

POLICY, INFORMATION AND CAPACITY BUILDING
FOR THE SECTOR:

THE CONASA EXPERIENCE IN CBNRM IMPLEMENTATION¹

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EXECUTIVE SUMMARY

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The paper argues that:

- Government should consider changing or strengthening some policies and legislation so that local communities can effectively participate in the natural resources management and utilisation to improve their livelihoods.
- CBNRM is a viable poverty reduction and rural development strategy because it does not require too much government intervention in delivery of social services for people in rural remote areas.
- Local communities should be recognised as stakeholders, and should also benefit from utilisation of natural given they also contribute to NRM. All along only government and private sector shared any benefits arising out of legal utilisation of natural resources – and almost all of them being absentee landlords; i.e. they come from outside the areas.
- To make significant impact, government should invest in natural resource production just as much as it has in agriculture production from which little impact has been had.
- CBNRM reduces the pressure on the central treasury to finance rural development in general in areas where communities can do it themselves from their fair share of revenues derived from legal utilisation of natural resources.

INTRODUCTION

Background

Zambia's population grew from 7.3 million (1990) to 9.8 million (2000)² of which about 70 percent live on less than US\$ 1 per day. In the rural areas this percentage goes up to over 80 percent. Zambia's GDP per capita income is US\$355³. The life expectancy at birth has also gone up from 47 years (1990) to 50 years (2000) despite overwhelming and combined effects of HIV/AIDS (since early 1980s); poor economic performance (since mid 1970's); dwindling livelihood security (fewer jobs, little medical facilities and drugs, poor access to safe drinking water, fewer coping mechanisms); food insecurity and malnutrition; and high prevalence of communicable diseases because of poor hygiene.

At the same time natural resources that are more valuable (gemstones, wildlife, forests, and fisheries) are found in the same rural areas where the poorest people live. Most of the benefits from conservation and utilisation of these natural resource are shared between Government and private operators that do not reside in these areas. Safari operators, loggers, mining companies and other private intermediaries and individuals all come from urban areas.

The rural people's agricultural production is also erratic because there are frequent droughts (southern half of the country), or floods (some northern parts of the country); inadequate access to inputs or credit facilities and soils are poor for crop production. Even when agricultural production is decent enough, marketing arrangements are not good enough for poor people to make a profit at all. Most of the poor are involved in production of the same crops, and therefore they harvest at the same time and always want to sell immediately. This leads to drastic fall in agricultural prices, especially food commodity prices.

Even where it is established that certain rural areas have marginal soils not good for crop production, government continues to provide agricultural extension services and subsidised inputs instead of trying other more suitable alternatives like promoting natural resource production that may require little inputs, but are have higher economic value than food crops. government should be encouraged to invest and promote the production and processing of natural resources.

Because of the insecure livelihoods, people tend to engage in activities or coping mechanisms that threaten sustainable natural resources management and utilisation. Natural resources are assumed to be communally owned, and therefore anybody can utilise them when they are stressed, usually at no cost at all. Not too long ago, the only way these common resources were secured from over-exploitation was through the "guard-and-fences" model i.e. Government employed forestry and wildlife police officers to arrest people engaged in illegal harvesting of the natural resources. Of late governments have fallen on hard times, and can no longer financially support these activities at the community level. In order to reduce this burden, governments are inviting local resident communities (through policy and legislation) to take up some of these management responsibilities for a share in the benefits derived from legal utilisation of the natural resources.

² Central Statistical Office

³ Bank of Zambia

At the same time, there is rising communities awareness about the value of natural resources and demand for an appropriate share of benefits coming from the resources they help protect, conserve and manage. The concept of community-based natural resource management (CBNRM) has been born out of these complementary factors. There are now widely agreed upon guiding principles for rural development activities to be referred to as CBNRM projects or programs. Some of these principles and guidelines are that: tangible benefits should demonstrated quickly enough before communities lose faith in conservation aspects of the program; these benefits should be directly linked to utilisation of the natural resources; the benefits should also be big enough to offset any opportunities costs; there should be participatory (and not representative) governance structures where leaders are held accountable to the community members at large and not to Government regulatory institutions; communities should negotiate for roles and responsibilities with other stakeholders, and not merely be assigned the said roles.

CONASA PROJECT

CONASA is an acronym derived from Community-Based Natural Resource and Sustainable Agriculture. The project is jointly implemented by a consortium of three international NGOs, viz; CARE International, Wildlife Conservation Society (WCS), and African Wildlife Foundation (AWF) with funding from USAID. CONASA works with a lot of other partner organisations with expertise knowledge in the execution of very specific activities.

CONASA twin goals are to improve rural people's livelihood and increase natural resource production through implementing activities that impart livelihood knowledge and skills to local community members; contribute to sustainable management and utilisation of natural resources, facilitate improved access to commodity markets.

By implementing these activities, the CONASA project seeks to realise the following immediate results or outcomes:

- Improved household livelihood skills and market opportunities developed;
- Increased Policy and CSO support for CBNRM implementation. One of the strategies to attain this goal is to build the capacity of the local communities that are the weaker partner, to take up their fair share of roles and responsibilities in the management and utilisation of natural resource.
- Developed enterprises that link into the regional market developed, especially the 4-corners region

The impact of these results/outcomes will lead to improved rural livelihoods and sustainable NRM and utilisation. The beneficiary community of this project resides in three Game Management Areas (GMAs) south of the Kafue National Park, viz: Sichifulo, Mulobezi and Bbilili. GMAs are areas outside the National Parks where people and wildlife can live together. They are designated areas that act as buffer zones between open areas and protected areas.

1. POLICY and LEGISLATIVE ENVIRONMENT in NATURAL RESOURCE MANAGEMENT

Briefly stated the Natural Resource sector in Zambia is characterised by

- Relatively weak policy and legislation. Each resource has its own policies and legislation that is evidenced by gaps, duplications and conflicting provisions.
- Poor information (quality, coverage, frequency, access, accuracy). Apart from high cost mining operations, most of the data on natural resources is localised collected by projects or programs, and not properly held by the Central Statistical Official (CSO).
- Weak enforcement of legislation
- Low levels of implementation of policy provisions

One of the strategies towards attainment of the CONASA goals is through implementing activities that result into increased policy and civil society organisation (CSO) support for CBNRM implementation. This involves undertaking activities that build capacity of the local communities to take up their NRM responsibilities (and rights?) for a proportionate share in the benefits derived from utilisation of the natural resources. There is increasing recognition of the community stake in the NRM by government and private sector now, and revised policies and legislation are reflecting that.

Recent revisions to most policies and laws governing the natural resources have accommodated the CBNRM principles to varying degrees. The Wildlife Act (1998) provides for community participation in wildlife management and utilisation through Community Resource Boards (CRBs). The Forestry Act (1999) also makes similar provisions for increased community participation in managing and benefiting from the forestry resources. Fisheries Bill (1995) does the same through Village Fisheries Committees. Lands Act (1995) meant to increase the security of tenure of land holders and also provide for conversion of customary land to leasehold tenure, but has adverse implications for the poor who can afford to go through the process of securing documentary proof of ownership of land and also unintended reduction of power that traditional authority have over their subjects. The Mines and Minerals Development Act (1995) did not accommodate local community participation in mining, not even in gemstones where individual villagers actually already mine illegally.

However, even though CBRNM principles have been included in most of the revised natural resource policies and laws, Zambia has fallen short in their full implementation. The little progress made has been with so much struggle and difficulty due to various reasons, among which are the following:

- Each natural resource is still governed by separate policies and legislation, and each resource calls for establishment of more or less similar institutional structures at both the national and local community levels. Thus we have the Wildlife Act (1998) that has led to establishment of the Zambia Wildlife Authority (ZAWA) as the regulatory body at national level and Community Resource Boards (CRB) at community level. The Forestry Act (1999) also calls for establishment of the Zambia Forestry Commission as a regulatory body at national level, while requiring communities to form Village Fisheries Committees at the local regional level. Apparently ZAWA and Forestry Department both fall under the same Ministry, and the natural resources they are charged with are usually

found in the same operation areas, just as the communities they work are the same and to found in these areas.

- There is little coordination among the Government mandated agencies in their implementation of regulatory oversight functions. Again although ZAWA and Forestry Department fall under one Ministry, they seem not to be aware of what the other wing of the Ministry is doing. Their approaches to development of natural resources management plans were different until very recently when CONASA effort led to some semblance of an harmonised approach to formulation of NRM plans at community level. Note that, by law it is possible for both these institutions to issue concession licences to operators in the same geographical area, as long there are legally recognised forest and wildlife resources e.g Mulobezi GMA.
- Given the existence of separate pieces of legislation and policies for each resource, there are a number of gaps, overlaps, and therefore conflicts among NRM mandated institutions. For example each of the new policies and legislation recommend that community-based organisation (CBO) or structures be put in place by communities to promote and protect their interests in the management and utilisation of the natural resources. In essence by the time the communities comply with each of these demands, each community resident will belong to one or two of the numerous CBO structures that will emerge at community level. There are still different approaches to undertaking certain activities recommended by the different institutions that would probably benefit all if these institutions adopted a harmonised approach – case of formulation of natural resource management plans. Even the terminology used to refer to the same issue in policy and legislative documents is different for each resource.

In the case of land administration: there are too many institutions involved, all of them backed by policy and legislation empowering them to administer land. Apart from the Ministry of Lands, Ministry of Agriculture, Local Authorities, Office of the Vice-President (through Resettlement Unit) and traditional authorities are all involved land administration.

Other times we notice that regulatory institutions also get involved in initiating formulation of policy. Instead of concentrating on monitoring and regulating economic actors' impact on the environment, the Environmental Council of Zambia (ECZ) has been spearheading the formulation of the wetlands policy for Zambia.

- There are pockets of resistance to full implementation of CBNRM concept by powerful stakeholders with vested interests. This is evidenced by incidences of community benefits being captured by local community elites, Government and political officials, and private sector players. It may be through very little, limited consultation of the stakeholder groups when making policy and investment decisions, or failure to remit agreed upon share of benefits to communities (pledges from private sector or revenue share from government).

Given such an NRM policy environment, CONASA has therefore been undertaking awareness raising activities over policy issues such as the above, and at the same time impart knowledge and skills for communities and other stakeholders to identify other policy issues on which they should try to influence to change through undertaking advocacy activities. Stakeholders should seek change that speeds up implementation

of good CBNRM policies and legislation, but also change those that don't benefit all stakeholders.

Because the natural resources in local communities are communally owned, there is need for communities to prevent local elites from capturing the most of benefits from the community members at large. Therefore CONASA has also helped the target communities to appreciate purpose of by-laws and development of the same to govern the management and utilisation of natural resources, including how benefits will be shared. So far, two sets of by-laws developed by two CRBs have been submitted to the Ministry of Local Government and Housing for onward submission to Ministry of Legal Affairs. Once these Ministries indicate their consent/approval the by-laws will be gazetted and become law that will be referred to in the appropriate courts. CONASA first trained the communities on by-law formulation, and thereafter facilitated meetings at which the by-laws were developed in a participatory manner at community level.

By-laws will ensure that the new roles and responsibilities that communities have negotiated for in NRM can be performed to the best of their ability, otherwise the other stakeholders will lose confidence in communities' ability to contribute to sustainable NRM. Once that happens, the community share in benefits from NRM will increasingly be questioned, since any rights and associated benefits go along with performing a proportionate amount of responsibilities. In the communal setting, these responsibilities can only be enforced through by-laws that are backed up by locally developed natural resources management plans (as required by most CBNRM compliant policies and legislation) and traditional authority.

By-laws (developed by the communities) supplement the main legislation or principle Acts (developed by government) by providing the specifics on such things as how the revenue will be shared or used by the communities; indicates to the community members the penalties for non-compliance and incentives for compliance; prescribes how the various portions of community land will be used; etc.

The target communities have attended meetings where policies and legislation governing Zambia's wildlife, land, forestry, fisheries, and water sectors have been discussed. CONASA is always conscious of technical concepts and terminologies that these documents contain, and therefore try to simplify them for easier comprehension by community members with humble educational backgrounds. So far only one round of such policy/legislation awareness raising meetings were convened in the first two years of the project life. It is increasingly becoming clear that there will be need for repeat meeting to discuss the same policies and legislation; especially now that communities have encountered some issues with a different perspective. E.g. Safari hunting is taking place now (in 2003), after a two-year of ban. During those two years ZAWA was under going restructuring accompanied by serious teething problems. CONASA started operating in 2001 when safari hunting ban was first imposed.

Trans-boundary Elements

Training workshops was convened for the beneficiary communities to discuss the international instruments (such as CITES, SADC Wildlife protocol, CBD, etc) that have an overarching influencing over the sustainable management of the natural resource management. It is now recognised that NR activities in one country have

spill over effects on neighbouring countries. Collaboration in management of global resources require international instruments.

Given that there is no uniformity between Zambia's domestic policies and legislation with its neighbours, these international instruments serve models for developing domestic policies comply with internationally agreed upon principles. Currently Zambia and its neighbours have different policy and legislative provisions: there are different penalties for non-compliance (poachers fate), just as rewards for compliance and good conservation/ NRM strategies are different. Although all of these countries may be following CBNRM principles, the specific provisions and terminologies are different – CBOs, geographical coverage, governance structures, benefit sharing, etc.

The international instruments that are supposed to provide model have not taken into account the issue of benefit sharing among local communities found in the different countries, but contribute to conservation of the (trans-boundary) natural resources in the same ecosystem. For example, Zambia's elephants are currently under Appendix I of CITES List (meaning that no commercial utilisation of elephants, and therefore no benefits going to communities) while those elephants in Namibia, Botswana and Zimbabwe fall under Appendix II (limited exploitation of elephants for commercial purposes, and therefore some benefits go to local communities too). In the "4-corners area", this means that from the same elephants that cross state boundaries communities from neighbouring countries benefit from animals while Zambia's communities, just across the Zambezi River who also help conserve these animals, do not. The international instruments should provide enough incentives for all communities in the same ecosystem, but found in different countries, to benefit from their conservation efforts.

Right now, *Zambian communities* see the elephant as a dangerous pest that will eat their grain and kill them without any compensation from government. Thus when ZAWA applied to CITES requesting for down-listing of its elephants from Appendix I to II, the communities supported ZAWA for all the wrong reasons. Whilst ZAWA wanted to engage in limited commercial exploitation of the elephant for purposes of raising money to support its conservation effort local communities saw this as an opportunity to hunt the elephant to reduce the threats on their livelihoods (crops and granaries) and save people's lives.

Advocacy on Policy Issues

Communities and some NGOs have been trained in CBNRM advocacy, and it is expected that advocacy activities will be initiated and undertaken by communities and other CBNRM practitioners that will lead to full implementation of the CBNRM concept as a viable strategy to poverty reduction and rural development in general.

As part of the advocacy strategy, CONASA facilitated the submission of input from the target community into the current land policy review process. Proposal were made to improve community participation in land administration and these proposals were well-informed by what has actually occurred in some communities – especially as it relates to giving land to big investors coming from outside these communities. CONASA also facilitated the Mulobezi community representatives to appear before the Parliamentary Departmental Committee (in 2003) to present community

perceptions on the issue of timber felling and exportation. Issues that came out were failure to remit pledges by private operators; weak enforcement of concession agreements, and poor supervisory/regulatory services by Government.

CONASA has also helped initiate and develop forums at which stakeholders in the natural resources sector can share information and experience and increase their voice in their quest for improved policy and legislative environment. At the national level, the Natural Resources Consultative Forum (NRCF) has been welcomed by a lot of stakeholders as an appropriate channel through which government can receive coordinated input from non-state actors to feed into government policy-making processes. There are lower-level, regional forums that CONASA has facilitated to consolidate the gains made so far, such as the proposed formation of CBNRM-SO Association, and MUSIBI CRB Association that will be linked into NRCF.

2. POLICIES AND LEGISLATION RE: UTILISATION AND BUSINESS ENVIRONMENT

Due to the uncertainty and low levels of enforcement of policy and legislation, relatively powerful interests groups tend to exhibit a lot of rent-seeking and free-rider behaviour. The sector is therefore associated with:

- Informal business activity
- Low levels of investment
- Little R & D, if any at all, and therefore
- Very little value addition to natural resources (i.e. processing of raw materials)

It is acknowledged that there is little awareness about the high-value Non-Forest Timber Products (NFTPs), especially Organic Products probably because of the scanty, little information available and the complex nature of the businesses. Therefore it is not surprising that the current policy and legislative provisions pay little attention to the NFTPs -standards, guidelines, or benefit-sharing with custodians of these resources.

Even then, CONASA has facilitated involvement of the local communities in exploiting business opportunities in the world of natural resource products. Currently CONASA is facilitating development of business venture involving the Mungongo nut and organic honey production.

- Mungongo Nut – CONASA has bought a machine for crushing the nut, but has yet to decide on the business model to employ. Whether in fact the entire community is best placed to own the equipment or look for an individual, from within or outside the community, to own and run the business of crushing nuts is not decided yet. From the various local communities, the crushed nut is supposed to be shipped to an entrepreneur who can then process the seed to extract the oil.
- Organic Honey – Individuals that were trained have their own bee hives, but they have formed a Commodity Group to pool resources for easier marketing of the honey, easier coordinating and delivery of technical services and assistance. In one GMA an area was identified and a lot of preparatory work has been done to have it certified as an organic honey producing area. As we all know certification for OP is expensive, and communities barely understand or appreciate the concept, nor are they convinced that a lot of money should be spent for such an exercise. Therefore there is urgent need to demonstrate the benefits of certifying an area for OP.

In order to improve chances for successful community-owned business, CONASA made a submission to the Zambia Investment Centre (ZIC) requesting Government to have less-stringent requirements/conditions for community-owned businesses. Because of their very nature, community-owned businesses in countries like Zambia are capital-poor, tend to have very high operational costs, and are less knowledgeable than we would all like to see a business investor be. Depending on ownership structures, the Investment Act can prescribe appropriate, but differentiated requirements in terms of capitalisation and licensing fees payable to Government, tax obligations, and certification for OP. Technology and skills development for value addition to natural resources should be something that Government can address through policy – at least in the medium term development programs. For example

under the EU-ACP agreements, there used to be SYSMIN and STABEX facilities to support the mining sector in the ACP countries. The same facilities can be created for (small-scale) producers in the natural resources sector with funding from such trade and development agreements.

Of course there is also the issue of government responsibility, to both corporate and ordinary citizens, to protect their patents and promote the related interests. While private operators are aware and may find it easier to patent their inventions and innovations (and discoveries?), the local communities may find it difficult to have theirs acknowledged as such because currently, the world over, only private property is recognised by the policies and laws. Communal property rights and therefore communal ownership has not taken root in most countries. It is however encouraging to note that there is increasing recognition, though slow, of communal property rights (as seen in the gesture made by the South African Government to pay 6 % of the royalties from Pfizer to the San people, whose knowledge of a certain plant to suppress appetite has been used to develop a diet drug⁴).

Most OP and value addition to NTFPs require high levels of knowledge and skill, and fairly sophisticated technologies that local rural communities may not have. And such resourcefulness may take a while to exist at local community level. CBNRM-SO like CONASA should act as honest brokers to make communities aware and appreciate the new business opportunities so that they can then negotiate and participate at an appropriate level. Initially, it may be mere collection and crushing of Mungongo nuts that are then sold to an entrepreneur who has the capital and technical know-how to extract the oil and add value to it for sale at the international markets where it fetches more money.

Since NTFPs business spans across regional borders, CONASA may find itself slowly discussing issues and processes associated with globalisation and related institutional arrangements (e.g. WTO and the relevant agreements such as TRIPS) and how these may affect the community welfare. With community interests at heart, honest brokers on behalf of the communities are forced to expand/widen the scope of issues and concepts they discuss with communities at the risk of confusing them. Advocacy activities revolving around recognition of communal ownership (not only private property rights), as they relate to proprietorship rights (over NRs, communal knowledge systems and practices already in the public domain) may be considered at an appropriate time. High value NTFPs from our countries find themselves in international markets that are governed by rules developed by these global institutions to guide and regulate international investment, production and trade. So, if local communities are to effectively participate they will also need to acquaint themselves with these issues as well.

Needless to say that the current thrust of awareness raising and advocacy activities that CONASA facilitates are confined to that stream of policy and legislation that can easily be appreciated and comprehended by CBNRM support organisations and the target local communities we are working with. And these are mainly domestic natural resources policies and legislation.

⁴ Spore 106, Page 8

CONCLUSION

CONASA concerns itself with changing the traditional thinking that because local communities don't have the capital, knowledge and skills to run an enterprise then they should be left to invest in low-value economic activities. Communities are encouraged to do better by taking up high-value business activities in the NR sector. In tourism, instead of merely dancing for tourists that come why not run their own campsites or lodges as well? CONASA is facilitating development of the Dundumwezi Campsite to be owned by one of the local communities. The same goes for NTFPs, where communities can invest in some appropriate value addition to NTFPs, instead of merely collecting the raw material. This may require slight adjustment in Government policies and instruments governing investment and NRM to accommodate the peculiarities of local, communally-owned enterprises.

In order for communities to be involved at appropriate levels of NFTP businesses, communities are being trained to appreciate the business-related concepts of risks, investments, negotiations, and ownership structures. These concepts are being tried in various degrees around the region, and we can learn from each other.