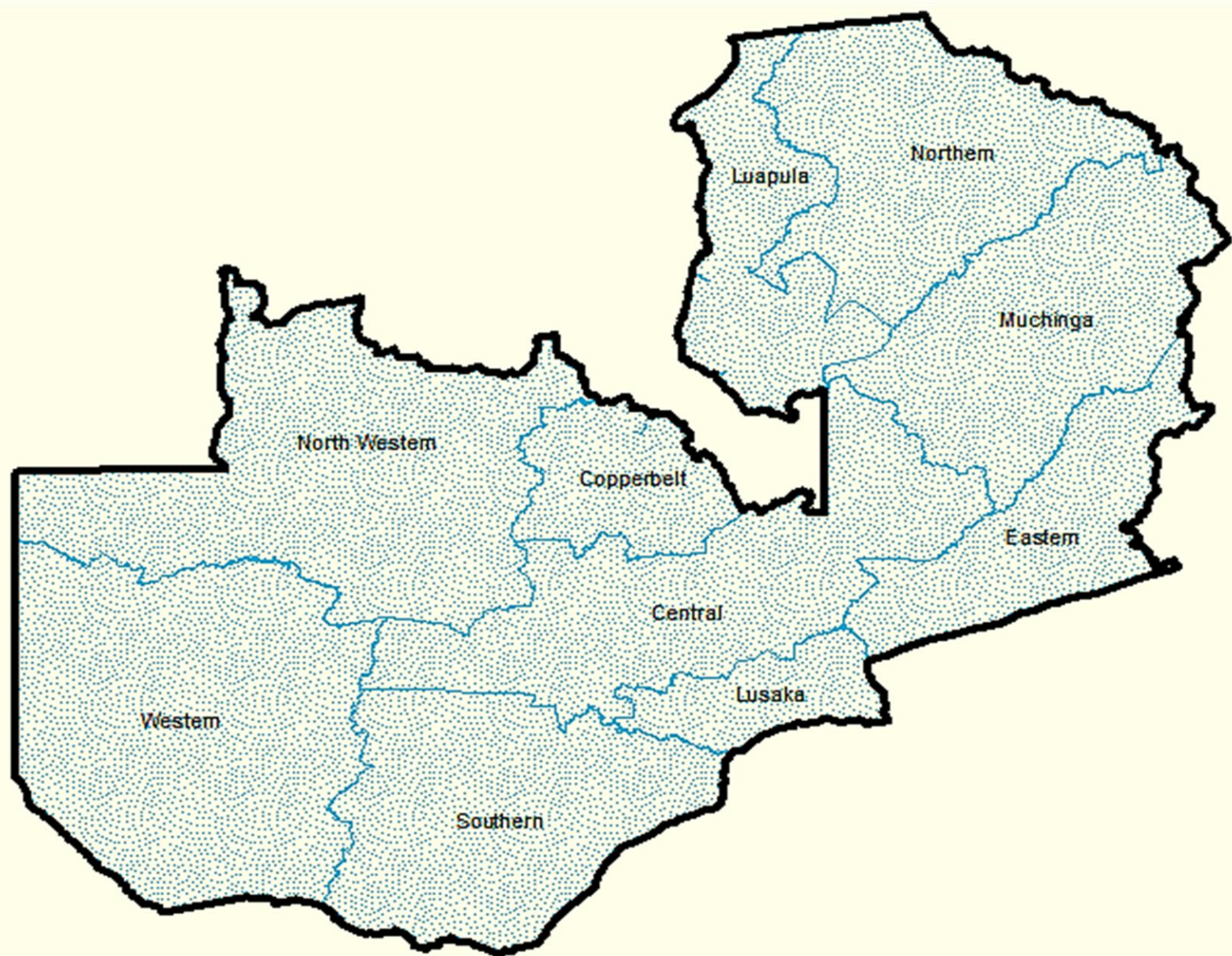


# Structure of Presentation

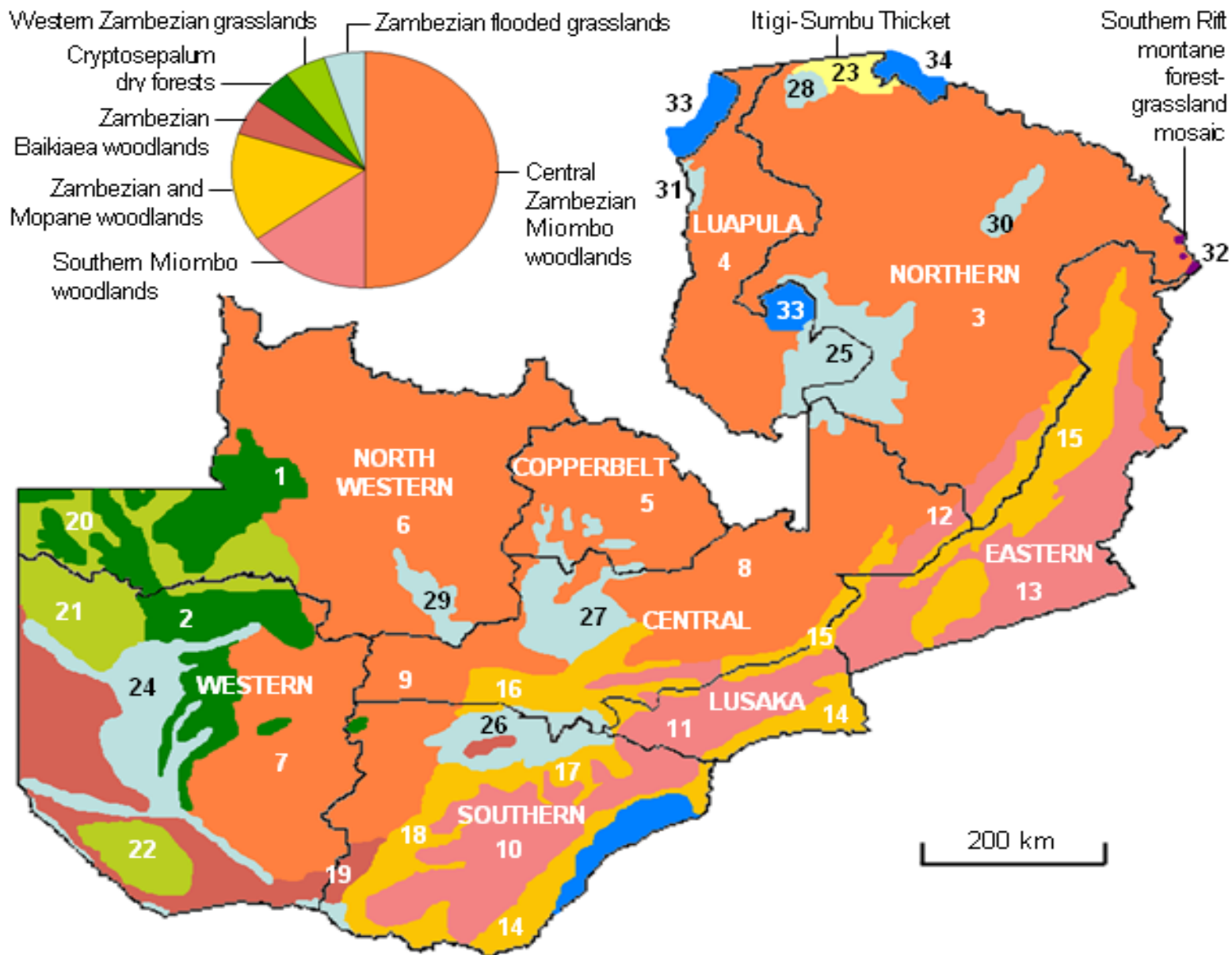
- Background
- Traditional and Political Structure
- Brief REDD+ Readiness Process Context
- Scope of Study
- Key Findings
- Innovative laws and Institutions
- Current Governments Actions
- Conclusion

# Background

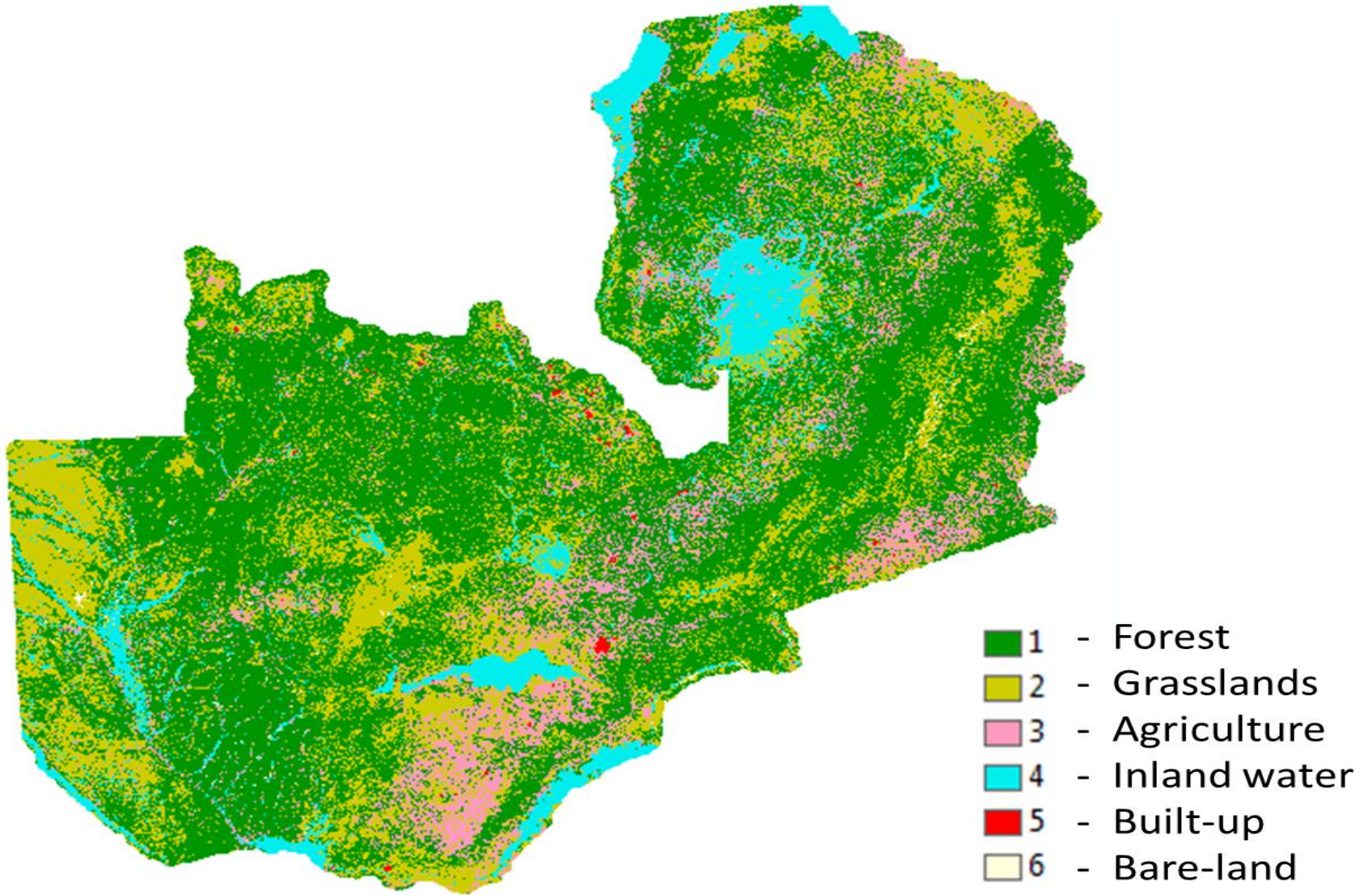
- Zambia has approximately 50 million hectares of forest (66% forest cover)
- Deforestation rate of between 250,000 to 300,000 hectares per year
- Primary drivers of deforestation and forest degradation
  - charcoal and wood fuel use
  - Timber production
  - unsustainable agricultural methods
  - Infrastructure development (includes mining)
- Overwhelming reliance of the largely poor rural population on natural resources
- 70% of the country's energy supply is from charcoal and firewood
- Only about 25% of the population have access to electricity
- 49.3% of the urban population and 3.2% of the rural population have access to electricity



**KEY TO ECOREGIONS** *Chart slices are proportional to area of ecoregion*



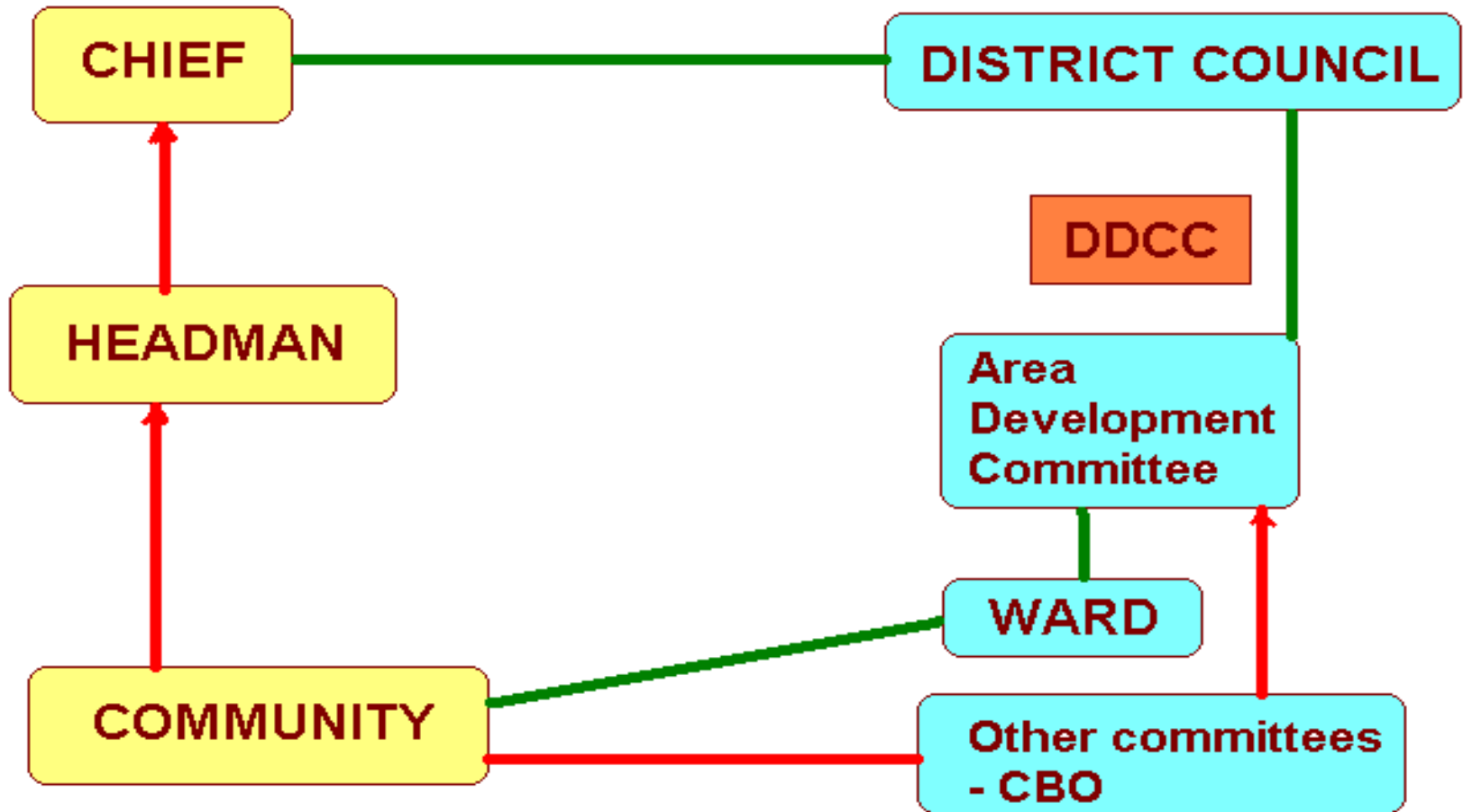
# Draft Zambia Land-cover Map 2010



# Importance of Study

- Help in assessing the enabling environment for REDD+ in Zambia
- Identify linkages of the sectors and find ways of harmonizing government efforts towards REDD+ Implementation

# Traditional and Political Structures

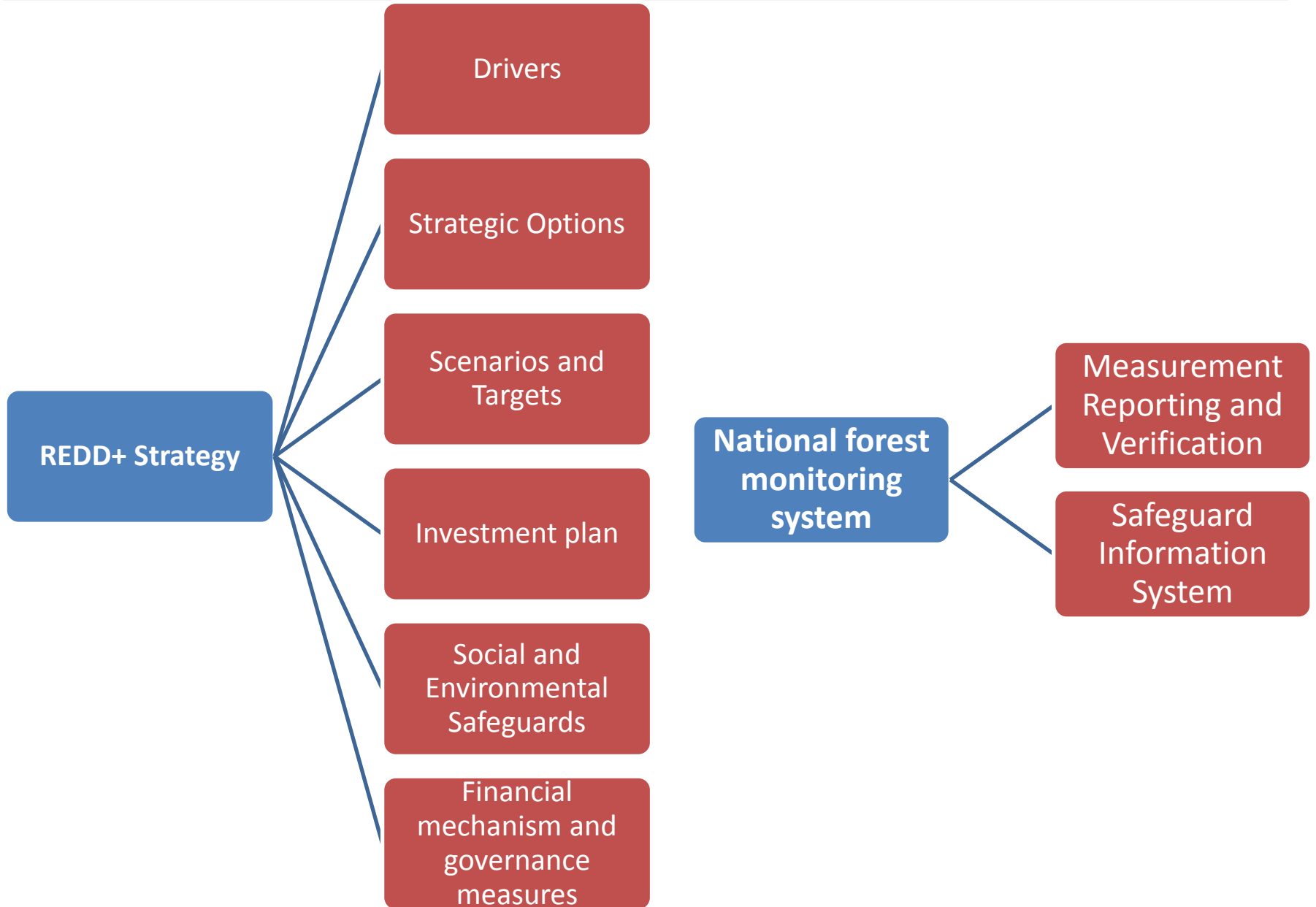


Key

- Traditional administration
- Political administration



# The REDD+ readiness Process and Context




# National REDD+ Strategy Development Process


Analytical work to facilitate understanding of the real issues and options available (problem analysis)



Identify the options available to reduce deforestation which is based on the studies and national circumstances



Define the roles and responsibilities of stakeholders including measurable contribution to reducing deforestation



Set the national vision on how to address drivers of deforestation through stakeholder consultations



Develop a National Strategy and Investment plan

# Scope of Country Study

- 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

# Key Findings

The findings of this Country Study on Legal Preparedness for REDD+ in Zambia show that:

- REDD+ is a **cross-sectoral and multi-jurisdictional** in implementation
- REDD+ deals with **crosscutting issues** of land tenure, land use planning, protected areas, easements, land acquisitions, and trade and commerce as well as **sectoral laws concerned with the drivers** of deforestation and forest degradation, such as energy, agriculture and mining.
- **REDD+ broad linkages** shows that **laws create rights, responsibilities and hierarchies in interests** that affect issues such as carbon ownership and use, the risk of reversals and displacements, participatory decision-making, results-based benefit distribution, and incentives to **relieve forests of services that can be substituted with low-emission alternatives.**

# Key Challenges

- **Equitable and secure land tenure:**
  - Dual system exist: ***State land (6%)*** and ***Customary land (94%)***
  - Title on customary land to communities and individuals is attributed by Chiefs and is not formally recognized by the public administration, including for land-use planning
  - Title on customary land cannot be registered without conversion to leasehold requiring the consent of the Chiefs and often inaccessible procedures, which the Ministry of Lands is seeking to address
- **Clarity and coherence of laws and institutions related to REDD+**
  - Forests, land-use, agriculture, energy all have a role in REDD+ but these are separate sectors that need to be harmonized.
  - Different laws in those sectors delegate authority over overlapping areas without clear hierarchies in rights (wildlife management areas, watersheds, protected areas, forests...)
  - Zambia's decentralization policy mandates that laws be devolved to the District level with little human and financial capacity to do so

# Key Challenges

- **Regulation of the charcoal industry for effective REDD+ implementation**
  - The industry has a significant role in livelihoods of people along the chain of production, transport, sale and export to international markets
  - Charcoal provides a source of accessible energy to urban Lusaka where hydropower is available but subject to ineffective tariffs on consumers
  - Efforts for efficient cookstoves and kilns have not been scaled up to date by the government to make charcoal more sustainable
- **Benefit sharing mechanisms**
  - The Forests Act of 1973 promotes centralized management of forests
  - Pilot projects in Joint Forest Management (JFM) and Community-Based Natural Resource Management (CBNRM) have had varying success, providing lessons learned on
    - Different opportunities for benefits across different areas
    - Type and amount of benefits
    - Participatory decision-making processes
    - Inclusion of wildlife, forestry and natural resource management

# Innovative Laws and Institutions

- Forestry Policy and Forests Act has been revised to promote 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



# 2014 Draft Forestry Policy and Forests Bill

*The National Forestry Policy is designed to reduce deforestation and forest degradation ensuring increased forest cover and enhance carbon stocks through integrated participatory management, improved law enforcement and private sector investment, and [to] transform the forestry sector into a proactive economic sector to improve livelihoods of local communities.*

- Recognizes forests for their economic, social and environmental value
- Embeds REDD+ into the domestic legal and institutional framework
- Adopts Zambia-driven activities and objectives (market access for non-wood forest products, decentralization to the local level, job creation, plantations...)
- Revisits past experiences with JFM and proposes pilot projects to be scaled up at a later date

# 2014Draft Forestry Policy and Forests Bill

## **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;

# Government Actions

1. Developing National Strategy to reduce Deforestation (REDD+) to define actions that need to be taken and investment. Initially, an Issues and Options Report will be developed (End of May)
2. In addition the government is implementing the following:
  - a. Zambia Integrated Land Management Information System (ZILMIS)
  - b. National Forest Inventory including Forest Livelihoods Survey (FLES) with some safeguards

# REDD+ Readiness Process

## What we have achieved

1. High-level engagement, and continue with stakeholder dialogue
2. A rich base of analytical work accomplished
3. A National Forest Monitoring System with a REDD+ Portal and a wiki established
4. Govt, Donors, NGOs and private sector willing to invest in REDD+
5. Willingness to prepare & adopt a REDD+ Strategy by CoP/2014

## The work ahead

1. Identify strategic options
2. Define clearly, quantifiable and realistic objectives
3. Development of financing strategy, safeguards and governance mechanism
4. Secure high-level and stakeholder consensus on REDD+
5. Need to initiate demonstration or pilot projects

# CONCLUSION

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