

ZAMBIA THE OPEN PIT



(Chosanganga)

I. P. A. Manning

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For Cathlin

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Preface

Zambia The Open Pit provides my blogs covering much of the daily detail of my conflict with the Zambian government and my fight for the rights of customary people and their wildlife in the years 2003-2010, further revealed in *GOD'S COUNTRY: Vol I - Plunderers of Eden*.

Acknowledgement

Lee Shaw undertook the onerous job of hyperlinking and smartening up the blogs for the parade, and Cathlin kept everything else going while I lived the blog life for a year. And KISS and Kalaki joined in the fun; and thank you, KISS, for your marvellous cover.

Zambia Conservation: its people, its wildlife

Sunday, July 30, 2006

Chumamaboko



Chuma

At the time that F. H. Melland - a nephew of Prime Minister Asquith, arrived in 1901 on foot at Mpika in order to take up his post with the British South Africa Company as Assistant Native Collector, Chumamaboko (arms of iron) had for some time been a leading member of the elite elephant hunting achiwinda clan. Famous in that part of the world for his hunting prowess, he soon attracted the attention of Melland who wanted to spend as much time as possible on his favourite pastime, hunting. They were to stay together until Chuma's death shortly before Melland's departure for England in 1924 when North-Eastern and North-Western Rhodesia were removed from BSA Company control and became Northern Rhodesia, administered by the Imperial Government.

Chuma became Melland's professional hunter at the same time that the pioneer professional white hunters, the Hill brothers, Clifford and Harold, began conducting lion hunting parties on their ranch in the Machakos area of Kenya. Arguably therefore, Chuma was the first professional hunter in what now constitutes Zambia.

While at Mpika until about 1912, he guided Melland all around the district, venturing far into the Bangweulu swamps and the nearby Luangwa valley. On the Luitikila river, which has its headwaters near Mpika, they shot a 116 pounder which today can be seen in the Thring Museum in England, one of the biggest elephant ever taken in Zambia, the record being a 136 pounder with one tusk.

Chuma followed Melland from Mpika to Solwezi, thence to Kasempa, Kafue and finally, to Mazabuka. And all the time they

hunted together.

Melland wrote three books, one on elephant hunting, one on the anthropology of the Kaonde in Kasempa district, and one recounting his journey with Chuma and a friend from Bangweulu to Cairo, hunting elephant on the way. There are a number of fish named after Melland as a result of his Bangweulu fish collections, and he made valuable contributions in anthropology and on African development. His friends were people like Mickey Norton, perhaps the greatest of all elephant hunters, and J.E. Hughes who operated the first professionally conducted safaris in the Bangweulu and whose classic book, 'Eighteen Years in the Bangweulu' is still much in demand.

Chuma was remarkable in every way: Melland recounts the tale of how Chuma, a man revered by his fellow Zambians, once personally cleaned up the latrines in the labour lines at Kasempa during an outbreak of dysentery, hubris being absent from his character.

The picture of Chuma was given to me by Melland's eldest daughter, Amicia, in 1998, a remarkable woman who worked for many years in Chile. Her father was killed at the outbreak of war in 1939 when he fell between the train and the platform. He had just been appointed Secretary to the Royal Africa Society.

People of Luembe.....waiting!



Village women dressed up for a meeting

Tuesday, August 01, 2006

Customary land and signs of light!

At the Fifth National Development Plan (FNDP) Stakeholder's meeting in Lusaka, chiefs' representative, James Matale, said that chiefs should be allowed to retain absolute title to their

land, while giving investors and non-subjects renewable lease rights under various chieftom trusts, and that " the land leased for commercial use should attract royalties and fees which will form part of the income and resources for financing administration and development projects in their areas." This is the first public statement revealing that the chiefs have studied the Landsafe Trust Investment Model for customary and protected areas, which I had given to the House of Chiefs a year ago, and that they see it as a way forward for attracting investment, but without alienating the land.

However, what chiefs have to remember is that - with the exception of Barotse, it is the headmen - chaired by the chief, who are the custodians of land - all land ownership being vested in the President. Total authority over land cannot be exercised by chiefs alone as they will continue alienating it against the wishes of their headmen and subjects. And non-subjects (Zambians) should not have to make lease payments for land used in the traditional subsistence sense.

The Natural Resources Ship of Zambia

THE Law Association of Zambia (LAZ) recently stated that after the dissolution of the National Assembly the Vice-President, Cabinet ministers, provincial deputy ministers and deputy ministers should - in accordance with Article 45(2), 46(2) and 47(3) of the Constitution of Zambia, cease to perform their respective functions. Given that the Zambian Wildlife Authority (ZAWA) Board is currently dissolved, and that the

Minister of Tourism, Environment and Natural Resources (MTENR) is responsible for appointing its members, a new ZAWA Board may not be appointed until after the election on 28 September 2006. Thus ZAWA is left without a Board to control its actions, and without a Minister to give regulations and statutory instruments effect.

Wednesday, August 02, 2006

OCCASIONAL ZAMBIA CONSERVATION BULLETIN, 28 APRIL 2006 (No. 1)

On 10 January, 2006, the Natural Resources Consultative Forum (NRCF) resolved that no elephant sport hunting (ESH) should be conducted in Zambia in 2006. The minutes were widely circulated; no replies were received in support – or answers to my queries, from elephant conservationists, CITES or the US Fish & Wildlife Service, though the Biodiversity Convention Secretariat replied that they had no real powers over signatories

An advisory note - and the minutes of the NRCF ESH meeting, were sent by the NRCF to the Ministry of Tourism, Environment and Natural Resources (MTENR), followed by a meeting between the NRCF Chairman and the Minister. No reply to the advisory note was received from the Minister.

On 11 April 2006 at the Zambia Wildlife Authority (ZAWA) offices, an auction took place for 10 of the 20 elephant for sport hunting (the other 10 being taken up by the concessionaries where they had been made available)

Subsequent efforts to hold meetings of the full cross-sectoral

NRCF to discuss policy and legislative issues affecting natural resources and environment have not been successful since January. Matters requiring attention include: the proposed Livingstone lion park and breeding project which has been approved by ZAWA and for which no EIA was called for; regulations on Game Management Areas (GMAs), game ranching and captive breeding and national parks; tourism leases, wildlife harvesting quotas and the rationalization of hunting concessions, the impact of wildlife on customary and statutory landowners, the implementation of the National Policy on the Environment, feedback on joint forest management, national park public private partnerships, community natural resource management empowerment; UNDP/GEF programme on protected areas – and the state of the pilot projects in Bangweulu and Lower Zambezi; the World Bank SEED programme; the Bangweulu Ramsar site, its management and need for greater protection...

A case is currently before the High Court regarding the sale of part of the West Mvuvye National Forest No. 54 by Chieftainess Mwape to a businessman. A 99 year renewable lease was issued, signed only by the Commissioner of Lands – although, for areas in excess of 250 ha, it is required that the Minister of Lands signs. The plaintiff is the brother of Chieftainess Mwape and Senior Chief Luembe. The Forestry Department appear disinclined to act. There are other similar cases where national forest has been alienated.

The proposed sale of land greater than 250 ha by Chief Nyalugwe to a businessman was refused by the Nyimba District Council and by the Lands Minister

Senior Chief Luembe, removed as chief by the community and local government, has been re-instated – although he has yet to receive the return of his official stamp. He had been removed partly due to the dissatisfaction of the Community and the CRB for selling off a large area of land to a Petauke businessman behind the backs of the Luembe Trust – a trust of which I am co-director. This sale was not approved.

The Zambian Government - through the Ministry of Lands, is reviewing the draft land Policy. The World Bank is assisting them in finalising the review process. Recently the World Bank consulted a number of stakeholders on land policy related issues and have drafted an action plan for finalising the Land Policy, this draft action plan was presented to some 12 or so participants on Wednesday 12th April 2006. I attended part of the meeting. The draft plan – to be handed in to the Ministry on 13 April, had concluded that in future all land in Zambia fall under the control of the Ministry, with chiefs acting as ‘land administrators’ – a report which clearly had concluded that customary usufruct and tenure, and the chiefs, were obstructing Zambia’s progress. On my objecting to their obviously limited consultations and on the revolution they were suggesting, the consultants said they had been constrained by the list of people and organizations supplied by the Ministry of Lands, and had therefore not consulted the NRCF, the Royal House of Chiefs, Local Communities, the private sector and civil society. The WB representative at the meeting said that they would have to now introduce this essential further step in the process. The Land Alliance needs to monitor this.

From 19 – 21 April, the Environmental Investigation Agency

(UK) held an International Ivory Enforcement Training Workshop in Lusaka funded by DFID. Rolf Shenton, Dave Cummings and I, plus the Nyalugwe CRB Secretary and a Luembe community member Mbeza Safaris is funding at NIPA taking the course on legal prosecutions. A presentation on the Singapore ivory seizure was made (2002) in which the details of the shipment of 6.5 tons of ivory – suspected to come mostly from the Luangwa valley in Zambia, sent from Lilongwe, via Durban, to Singapore, was made. DNA investigations of the ivory and soil isotope analysis so far reveals that the elephant come from two savanah populations. These now need to be matched with samples from Luangwa and elsewhere. While presenting his part in the investigation, Samuel Ngosi of the Malawian Anti-Corruption Bureau revealed – possibly for the first time, that his investigations had uncovered the fact that a total of 19 shipments had been made by the same people, using the same methods and carriers, between 1994 and 2002 – a total of 123.5 tons of ivory being shipped, much of it small worked pieces. No arrests or prosecutions have as yet been made. Some of this ivory might be hippo ivory (see TRAFFIC reports on the swing to hippo ivory), given that a recent survey I made of over 300 hippo in the lower Luangwa could find only one alpha male. In addition, in the nearby Lukushashi and Lunsemfwa rivers, most of the hippo have been poached.

Elephant continue to be poached in the Zambezi valley – one last week; and a village scout in Nyalugwe’s country in the south Luangwa, who had poached an elephant last year, is still on the run.

The recent elections held for the Luembe Community Resource

Board have been nullified as a result of a boycott of the election by the residents of the Luembe section of the West Petauke Game Management Area, who – as the designated local community partners in the hunting lease agreement, felt that they should hold a majority Board representation. A new election has been held, the same chairmen re-elected, as well as a representative of all the Village Area Groups (VAGs).

Meetings have been held with the Disaster Management Unit (DMU) in the office of the Vice-President to determine why food relief has not been forthcoming for some communities in the West Petauke GMA hard hit by animal damage and flooding of villages and cropland. The investigation revealed that money had been issued to agents (ARDRA) in January, but that they had not yet delivered. Promises were made that the army would deliver food soon. In addition, promises made to communities by the DMU and ZAWA in March of 2005 (to empower specified community members and professional hunters to undertake crop protection) have not been forthcoming

Some professional hunters are currently assisting the Director of Conservation in ZAWA, Dr Lewis Saiwana, in the training of crop and human protection guards, with guidelines provided by Barry Shenton, former senior warden and veteran of the elephant control group in the Department of National Parks & Wildlife, a group established in the 1930s. In addition, the legendary control guard and hunter, Rice Time, will be called on to offer his sage advice.

In The Post newspaper of Friday 21 April, a letter marked SECRET was printed which had been copied to the Secretary

General of the Patriotic Front Party by the Zambia President's Principal Private Secretary, and which had been addressed to myself and three other people, stating that the President was in receipt of information that we were working against his MMD Party, and that – amongst other things, we had agreed to create artificial food shortages in Zambia by buying-up and destroying maize. The Post editorial of 22 April strongly condemned State House for the letter. The President was out of the country at the time. Three of the named people are safari operators. The allegations made are patently false. On 27 April, one of the accused was visited by security police. He was told that we had all been cleared and that an apology would be forthcoming. However, the rather sorry saga is further evidence of some rather sinister forces at work within the Zambian wildlife and tourism industry.

TOAZ ADVISES MINISTRY ON NATURAL RESOURCE MANAGEMENT

THE POST NEWSPAPER (TUESDAY, AUGUST 1 2006)

TOAZ ADVISES MINISTRY ON NATURAL RESOURCE MANAGEMENT

Joan Chirwa and Florence Bupe

TOUR Operators Association of Zambia (TOAZ) has advised the Ministry of Tourism, Environment and Natural Resources to concentrate on sustainable management of natural resources and not its business component. Association chairperson,

Rolf Shenton said in countries where money was hard to find, natural resource management was always treated as a trivial concern compared to making money. Shenton said appropriate management of natural resources was being hindered by double responsibilities that the Ministry of Tourism and Environment was given. He said the Zambia Wildlife Authority (ZAWA) and the Department of Tourism were always in conflict, regarding issues of natural resource management and reserving money for tourism. Shenton noted that problems of wildlife conservation by ZAWA were as a result of limited funding to the authority, which ended up granting hunting licenses to individuals once it ran out of finances.

“In principle, I would like to see the whole ministry of tourism rationalised so that it deals with natural resource management and that the business issues from tourism are dealt with by the Ministry of Commerce as in any other business sector,” Shenton said. “The Natural Resources Consultative Forum is the ideal place to deal with cross-sectoral issues. Whilst we mix business and conservation we will always compromise sustainable use of resources. We will continue eating chicken instead of feeding it and sharing the eggs. Very Soon we will all be standing around in poverty with no natural resources to manage. The same argument applies with ZAWA which must become a small, muscular regulatory body that we can trust to control exploitation of wildlife resources in a sustainable manner, not one that leads the harvest because they need more money.”

Thursday, August 03, 2006

Chinese and Chipata Chipper

The Chinese want hardwood for export and sleepers for a new railway line between Chipata and Malawi. They want 3000 trees in Nsefu, 3000 in Kakumbi and 21,000 in Nsefu. It's all illegal. The Chairlady of the MMD in Chipata, Mrs Mbewe is the middle person in Jumbe. She has got the local people to get the licences and cut the trees, though she is paying for them which is illegal as they are supposed to be for local use only. 150 have been cut already and most if not all ferried out on lorries.

The Forestry Officer in Mambwe (Musiwa) is in on it, as is Chief Jumbe. All further licences have been suspended while an investigation goes ahead. ZAWA are dead against it. Cutters have now been forced to apply for a pit saw licence (min 40, max 60 trees a month!). This will give everyone (Forestry, ZAWA, Environmental Council of Zambia and other stakeholders) chance to have their say and it will then be refused or curtailed.
anonymous

Tuesday, August 22, 2006

Zambia: Biodiversity is Under Threat, Says Mulele

The Post (Lusaka)

Carol Jilombo

Lusaka

BIODIVERSITY in Zambia is under threat from habitat destruction and Invasive Alien Species (IAS), Ministry of Tourism

Permanent Secretary Russell Mulele has said.

During the launch of the UNEP/GEF IAS project on removing barriers to invasive plant management in Africa in Lusaka, Mulele said it was common knowledge that invasive alien species had continued to pose threats to biodiversity, the environment and associated economic activities in Zambia.

Invasive Alien Species (IAS) are species that are foreign to the eco-system under consideration and whose introduction causes or is likely to cause economic or environmental harm.

The species can also cause harm to human health.

“Current levels and trends of encroachment by invasive species are worrying and the situation has resulted in calls for drastic and concerted efforts before the situation deteriorates,” Mulele said. He said Zambia had not been spared from the invasion of plant invasive species that caused social, economic and biological problems in the national economy.

“For example, in 1998 we declared the Kafue weed (Water hyacinth) as a national disaster,” Mulele said.

He said efforts put in place to manage the threats posed by the invasive plants had not yielded the desired results because the problem still persisted and the rate at which it was spreading was a source of worry to the nation.

“Despite control efforts by various stakeholders, the weeds have spread and continued to grow profusely in most rivers and

Wetlands, thus highlighting the need to intensify monitoring, mitigation and management measures,” he said.

Mulele said the aim of the project was to reduce or remove barriers to the management of invasive plant species through effective implementation of Article 8(h) of the Convention on Biological Diversity in the four pilot projects of Ethiopia, Ghana, Uganda and Zambia. Article 8(h) states that parties are required to put in place conservation measures and as far as possible and as appropriate to prevent the introduction of, control or eradicate alien species, which threaten ecosystems, habitats or species.

Mulele said the project would address issues that had hindered effective management of invasive alien species in Zambia.

“These are a weak and fragmented policy and institutional framework, lack of information, slow implementation of invasive alien species prevention and control plus lack of capacity for sustainable invasive alien species management,” he said.

Mulele said the barriers were translated into four project components, the successful implementation of which would save the nation millions of kwacha in controlling the invasive species.’

The Global Environmental Facility (GEP) through the United Nations Environment Programme (UNEP) funds the project while the government will meet the co-financing part.

Saturday, September 02, 2006

Of hydros and smelly fish...

The Kalungwishi hydro project could present us all and the local fish-dependent population with another Livingstone Nat Park 'development' fait accompli.....a 160MW hydro project intending to take out a 140m head of the Kalungwishi River water (including the three huge waterfalls; Chimpempe, Kabwelume & Lumangwe) and the surrounding relatively unspoilt environment is huge and of likely huge impact - this not just in ecology & environment terms, but also in terms of the survival of the (alarmingly fast-growing) populations of people along this river. All for electricity which we don't need for Zambia (which the local populations will not get and couldn't afford even if they did) but which will be nice and profitable to export.

What regard is given to just how important such natural resources are - and how profitable they could be if protected and used sustainably for Zambia and her people's long term good?

There seems to be an incredible ignorance as to just how close the rural populations are directly dependent on the fragile natural environment - their shelter; their food; their water; everything.

How many jobs will the hydro project produce? How many livelihoods will it destroy or change for the bad?

The Kafue Pollution & Dead Fish Population incident - as usual the reported ECZ response to the Kafue pollution incident(s) is

to say the least weak (which is what you would call it if you're exceptionally polite). The latest from the farmers in that area is that the ECZ now reports to them that it could have been caused by a tanker that leaked acid when on a bridge.

So the ECZ's reported opinions and findings change by the week:

*First, the "initial findings" were that it was nothing to do with mining pollution;

*Then, it was mining pollution;

*Now, it was a tanker spilling acid from a bridge.

What next? - probably nothing conclusive while we let the culprits off the hook with the excuse that "we are suffering from the legacy of the past".

=====

PS - one widespread feature of Zambia's share of the Congo Basin system of rivers in Luapula & N provinces is that the mosquito nets issued free by certain donor organisations and intended to 'save children's lives', are going straight to the rivers to end the fish populations lives, which of course in turn will end the children's lives.....

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PPS - have you heard about the "tourist development" of the Zambezi Source?? It has been completely Nat Heritage Conservation "Commissioned" into a complete tourist joke.

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PPPS - at 1.5MW (initially 0.75MW), the hydro scheme on the upper Zambezi at Kaleni Hill again is very many times what's needed for the mission station and for little Ikelenge town. It's also too much for the beautiful Zambezi Rapids stretch of the

river, which will be a gonner very soon.

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COPIES OF PRESS REPORTS

Govt shortlists 2 companies for Kalungwishi power station development

By Kabanda Chulu

Thursday August 17, 2006

GOVERNMENT has shortlisted two companies for the development of the proposed

160-mega watts Kalungwishi Hydro Electric Power station in Northern Province.

Office of the Promotion of Private Power Investments (OPPPI) director John

Wright said Olympic Milling in association with Lunzuwa Hydro Corporation

and Lunsemfwa Hydro Power Company would be invited to submit their proposals

relating to the development of the power project.

“Government has decided to concession the development of Kalungwishi power

station by inviting the private sector and two companies have been

shortlisted for the same project,” Wright said.

“The Ministry has just completed designing the framework and will through

the national tender board formally invite these two firms to submit their proposals that will be evaluated and negotiations will be commenced with the successful bidder who will be given the concessional rights to develop the project.”

Wright said when the Kalungwishi project is fully developed and becomes operational, transmission lines would be constructed to link the Zambia-Tanzania-Kenya interconnection at Kasama.

“There is potential to produce 160 mega watts at Kalungwishi and after its completion, there will also be provision to construct power transmission lines (250 kilometres) that will link at Kasama to join the interconnector regional project,” said Wright.

Studies for the development of hydro electric power on Kalungwishi River was earlier carried out by Legger, Waster Meyer, Piesold and Uhlmann Consultants in 1973.

It was envisaged then that it was feasible to provide a power station, which would utilise the confluence of Lumangwe, Kabwelume and

Chimpempe falls that
is 140 metres deep.

Kafue river indicates mine waste - ECZ

By Carol Jilombo

Saturday August 19, 2006

ENVIRONMENTAL Council of Zambia (ECZ) manager-inspectorate Patson Zulu has

revealed that samples taken from the Kafue River indicate mine water waste.

Last week, fish of various sizes were found dead or dying in the Kafue River

due to suspected chemical poisoning.

To this effect, ECZ had warned the public against consuming water or dead

fish from the Kafue River.

Zulu said the fish died from mine effluent, which had caused the pollution.

Zulu said ECZ was already on the ground sorting out the problem.

“We have already asked the mines within the vicinity to show us their

operation and production books so that we can ascertain the activities they

engaged in during the period the fish were dying,” said Zulu. And ECZ director Edward Zulu on Thursday said the mines were the major pollutants of rivers.

Konkola Copper Mines (KCM) was earlier this year given up to December 31 by

ECZ to comply with pollution control regulations.

“KCM has a waste disposal site but the pollution control dam in Chingola is

full and that is the biggest polluting factor at the moment. It requires a

redesign of the entire system,” he said.

Zulu acknowledged that the smelters on the Copperbelt were old and designed

at a time when there was no environmental concern.

“We are suffering from the legacy of the past but pollution is something we

have to manage,” said Zulu.

Sunday, November 19, 2006

ZAMBIA’S STATE OF THE ENVIRONMENT

The present imbroglio concerning the issue by the Zambia Wildlife Authority (ZAWA) of a 75 year Tourism Concession Agreement on 220 ha. in the Mosi oa Tunya National Park – part of the Victoria Falls World Heritage Site, to a vigorously

assertive black empowerment company, Legacy Holdings Limited, and its plans to build a golf estate in the middle of it, stirs the nation.

It is now clear that the lease is without legal foundation, and that the proposed development would, in Legacy's own words in its 360 page Environmental Impact Statement, remove all the natural vegetation and result in irreversible ecological damage. It is, in short, an impending natural and national disaster as it would destroy the Park, destroy the Victoria Falls World Heritage Site, drive away tourists and investors, and destroy the credibility of ZAWA, the Environmental Council of Zambia (ECZ) and the Government itself.

Zambia, as never before, has suddenly become aware of the environment; not just the natural resources: the wildlife, the forests, lakes and rivers, but the state of the environment. The recent closure of the Konkola Copper Mining Company's operations due to its continuing pollution of its surrounds, the news that Kabwe is one of the ten most polluted places on earth, the sufferings of the poisoned poor, ensures that the ECZ and the myriad Government ministries, departments and statutory bodies responsible for the environment now have to place its well-being at the forefront of all they do. Therefore they need, as a matter of extreme urgency, to ratify the draft National Policy on the Environment (NPE), and build the ECZ into a formidable institution able to implement it – fully supported by the Natural Resources Consultative Forum (NRCF) and the National Movement Against Corruption (NAMAC).

There is growing impatience within civil society, among donors,

rural communities and Government for the attainment of the UN Millennium Development Goals through sound environmental and natural resource use. The clarion call by the Minister of Tourism, Environment and Natural Resources (MTENR) for funding for an Institutional Framework and Action Plan for inter-sectoral implementation under the auspices of the MTENR, and in line with the National Decentralisation PoliPolicy, 2003, underlines the crucial importance of the NPE, buttressed by the appropriate legislation and regulations. This will help attain and ultimately secure the goal of development.

Monday, November 20, 2006

WILDLIFE AND ENVIRONMENTAL
CONSERVATION SOCIETY OF ZAMBIA (WECSZ)
submssion on Legacy EIA...

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WILDLIFE AND ENVIRONMENTAL CONSERVATION SO-
CIETY OF ZAMBIA (WECSZ) , Livingstone
P.O Box 60498

ECZ Submission for the EIA for the LEGACY HOLDINGS
ZAMBIA LIMITED proposed "Mosi-Oa-Tunya Hotel and

Country Club Estate Project” in Livingstone, Zambia

“Our national parks are as good, only as good, as the intensity with which we treasure them”

John G Mitchel, National Geographic, August 2006.

1) Introduction

- 2) International Agreements, Conventions and Jurisdiction
- 3) Golf Course in a National Park
- 4) Eco Tourism
- 5) Environmental Impacts
 - 5.1) Birdlife
 - 5.2) Habitat destruction and wildlife
 - 5.3) KAZA TFC
- 6) Methodology and Baseline Information
- 7) The Impact on Present Infrastructure
- 8) Conclusion

1) Introduction

The Wildlife and Environmental Society of Zambia, WECSZ has raised major concerns over the impacts of the Legacy Holdings Zambia LTD proposed Hotel and Golf Estate Project. . This submission outlines the WECSZ objections and the basis for those objections. WECSZ is in agreement with the Legacy EIA statement that the project site will have all its natural vegetation removed and that the result will be “irreversible ecological damage”

The Legacy EIA is actually a project document detailing what is to be done but it does not detail the strategic environmental impacts of such a development to the region as a whole. Many

of the facts used in the EIA document are out of date, irrelevant to the site and to the region and are not factual (agricultural statistics, rainfall statistics, employment figures and birdlife). For a multi million dollar investment in an internationally sensitive and crucial conservation area, The EIA for Legacy is seriously lacking in serious data and assessment.

The claim in the EIA that " The Mosi-Oa-Tunya Hotel and Country Club Estate will be an environmentally sensitive tourism development along the banks of the Zambezi River as well as the Maramba River" is incomprehensible. No amount of mitigation will change the fact that the 220 ha area will be irreversibly changed, the natural environment destroyed and the damage to the park as a whole, and to regional conservation development, devastating. The proposed development would cut the Mosi – oa – Tunya Park and the World Heritage site into two separate parts which has serious implications for the planned improved bio-diversity of the park by the SEED PROJECT including the projected increase in length of stay at Livingstone and the sustainability of Tourism in Livingstone. The danger of the Victoria falls being delisted from its World Heritage Status has major implications for the tourism industry and Zambias standing in the International arena.

The essence of the EIA should be to ask, and then answer, the following question:

Are the economic benefits of the proposed project justifiable against

- completely destroying a World Heritage Site, National Park and protected area, a wildlife corridor, wildlife breeding and feeding grounds

- loss of biodiversity
- permanent alteration of indigenous vegetation
- destruction of Stone Age/Iron Age archaeological sites
- loss of public access to two rivers?
- massive damage to present Transfrontier Conservation

Initiatives

- the delisting of Victoria Falls World Heritage Site status
- the massive loss to the economy from tourists who decide not to visit a country which is prepared to sacrifice its heritage for short term gain

WECSZ submits that the irreversible damage to the natural environment at the site of the proposed development far outweighs any potential economic benefits to the local area.

Below is a point-by-point examination of selected issues that arise from the EIA. Each point begins with an issue, in bold, followed by a critique of that issue.

2) International Agreements, Conventions and Jurisdiction

On Friday 10th November 2006 the Times of Zambia reported that the Government has ratified 25 global environmental conventions which play an important role in influencing policies and laws in the sector. Mr. Mutembo, the Copperbelt Deputy Permanent Secretary announced the government “had embarked on a series of initiatives aimed at attaining sustainable socio economic development through sound environmental protection and natural resources management”. How does the proposed development support these ratifications?

- The EIA lists some of the conventions and agreements to which Zambia is a signatory, such as the Convention on

Biodiversity, The Ramsar project, IUCN, UNESCO, etc.

- The Victoria Falls and its surrounds - both in Zimbabwe and Zambia - is a World Heritage Site and is therefore protected by international convention. UNESCO declared a 30km radius of Zimbabwean and Zambian territory around the Victoria Falls a World Heritage Site in 1989. At a July meeting of UNESCO's World Heritage Committee in Lithuania's capital, Vilnius, the committee cited concerns that "the integrity of the property [Mosi-O-Tunya National Park] remained threatened by uncontrolled urban development, pollution and unplanned tourism development." In her presentation to the meeting at the Fairmount Hotel, Livingstone on the 6th November, UNESCO commissioner, Mulenga Kapwepwe, said the Victoria Falls, which had put Zambia on the tourism world map, risked losing its world heritage status because of the laxity to consider the protocols seriously.

- The World Conservation Union (IUCN) management plan for the area (The Strategic Environmental Assessment of Developments around Victoria Falls, June 1996) states categorically that no developments should be allowed within the boundaries of the site, and that the wilderness value and the biodiversity of the area are prime resources, which have to be maintained.

- Since then Zambia has ratified a number of international treaties, including :

Convention Concerning the Protection of the World Cultural and Natural Heritage, and the

African Convention on the Conservation of Nature and Natural Resources. The proposed Legacy site is also a designated Important Bird Area (IBA) as declared by Birdlife International and it forms part of the Transfrontier Conservation Area (TFC).

The Post, Thursday November 16th quotes The Minister for Tourism Environment and Natural Resources, Mr Kabinga Pande, “It must be remembered that laws are in place to safeguard the interests of citizens. I have further directed the Environmental Council of Zambia to ensure that existing law on environmental protection is enforced and complied with fully.”

The proposed Legacy site falls under the joint jurisdiction of ZAWA, the NHCC and the City Council:

1) The Livingstone Development Plan, which was approved by Council in 2006, includes the Vision of the Council to guide future development:

- “Livingstone, as the main tourism destination in Zambia, must strive to become the preferred tourism destination in Southern Africa, through provision of a quality tourism experience, by resolutely protecting the World Heritage Site and its surrounds, and actively promoting this unique environment, thereby improving the economic situation and quality of life of the residents.”

- “The mission of the Livingstone City Council is to provide minimum level of services that are affordable and to ensure that the costs of such services are recovered in order to protect the environment of this World Heritage Site and promote sustainable development.”

2) This is further endorsed by ZAWA’s Mosi oa Tunya General Management Plan (GMP) of May 1999, which inter alia states:

- A national park, by definition, must possess nationally

significant natural or cultural resources and retain a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource;

- Section 3 (Planning Guidelines) states clearly:

“Management emphasis in national parks will be to minimize all undesirable human impacts on wildlife populations”;

- Section 3.5.1 (Natural Resources) states that the priorities for the management of the national park will include: Protecting and conserving the Zambezi River and its riverine vegetation. Any development – local, national, international – which threatens the integrity of the riverine ecosystem should be opposed in the strongest terms.

- Figure 7 in the GMP illustrates the distribution of management zones within the national park.

A narrow riverside path route is provided between the Maramba River and the present Sun Hotel site for pedestrian access. The rest of that sector is designated for general tourism activity where permanent structures cannot be erected without full justification. Permitted activities in the Tourism Zone include only: game drives; escorted walks; and picnics.

The narrow, riverside development zone north of the Maramba River will be restricted to existing developments and to jetties, information centres, car parks, toilets and picnic sites. In this area “...no new leases will be considered...These limitations are imposed to keep development to a minimum and safeguard the corridor used by wildlife in this narrow and restricted part of the park.”

The road that runs from the cultural centre along the Maramba River to the confluence is a public road and any change in its status requires that it be de-gazetted by an act of Parliament. Zambian Law on land tenure vests all national parks and gazetted sites in the hands of the state, and any lease of such land is subject to normal tender procedures. As former Minister, Sonny Mulenga said the land had not been advertised or subjected to any tender procedures. “We are setting a very bad precedence for the future generation – land which is gazetted, as a World Heritage Site should never be given out for a song. No records have been given on who evaluated that land, and the amount in question is a mockery.”

The concession was expanded from 2 ha. to 220 ha. for a reported period of 75 years without going to tender and is therefore procedurally incorrect and subject to cancellation by the Commission for Investigations

- ii) The boundaries of the Park would have to be changed by statute to make the concession possible.

- iii) The proposed development places ZAWA in default of its statutory mandate as laid down in the Wildlife Act of 1998: section 5(1) (a) and (c)

- iv) The concession reduces the area of the National Park, contrary to Section 12 of the Act.

3) Golf Course in a National Park

The Legacy EIA justification for building and destroying a natural, protected area within a National Park is by reference to golf courses in other National Parks, namely Kruger, Pilansberg, Sabi River, Mt Kenya, Aberdares, and Mweya in Uganda.

What is not considered or pointed out is that these other

National Parks are far larger than Mosi-Oa-Tunya National Park (MOTNP). The golf courses in these parks do not take up the entire neck of a Park as Legacy would do in MOT NP. The other golf courses do not completely block a wildlife corridor, whereas the Legacy Development would effectively cut the MOT NP into two distinct halves. In Zimbabwe, the Falls are surrounded by the 2 340 ha Victoria Falls National Park and the 57 000 ha Zambezi National Park. The golf course at Elephant Hills on the Zimbabwean side does not, therefore, impact on the free movement of wildlife as there is adequate space for animals to move around the developed area. This is not the case in the much smaller MOTNP where the Legacy Development would take up 3% of the entire park, and block the crucial wildlife corridor of the park.

4) Eco Tourism

The EIA states that “It is the intention of the developers to follow the “eco-tourism” guidelines produced by the Livingstone Tourism Association”. Ideally, true ecotourism should satisfy several criteria, such as

- conservation (and justification for conservation) of biological diversity and cultural diversity, through ecosystems protection
 - promotion of sustainable use of biodiversity, by providing jobs to local populations
 - sharing of socio-economic benefits with local communities and indigenous people by having their informed consent and participation in the management of ecotourism enterprises.
 - increase of environmental & cultural knowledge
 - minimisation of tourism’s own environmental impact
 - affordability and lack of waste in the form of luxury
- So, why is ZAWA allowing Legacy to turn a huge area of

our National Park into luminous green carpet of landscaped fairway? Is ZAWA under a deluded notion that, because golf courses are green in colour, they are somehow 'green' in the environmentally friendly sense, too? The truth is, golf courses take up too much space, too much water and disrupt the balance of wildlife. Why has ZAWA allowed this when they are tasked with the protection of our natural environment?

5) Environmental Impacts

- The Legacy EIA states that the development would remove all natural vegetation from the site and that it would cause 'irreversible ecological destruction' and cause "disruption to Elephant/Animal Corridors", despite this it insists that the socio-economic considerations outweigh environmental impacts.

- Despite being offered alternative sites on the river Legacy has stated that if refused, Legacy will pull out of Zambia. Why has Legacy Holdings refused to consider an alternative site, despite this being required by Law under the Environmental Protection and Pollution Control Act (EPPCA). How can Legacy Holdings Zambia embrace irreversible environmental damage and the loss of World Heritage Status without considering an alternative site?

- The EIA report states "The main objective of this EIA is to examine impacts on ecological units and ecological processes of the project area including impacts on physical, biological, socio-economic and cultural environment and to provide mitigation measures for identified impacts". The resorts are being built on that specifically identified narrow part of the national park where elephants cross the river and move through to the gorges - an area of major conservation importance for water birds and other wildlife, and also the only part of the river near the Victoria Falls accessible to the people of Livingstone. So how do

you mitigate the effects of permanent environmental damage, the blocking of a wildlife corridor, fencing hippo out of their grazing grounds, the pollutants from chemicals and pesticides and fertilizers, the loss of biodiversity and the closure of access of locals to the river? The mitigating measures put forward by the EIA, i.e. by planting exotic grass, an elephant corridor of 200 meters, allowing a few tame impala to run around, sparing some trees for weavers to nest in, or planting *Acacia nigrescens*, which take years to mature, are paltry and trivial. Having seen the plans for proposed project, which include a swimming pool built on the Zambezi riverbank, (despite recommendations for building 50 meters from the river), it is obvious that the recommendations in the EIA and mitigating factors would also be ignored.

5.1) Birdlife

The riverine vegetation is a crucial breeding and feeding ground for many species of waterbirds, and woodland species prefer the shrubs, scrub, grasses and trees of the drier mopane areas. At the Lower Maramba to Zambezi Confluence, at the proposed site for Legacy, on the 14th June 2006, R Stjernstedt, S. P. Norman and M. Kalaluka, carried out a brief study of the birds in the area, covering a distance of 1.3 km. This is a walk frequently used by bird-watchers and naturalists in Livingstone, because it is a stretch of undisturbed riverine vegetation on the banks of the Zambezi River, looking directly across to a nesting colony of Egrets and Cormorants. This is also a site, almost the only point left to the general public, to see such Zambezi specialities as Rock Pratincoles, White backed Night Heron, Osprey, and Finfoot.

The survey reported 49 species of bird. Notable among birds special to this habitat were

Purple Heron African Goshawk

Gymnogene Red billed Wood Hoopoe

Orange breasted and Grey headed Bush Shrikes African Golden Oriole

Yellow-bellied Greenbul Brown headed Kingfisher

Trumpeter Hornbill Lesser Honeyguide

Collared Palm Thrush Eastern Bearded Scrub Robin

Yellow breasted Apalis Spectacled Weaver.

A longer study, conducted over a ten-year period by the Livingstone Museum Department of Natural History has identified 53 species of waterbirds in the area. Renowned ornithologist and local resident, Robert Stjernstedt, reports that 420 bird species are known to occur in the Victoria Falls Area. The survival of these birds depends on the biodiversity of the area.

For this reason, the area within and around the proposed site for Legacy Holdings' development of a golf course and resort was declared an IBA (Important Bird Area) declared by Birdlife International. The aim of Birdlife International's Important Bird Area Programme is to identify and protect a global network of sites that are critical for the long-term survival of all bird species and their habitats. Birds are prone to endemism (found in a restricted distribution area) and are an excellent indication of biodiversity in general. If an area holds rare or endemic birds or a particularly diverse range of birds, it is likely to hold a comparable array of other organisms. When water levels drop, rocky islands and sand bars are exposed

along the river above the falls. Rock Pratincoles breed in large numbers on the rocks, and sandbars attract species such as White-fronted Sand Plover and African Skimmer. The riparian forest is home to species such as White-backed Night Heron, Western Banded Snake Eagle, African Finfoot and Brown-necked Parrot. A number of interesting species has been recorded on the boundary of the National Park at the Livingstone Sewerage Ponds including several rare waders and a variety of crakes. Slaty Egret has occurred on a few occasions. The general area also holds large numbers of indigobirds, amongst which can be found odd individuals imitating Brown Firefinch” From Important Birds of Zambia, Peter Leonard. Published by ZOS 2005

Threats to the biodiversity of the area identified by Birdlife International are the general level of disturbance and the effects of the ever-expanding tourist industry, which include light aircraft and helicopters, tourist activities and the immediate disturbance caused by new roads and infrastructure.

5.2) Habitat destruction

The expected Civil Works and construction phase of the Mosi oa tunya Hotel and Country Club as laid out in the EIA would be expected to last twenty-four months.

“This phase would involve the following activities, which would adversely affect the environment:

- i) Clearance of the existing natural vegetation and trees;
- ii) Removal of the top-soil around the foundation area;
- iii) Construction of access road and internal roads within the project area;

- iv) Installation of surface water drains;
- v) Construction of buildings.

The activities would be undertaken using front-end loaders, graders, wheelbarrows, shovels and picks. The soil removed from the foundation area would be stockpiled in designated areas for future re-planting”.

The IUCN report states that “no mature trees or riparian vegetation should be cut down”. The natural vegetation provides crucial habitats for a wide variety of species of wildlife: large mammals (elephant, hippo, waterbuck, bushbuck and occasionally buffalo), smaller mammals (baboons, vervet monkeys, cane rats, genets, scrub hares, civet, duiker, mongoose, night apes, etc.) as well as birds, insects and reptiles.

In a study by WECSZ, 54 species of woody plants were recorded on the right bank of the river. It was found to be heavily infested in places with exotic Lantana, Melia and gums (Eucalyptus); apart from these the indigenous vegetation appears intact, with *Kigelia africana*, *Combretum*, *Acacia*, *Diospyros*, *Terminalia*, and *Bauhinia* specimens of good size, being undisturbed by human encroachment. Of special interest is tree wistaria, *Bolusanthus speciosus*, a marginal species for Zambia but an endemic monobasic genus of the Zambezian phytochorological region. This species by itself is enough to recommend the site for preservation, as it is of frequent occurrence here and the trees are of good form and height, thus offering Zambians a unique opportunity to see this beautiful tree within their own country.

The IUCN management plan states “there should be access to the riverbank and animal crossing points”. The Legacy

development ignores this stricture. The importance of elephants in overall conservation is as a keystone species, i.e. they encourage biodiversity through dispersal of seeds through dung, through their large ranges and by opening up overgrown, dense thickets giving other plant species a chance to grow. Elephants frequent the area between Sun Hotels and the Maramba river, their passage hindered by increasing tourist activity and the developments built to support tourism. The area in question is the last remaining intact area of good vegetation outside of the Park where elephants are free from human pressure. It is crucial that this area remains undeveloped and conserved as a route for animals from the Park and for those crossing the river to travel to the gorge and the Mukuni area. MOT is already damaged by overgrazing and deforestation. The competition for feeding is very high, and so the elephant destruction to trees within the park area is devastating. Over 100 elephants have been seen to use the Legacy area, in various-sized herds, primarily for feeding on fruiting trees, grasses and shrubs. There is very little evidence of trees having been pushed over in the Legacy site area, probably because of the lack of competition from other game. This alleviates much pressure from the fenced Zoological Park. If the Legacy Development went ahead, the increase in destruction to the fenced Zoological Park would be disastrous and could permanently alter the vegetation and carrying capacity of the Mosi-Oa-Tunya National Park. There is also likely to be an increase in elephant /human conflict upriver past the Sinda if the elephant access to the gorges is blocked off.

5.3) KAZA TFC

One of the “major negative environmental impacts of the

Legacy Holdings Development have been identified in the EIA as : Disruption to Elephant/Animal Corridors”.

At the World Summit on Sustainable Development, one of the key resolutions was to foster Transfrontier Conservation Area. ZAWA has signed an agreement with the Kavango Zambezi Transfrontier Conservation Area (KAZA TFC) to establish a Transfrontier Conservation Area (TFCA) with the Peace Parks Foundation (PPF) in agreement with the Africa Wildlife Foundation (AWF). The underlying philosophy of TFCA's is that cooperation in the management of natural resources that occur along international boundaries will spur increased collaboration between neighbouring states, which will benefit conservation through the wise use of these shared resources by

- Enhancing biodiversity conservation across borders
- Socio-economic development based on sustainable management of natural resources
- Enhancement of cooperation between states, government agencies and communities across political borders.

In practical terms the combining of protected areas across borders allows for improved management and increased ranges for migratory animals such as elephant. It also allows for the marketing of a larger and more diverse tourism destination.

At a meeting held in Angola in April 2003, the Ministers responsible for tourism in Angola, Botswana, Namibia, Zambia and Zimbabwe, agreed to establish a major transfrontier conservation and tourism development area in the Kavango and Upper Zambezi River basins. The proposed Kavango Zambezi TFCA falls within the Okavango-Upper Zambezi TFCA Zone, where the international borders of five countries converge. It includes

a major part of the Upper Zambezi basin, the Okavango Basin and Delta. The most significant feature of the Kavango Zambezi TFCA is the large drainage system running through it (the Zambezi, Kavango/Okavango, Kwando and Chobe rivers). The core area is a series of wetlands (Okavango, Chobe/Zambezi) and saline lakes (the Makgadikgadi Pans). The other major feature is the presence of significant populations of the African Elephant. The area is estimated to have nearly 200 000 elephants which is around 30% of the world's estimated population. Elephants are recognised as the flagship of conservation. The TFCA is designed to conserve landscape-scale ecological function, and elephants being such important herbivores need large landscapes to move around naturally and cannot be conserved inside traditional game reserves and national parks, which are too small and do not necessarily cover international boundaries.

The Kaza TFCA boasts renowned natural features such as the Okavango Delta (the largest Ramsar Site in the World), the Victoria Falls, and the Kafue wetlands as well as considerable tracts of riverine and floodplain habitats along the Okavango and Zambezi Rivers and their tributaries, namely the Kwando, Chobe and Quito Rivers. The TFCA covers many areas formally gazetted as national parks, game reserves, forests or wildlife management areas as follows:

Namibia

- The Mamili, Mudumo and Bwabwata National Parks
- State Forests

Zambia

- National Parks: Liuwa Plains, Kafue Park, Mosi oa Tunya

and Sioma Ngwezi National Parks

- Game Management Areas: West Zambezi, Mulobezi, Sichi-fulo, Bilili, Namwala, Mumbwa, Lunga-Luswishi, Busanga and Kasonso
- State forests

Botswana

- National Parks: The Chobe, Makgadikgadi, Nxai Pan National Parks and Moremi Game Reserve
- Wildlife Management Areas: Okavango, Kwando, Nunga, Ngamiland, Boteti and Nata State Lands
- State forests: Kazuma and Chobe

Zimbabwe

- National Parks: Hwange, Kazuma Pan, Zambezi and Victoria Falls National Parks (and the Matetsi Safari Area)
- State forests: Kazuma, Panda Masuie and Fuller forests

Angola

- National Parks: Luiana and Mavinga Game Reserves
- State hunting areas: Longa-Mavinga, Luengue and Mucusso Coutadas

KAZA TFC is currently working with ZAWA and WECSZ in creating the links between the protected areas in Zambia and those in the neighbouring countries. The Open Areas that occur between the Game Management Areas and the Zambezi River will create the links between the Kafue Park and the protected areas in the neighbouring countries, with the vision of creating wildlife corridors and linkages to re-establish the old elephant migratory routes between the Zambezi River and parks such as the Kafue Park and the Sioma Ngwezi Park.

Current studies for the KAZA TFC include seeking land features between conservation areas (parks/forests) that meet the habitat needs of elephants, mapping the landscapes that effectively allow fragmented elephant populations to interact, and evaluating the suitability of these wildlife habitats with the emphasis on the habitat requirements of elephants. Recent satellite data received from Elephants without Borders, an NGO working to track elephant movements to establish elephant corridors using satellite imagery have shown that elephants use the entire area of the proposed Legacy Holdings site, not just a corridor along the Maramba river. The Legacy proposed “elephant corridor” along the Maramba River is simply not viable: elephants do not walk in straight lines and the area is not a walkway but a feeding ground. Preserving a corridor will not preserve the functioning of the crossing point as the entire area needs to be preserved. As has been shown in Botswana, elephant corridors need to be not less than two kilometers wide to be sustainable.

6) Methodology and Baseline Information

Baseline data was collected through field appraisal, discussion with relevant agencies and institutions in the concerned areas and consultation with local communities and individuals in the project area.

The foundation stone was laid prior to any consultation with local stakeholders, including the Livingstone City Council. The recommendations and concerns put forward at the Scoping Meeting held by Legacy at the Fairmount Hotel have been noted but ignored. The ECZ public meeting held at Maramba

River Lodge was more of a political rally with cadres bussed in to disrupt environmental concerns, than an assessment of environmental impacts. Threats and racism were used to intimidate the public. ECZ was not on the panel, questions were directed to the Legacy Board of Directors. ZAWA was not present to discuss environmental concerns. NHCC was not present. Few of 300 or so participants had heard of the EIA document, fewer had even read it. Was this an public hearing for Environmental Impact Assessment?

7) The Impact on Livingstone Infrastructure

The increase in traffic and burden on already disintegrating road networks, water and sanitation and electricity in Livingstone would be enormous. Legacy expects a maximum of 3330 guests, 1850 permanent employees and 1250 visitors on a daily basis. The conference center provides for 1000 delegates. There would also be a craft production site which would require more people transported to and fro, as well as fresh produce, i.e. fish and vegetables and other guest supplies produced on site. The traffic increase and congestion, not to mention road accidents and increased pressure on our roads, would be devastating. An estimated increase of 60 more vehicles a day would be used in the construction phase and would be active at peak hours and, once operational, an additional 200 vehicles a day, of which 50 would be bulk supply vehicles. The repercussions for the already-congested road network in Livingstone are alarming.

8) Conclusion

The EIA states that: "the socio-economic benefits of the project to the communities in the project area of influence outweigh the "no-development" scenario. The project is therefore being recommended for implementation assuming the incorporation of the recommended mitigating measures

and implementation of the Impact Mitigation Plan and Environmental Monitoring Plan”.

WECSZ is very aware of the need for employment in Livingstone. We have high unemployment and poverty which requires urgent addressing. The Livingstone community desperately needs more income, more development and improvement to its infrastructure. We do not have a proper or adequate refuse disposal system, we do not have sufficient water, our roads are in a shocking state of disrepair and our economy is limited to seasonal tourism. So Livingstone residents are certainly not against development. They need and want development.

However, we have to embrace responsible tourism for long term sustainability. By destroying the World Heritage Site and a National Park, the negative effects of this development will outweigh the positive impacts of jobs.

Tourists are attracted to Zambia primarily for its vast and relatively intact wilderness areas. Most lodges are eco-friendly, small-scale structures with minimum impact on the environment; but the potential damage to the tourism industry, by over-development and the complete commercialisation of the Victoria Falls area could have serious repercussions for Livingstone. Tourists come to Livingstone, and for that matter, Zambia, primarily for a wilderness experience. They do not come to Livingstone to find something like Florida or the coast of Majorca. The construction of Legacy resorts on a World Heritage Site, permanently altering the aesthetic beauty of a natural environment and blocking a wildlife corridor, is likely to alienate those attracted to “the real Africa”.

The main attractions for visitors (and hence the thousands of visitors every year) is the Victoria Falls, the Mosi-Oa-Tunya

National Park and the wildlife in our area. IUCN stresses that one of the principal attractions of the area is its perceived “wilderness” value and “the juxtaposition of natural wild area with modern visitor amenities. If this wilderness is lost due to over-development, then the visitors will not come and the economy and social structures will suffer.” IUCN Victoria Falls – Skeleton Management Plan Part Quite simply, if the Park is destroyed through over-development, many of the visitors will stay away. And, as a World Heritage Site it is incumbent on us to protect it for all mankind.

As George Schaller says in an interview with John. G Mitchell in National Geographic, October 2006, “It’s essential that each country keep part of its natural heritage untouched, as a record for the future, a baseline to measure change, so people can see the splendor of their past, before the land was degraded. And if we ever want to rehabilitate habitat, we need to see how things used to be. These parks and reserves, these untouched places are also genetic resevoirs, where plants and animals that don’t exist elsewhere still survive. They can be invaluable to the human species as a source of food or medicine. If we destroy the parks, they’re gone forever, and we may be losing something invaluable to us”.

“There are certain natural treasures in each country that should be treated as treasures, and it’s up to conservation organizations to fight on behalf of the special places. Too many of these organizations have lost sight of their purpose. Their purpose is not to alleviate poverty or help sustainable development. Their purpose is to save natural treasures”

Tourism is one of the world’s largest and fastest growing industries as more people are exploring other countries, destinations and cultures. “Ecologically sensitive areas, those where

natural resources are critically endangered by physical changes and which contain a great diversity and interdependence of living habitats”, are experiencing an increase in visitation. Sensitive areas hold the main assets on which the tourism industry depends, so conservation is a must. Any changes in the component of an ecosystem will have unpredictable effects on the entire system”. These sites may be national parks, world heritage sites, wilderness area or cultural sites. As UNESCO’S Gina Doubleday says, “Tourism is great; there’s more discovery and more awareness about the sites, but it does mean we have to work hard to protect them”. Selling off a park, or degazetting it, serves short term appetites while compromising long term ideals. “Parks exist in the dimension of economics as well as geography, biology, symbolism as well as politics and time.”

We also cannot afford to lose our World Heritage Status. We have much pride in boasting such an internationally recognised status. The Victoria Falls is one of the Seven Natural Wonders of the World (CNN). This deserves all the protection it can get. The response to the proposed Legacy development in our national park has been met with unbridled passion, respect and love for our wildlife and our natural and historical heritage. The publicity that this project has received, both locally and internationally, and the response from all walks of the community have shown that, the value of our wildlife and our environment and its protection outweigh the economic effects of this development.

Ali Shenton, Vice-Chairman of the Livingstone Branch.

Wednesday, November 22, 2006

ZAMBIA ELEPHANT MAYHEM

Elephant continue to be poached for their ivory and meat in Zambia: last week in the West Petauke Game Management Area of the Luangwa Valley, close to my camp on the Luangwa river, a cow herd was all but obliterated by a poaching gang. <http://www.elephant.news.com/>

The meat from these elephant, from hippo and our now decimated herds of buffalo, is carried to the villages of Rufunsa and Lukwipa on the Great East Road, which links Malawi with the capital, Lusaka, and sold openly to motorists; the ivory, we now know, follows the traditional route through Malawi and on to Singapore or to Manila, Hong Kong, Taiwan and eventually, Japan and China.

In 2002, a consignment of 5.9 metric tons of ivory was intercepted in Singapore and traced to a shipper in Lilongwe, Malawi. Shortly before this seizure, at the CITES meeting in Santiago, Zambia had requested that elephant be downgraded to Appendix one, and that they be allowed to sell their ivory stockpile, both requests denied as a result of a fact finding mission which found that in excess of 800 elephant a year were being killed illegally – an unsustainable offtake; Zambia later burnt the ivory on payment of \$200,000 from elephant protectionist organizations.

In April 2005, the Environmental Investigation Agency (UK) held an International Ivory Enforcement Training Workshop in Lusaka funded by DFID. A presentation on the Singapore ivory seizure was made, which included details of the DNA

investigations of the ivory and soil isotope analysis suggesting that the elephant came from two savannah populations. But they needed to be matched with samples from Luangwa and elsewhere. This has now been done.

As reported in a National Geographic newsletter, Sam Wasser and his team at the University of Washington sequenced DNA recovered from nearly 500 samples of dung collected from elephant in 23 African countries and then matched it with DNA from the seized ivory. When Wasser's team compared 75 samples from the illegal shipment to their genetic map, they found that all of the ivory came from Zambia. And as the bulk of Zambia's remaining elephant are to be found in the Luangwa and its associated rift valley systems this does suggest the ivory's source.

And what of the prosecution of those responsible? Apparently a Malawian national was being held some months ago, a Chinese national skipped the country and the Singaporean transshipment agent received a fine of \$3 000.

However, at this same presentation, an astounding comment was made by one of the participants, Samuel Ngosi, of the Malawian Anti-Corruption Bureau, who revealed, possibly for the first time, that his investigations had uncovered the fact that a total of 19 shipments had been made between 1994 and 2002 by the same people in Lilongwe, using the same methods and freight carriers – a total of 123.5 tons of ivory being shipped (which I had mis-reported elsewhere as 23.5 tons!), much of it small worked pieces. The value of this is in the order of US \$185 million.

Extrapolating from the CITES report on Zambia, which found that the average ivory in the strong room was 4.23 kg; this would mean that 14, 598 elephant were poached in the Luangwa over a nine year period, equivalent to what is considered to be the approximate current population of between 10, 000 and 14, 000 animals – a conclusion reached from aerial census work carried out in 1998, 1999 and 2002. No count has since been conducted. Thus if the population estimates are correct, some 11% of the population would have been taken off illegally each year over a nine year period, which when added to natural mortality, is clearly unsustainable, suggesting that the population census work either undercounted or that our elephant numbers are now very low.

And what is the position of the Zambia Wildlife Authority, a statutory body responsible for wildlife conservation and our 19 National Parks?

In April 2004 ZAWA announced that they were applying to CITES to downgrade elephant from Appendix 1 to Appendix 2 in order to 'control 20 animals' considered to be crop raiders. In May 2005, ZAWA applied for a voluntary elephant quota of 40 tusks at a CITES Standing Committee meeting and then went ahead and issued elephant hunting licenses for the 2005 hunting season. On 10 January, 2006, the Natural Resources Consultative Forum (NRCF), a cross-sectoral forum for environment, whose membership includes the hunting industry, resolved that no elephant sport hunting should be conducted in Zambia in 2006 until such time as the necessary scientific information was to hand. The minutes were widely circulated. An advisory note and the minutes of the meeting were sent

by the NRCF to the Ministry of Tourism, Environment and Natural Resources, followed by a meeting between the NRCF Chairman and the Minister. No reply to the advisory note has to this day been received. On 11 April 2006 at the Zambia Wildlife Authority offices, an auction for 20 elephant for sport hunting was held and the licenses purchased by one bidder. These 20 elephant, according to the then Director-General of ZAWA, one Habinga Kabeta – former Managing Director of the Kapiri Mposhi Glass Factory, in a statement to the Office of the Vice-President's Disaster Management Unit, were elephant which had been identified as crop raiding bulls. A number of icon bulls, of inestimable value to the tourist industry, have since been shot, and the poaching of elephant continues without let or hindrance for in January, 2006, Philippine Customs Officials seized six tons of ivory in Manila, believed to have come from Zambia. In June, ZAWA officials set off for Manila, only to find on arrival that the consignment had been stolen.

At the 54th Standing Committee meeting of CITES in Geneva in October of 2006, it was decided that Japan will be the designated buyer – pending certain conditions, of the proposed one-off sale of ivory stocks from Botswana, Namibia and South Africa. A decision on designating China as well has been put off to a later date. Thus it appears, that despite Japan being a major buyer of illegal ivory, legal ivory will now find its way there. And how will we now tell the difference?

Wednesday, November 29, 2006

West Mvuvye National Forest No. 54 Illegal Alienation

The Chairman of the Luembe Community Resource Board reports that Messrs Tom Younger and Andrew Baldry visited Snr Chief Luembe again recently in order to obtain more land, and were unsuccessful. It appears that the pair have obtained a renewable 99 year statutory lease on that portion of the National Forest which formerly was Luembe customary land. In order for National Forest to be sold, it needs to be de-gazetted with Parliament's approval. This has not been done. Apparently the local community have received a 20% share in the scheme - through an Association. This illegal alienation, as well as the illegal alienation of that part of the National Forest formerly part of the Chief Mwape customary area has been reported to the Commission for Investigations, to the National Movement Against Corruption (NAMAC) and shortly as a petition to Parliament by the Chairman of the CRB and by the Headman's Association of Luembe. The Luembe Conservancy Trust, which applied for a Joint Forest Management Agreement with the Forestry Department in order to develop a participatory conservation and development scheme two years ago, has to date received no reply to its application, clearly now having been overtaken by current events. Despite numerous contacts with Forestry - particularly its regional representative, Bwalya Chendaoka, they appear to be taking no action.

Senior Chief Luembe is now the subject of an application for an Interim Injunction in the High Court for Zambia under the Chiefs Act (Cap 287 of the Laws of Zambia) restraining

the respondent Francis Kalunga Njobvu from acting as Chief Luembe. the plaintiff is Devallias Phiri Besa. Recently the head of the Yendwa clan, Senior Chief Mboroma visited Luembe and travelled to Mwape for a meeting of the Nyendwa chiefs to discuss the issue.

Tuesday, December 05, 2006

Those supposed to protect...

Zambia's Luangwa Valley elephant poaching war continues

I recently reported the killing of three elephant and the wounding of another on 12 November 2006 near my safari camp, Malone - now closed for the rainy season. On 30 November, close to Malone, a fusillade of shots were fired at 7.00 am, some two hours later, my terrified workers watched as scores of vultures moved in. In the camp, having arrived late the previous day was my employee, David, who had been in Malone during the previous incident.

On 29 November, four armed scouts, two from the nearby town of Nyimba, two from the nearby Ndevu game camp – one going by the name of Siliya, came to Malone at 10.00 am. Here they washed, rested and cooked a meal, leaving camp at 2.00 pm. The following morning war broke out. Later in the day, David went down to the river and was told by fishermen that they had seen some men running away from the shooting. David then left for Lusaka and when passing through Nyimba, saw Mr Chibeka of the Zambia Wildlife Authority who said he would

be going to Ndevu camp on 5 December to collect his scouts – and doubtless the meat. He complained of missing meat from the previous incident.

The Nyimba police have refused to investigate our complaints, saying it is a matter for ZAWA.

Monday, December 25, 2006

Magna Carta

No free man shall be taken or imprisoned or deprived or outlawed or exiled or in any way ruined, nor will we go or send against him, except by the lawful judgement of his peers or by the law of the land.

FAGA MOTO

ZAWA official arrested

By Times Reporter

Friday, January 05, 2007

THE Anti-Corruption Commission (ACC) has arrested a Zambia Wildlife Authority (ZAWA) head of intelligence and investigations unit for allegedly soliciting for a bribe of K5 million.

Mr Winter Mvula was arrested and charged with one count of corrupt practice by public officer contrary to sections 29 (1) and 41 of the ACC Act number 42 of 1996.

ACC public relations manager Timothy Moono in a statement released in Lusaka yesterday said the officer was arrested after investigations.

Mr Moono said details of the offence were that on dates unknown but between December 1, 2006 and January 3, 2007, Mr Mvula allegedly solicited for K5 million and received a sum of K1 million from Sean Rosebotsa, director of credit at Barclays Bank head office.

Mr Moono explained that the money was allegedly given to the officer through a senior manger at the same bank.

The money was allegedly meant to be an inducement or reward for the officer not to publicise Mr Rosebotsa's arrest.

Mr Rosebotsa was found in possession of a python skin.

He said the suspect was released on a K2 million bond with two working sureties and would appear in court on January 9, 2007 for mention and plea.

Friday, January 12, 2007

Reject World Bank land proposals - Hansungule...



Hansungule asks Zambia to reject land proposals

ZAMBIA: OF TRUCES, BROKEN PROMISES AND ELEPHANT

23 January 2007

On 3 January 2007, a truce between Government and the hunting safari industry – including sections of the tourism and conservation community, was brokered by the Minister of Tourism, Environment & Natural Resources, Kabinga Pande, at a meeting in Lusaka. The Zambia Wildlife Authority (ZAWA) Director-General, Dr Lewis Saiwana, admitted past mistakes

and requested future cooperation, and the Minister promised a future open-door policy, requesting that the campaign against Government cease and that the factional fighting besetting the industry should be resolved. On Monday 15 January, 2007, Ian Manning and Rolf Shenton, steering committee members of the Natural Resources Consultative Forum of Zambia (NRCF) – a cross-sectoral forum of all the stakeholders in the environmental and natural resources field, met with the Chairman of the ZAWA Board, Walusiku Lisulo, who stated that ZAWA would fully consult all stakeholders in the future before making major decisions. This undertaking was confirmed by Dr Saiwana, who added that no elephant hunting permits would be issued without full consultation with all concerned, and that a full round of stakeholder meetings would be held in February 2007 on the return of the Minister, the Chairman and the DG from their attendance at the forthcoming Safari Club International meeting in Reno, USA.

The NRCF had in January 2006, invoked the precautionary principle, and with the agreement of the hunting fraternity of Zambia (Safari Hunting Operators' Association and Professional Hunters' Association), advised the Minister that no elephant hunting should be allowed until the necessary supporting scientific information was to hand. This had been ignored by the Ministry and ZAWA in 2006, assurances obviously now being sought that this would not happen again.

On Tuesday 16 January, the licensing office of ZAWA phoned safari operators to announce that an auction of elephant hunting permits would be held at ZAWA HQ on Friday 19 January, 2007. On Wednesday 17 January, Manning e-mailed

and had delivered by courier to Dr Lewis Saiwana, Walusiku Lisulo, and the public relations officer of the Ministry, Bwalya Nondo - the latter promising to place the letter in the hands of the Minister, a letter querying the auction. No reply was forthcoming.

On Friday 19 January 2007 - in a repeat of the auction of 2006, and witnessed by a safari operator's representative, ten elephant for sport hunting were put up for auction at a reserve price of \$10,000 each, two elephant permits being purchased by Mr Doug Reynolds of Royal Zambezi Safaris, to be killed in the Chiawa concession, an area adjoining a photo tourism hotspot. Rashid Randera of Baobab Safaris and Nyampala Safaris, who in 2006 had purchased eight elephant permits, attended the auction, did not take part in the public bid, but met with the auctioneers prior to the auction, reputedly placing an offer on the table for the permits remaining unsold - they being for two areas, Rufunsa and Lower Lupande where Randera has an interest. No other operators, Reynolds and Randera apart - as in 2006, attended. An opportunity was given to the acting Director General of the Zambia Wildlife Authority, Isaac Longwe, to comment on the auction and to confirm the train of events. He has so far not done so.

Feeding from the cooking pots of the community...

25 January 2007

Dear Ian,

As long as ZAWA still remain a parastatal institution feeding

from the cooking pots of the community, it will remain a liability to conservation efforts in the country and beyond than a prime mover of objective and sustainable natural resources management practices and innovations.

A promise made in public having been abrogated in order to create some friendship with individuals and give ZAWA a breath to pay some credit is the most terrible betrayal of trust among parties, collaborators and sympathisers.

ZAWA will never commit itself to any truth as long as they are dripping with the desire to make money for their senior staff and settle what they owe people. It is a very shamefully situation that the donor agents have continued to go to bed with ZAWA while deliberately failing to put enough conditions and ask for tangible and projected results of the use of their money.

Professional judgment and management of wildlife is no longer the main focus but the commercial benefits gained in such a program.

Have a look at what happened in the Legacy Deal. If ZAWA was ready to lease the 218 hectares of the prime area of the Park here in Livingstone for an initial \$9 million and a further \$ 2 million per annually, what is so specially about 10 elephants selected without scientific or any elaborate research based on many considerations let alone the concern of other partners. They went even further to quickly review the draft management plan and zoned the 218 hectares as a high level used area with full support of "top and learned senior management of ZAWA. Elsewhere heads would have rolled but at ZAWA some people have built empires and dynasties run purely as an individual wish. Shame on Govt and its misinformed technocrats at ministry level.

ZAWA has completely lost direction and unless the influence of political rhetoric is stopped, by the time the alarm of misuse of public resources will have been sounded, it will be like closing the stables when the horses would have escaped.

If you check in today's Post newspaper, you will see adverts asking the public to apply for hunting licenses in GMAs. If you as a forum asked for the animal census on which the quotas will be based, you will be given none. Most likely they will be based on hunting success. We all know that this is not the best data on which to base hunting quotas. Even the minister had said it that unethical methods were used by even safari operators who he even threatened to deal with. What other atrocities have been committed by unaccompanied individual hunters in GMAs. Dry season drinking points have become target spots for most people hunting in GMAs.

Today ZAWA game guards in Mazabuka have been turned into fish scouts, they are used by some farmers locally to clean their cattle farms of their own staff who poach for the pot once in 365 days while the Lechwe in Lochinvar are slaughtered at will by poachers. The list is endless and for those with the passion to see sanity return to ZAWA there is only one term to use that is "wildlife management in Zambia has gone to the dogs and Government has NO will to say the least"

Can the National Consultative Forum address such concern for the people of Zambia and World over before its role becomes synonymous with any compromised line ministry department.

Please pass this to people that will have the nerve to find a common ground for our wildlife including donors.

Thank you for the update and have a good day.

Kalaluka Mulyokela

World Bank erred...Manning

Thursday, January 25, 2007



World Bank erred - Manning

Zambia Ministry of Tourism lobbies USA to allow elephant hunting

Zambia lobbies US over elephant trophy hunting

From BWALYA NONDO, Nevada, USA

The Daily Mail 27 January 2007

ZAMBIA has launched a campaign to lobby the United States government to recognise elephant trophy hunting as key to the conservation of the earth's largest mammal. The American government does not allow its citizens to participate in elephant

safari hunting in Zambia, and advances the Convention on Trade in Endangered Species (CITES) banning, dealing in ivory among others, as the reason for its position. Zambia has since met the United States Fisheries and Wildlife Services authorities to argue that increased quotas for trophy hunting in selected areas with trans-boundary elephant populations, was necessary. These areas include the Zambezi valley, where the elephant population was shared by Zambia and Zimbabwe. Zambia considers a quota of eight for the Lower Zambezi, far below the limit settings recognised for elephant trophy hunting quotas.

Minister of Tourism, Environment and Natural Resources, Kabinga Pande, who is leading a delegation of Government, Zambia Wildlife Authority (ZAWA), and Zambia National Tourist Board (ZNTB) officials to the annual hunters convention in the American desert city of Reno, said he was concerned that while Zimbabwe was allowed a gigantic 500 quota in the shared trans-boundary elephant population for sport-hunting, Zambia was restricted to a paltry 20, annually. Speaking when he met United States Fisheries and Wildlife Services, director, Ken Stensil, at the Reno Convention Centre, Mr Pande observed that sport-hunting had the potential to bring large financial benefits to the country and empower local communities economically and motivate them to participate in conservation projects. He said sport hunting would also go a long way in easing animal-human conflicts in game management areas and therefore enhances conservation of animals such as elephants. He said sport hunting was a conservation tool that would help Zambia plough back proceeds into the community. He regretted that in the past, the government has been subsidising conservation of elephants through funds raised from other

species when the elephant could itself contribute to its own management. Between 2001 and 2005, 115 elephants were killed on control programmes, resulting in a loss of US\$1.1 million in licence fees. If the same animals were hunted for trophy, communities would have realised US\$575,000 for investment in various socio-economic areas to reduce poverty. Mr Pande said although many elephants were killed on control programmes every year, the only benefit to the community was meat. He said it was for this reason that communities supported the resumption of trophy hunting.

The United States was an important market for Zambian trophies and appealed to authorities to rescind the decision not to allow their citizens to bring trophies from elephant-hunting safaris. Mr Pande also cautioned the American government to be wary of some safari hunters who were maligning the Zambian government through e-mails, suggesting that safari hunting in Zambia was corruptly handled.

And Mr Stansell assured the Zambian delegation that US authorities would study the Zambian case. He appealed for more information to enable the American authorities appreciate Zambia's elephant situation clearly. The five-day convention organised by Safari Club International, has attracted 19,000 delegates from around the world.

Some Africans in the diaspora deepened wrong views...

'Market Zambia to the western world'

By BWALYA NONDO in Reno, USA

Zambia Daily Mail 27 January 2007

GOVERNMENT has appealed to Zambians in the diaspora to rise to the challenge of helping to market the country's investment opportunities and to demystify wrong perceptions of Africa in the western world.

Minister of Tourism, Environment and Natural Resources, Kabinga Pande, said some Africans in the diaspora deepened wrong views about the continent because they did not bother to take personal responsibility to give the correct picture.

Mr. Pande was giving a lecture to students and lecturers at the University of Reno under the auspices of the Nevada Committee on Foreign Affairs focusing on Africa with special emphasis on Zambia. Mr Pande, who made a co-presentation with Zambia's Ambassador to the US, Dr Inonge Mbikusita-Lewanika, said it was the duty of Africans in the diaspora to embark on a crusade to market the continent and Zambia as objectively as possible. The minister also urged Zambians abroad to invest back home and contribute to efforts aimed at strengthening the economy. He said Zambia was an incomparable oasis of peace and political stability in Africa. "It offered an excellent investment environment which Zambians should help to market," he said. He was confident that tourism would give impetus to the growth of the economy by eight per cent annually by 2010, from the current three per cent. The minister

said President Mwanawasa's administration through fiscal discipline and sound economic policies, had made it possible to bring inflation to a single digit. He challenged intellectuals living abroad to come forward and help improve the economy instead of being critics from a distance. He commended Dr Mbikusita-Lewanika for the role she was playing to market Zambia.

Dr Mbikusita-Lewanika said Zambia was one of the few African countries that continued to enjoy political stability. She said this had greatly contributed to increased investment and productivity in the nation. She explained that improved fiscal performance had also led to total debt reduction from over US\$7 billion to US\$500 million following the attainment of the HIPC completion point. She said Zambia was also reputed for embracing democratic governance and observing all human rights conventions.

A truce and other things...

Tuesday, January 30, 2007

The Editor

The Post,

I refer to the Saturday Post, January 20, 2007: "Pande asks Safari operators to leave if they are not ready to operate within the law" which quoted various sources as to what was said at the recent stakeholder truce meeting held on 3 January between the Minister, ZAWA, safari operators and community representatives. As this newspaper finds its way deep into the

hinterland, and as the sources appear not to have made careful notes of what was said, allow me my ngwes' worth – being guided as I am by a fellow director present with me at that meeting, as well as two senior members of the community where we operate. Pande said foreign operators who continued to criticise Government without bringing their complaints first to its door would be asked to leave the country – not the sector; when Pande questioned casualization, I replied that casualization needed to be discussed between the stakeholders as it was a reaction of the market to prevailing economic conditions and an investor unfriendly Labour Act, and that much of the tourism industry was seasonal in nature and therefore employed many workers for part of the year; I stated that in my company's case – purchased to support a community development scheme, large profits were illusory; Pande directed the Safari Hunting Operators Association to reflect all racial sectors of the industry – though the fact that only 50% of a racially mixed industry have joined as members is hardly the fault of the Association. However, Pande never mentioned anything at the meeting about action being taken against operators for being allegedly involved in illegal activities such as overshooting and 'using loud speakers to attract lions before shooting them down'. This source obviously therefore intends mischief. There is a case coming before the Supreme Court which has its roots in the intemperate remarks of a former DG of ZAWA in which he accused some operators of overshooting their quotas by a few animals, saying they were criminal acts; patent nonsense of course as operators hunt legitimately in the field – and no such 'criminal acts' have as yet been proven. On the charge that some operators used 'loudspeakers to call lions', one of such charges – directed

by Chief Nyalugwe against myself, Dr Guy Scott and others, being laid by Chief Nyalugwe at State House under malign influence, I can only say that I have never hunted in Nyalugwe's country, and as far as I am aware, Scott only hunts political prey, admittedly occasionally using loudspeakers.

ZAMBIA JUMBO JUMBLE

Wednesday, January 31, 2007

The newspapers here in Zambia are full of the horrors of corruption - the cancer which renders development impossible and which has reduced this country – now in the top-ten hit parade of world corruption, to a pale shadow of what it once was. They also, in a marvelous example of their editorial capacity to hold two contradictory views simultaneously, blame the West (the imperialists) for our poverty, despite a recent report from Transparency International Zambia revealing that since independence only 16% of national government expenditure went on health, education, agriculture and local government – surely a heinous and deeply shameful shortfall of funds needed to alleviate the woeful plight of the poor; and, to add salt to the wounds, over the last 20 years almost a years' worth of that expenditure was stolen or unaccounted for.

And there is a continuing 33 year long tide of corruption in our magnificent wilderness, our native black rhino killed, our wildlife slaughtered daily for the bushmeat trade, including, our elephant. Once it was for their tusks only, many thousands

killed since 1973, and now DNA analysis revealing that between 1994 - 2002, 123.5 tons of ivory - the equivalent of 14,500 elephant, were taken from the Luangwa Valley of Zambia and shipped by a single syndicate through Malawi and on to the Far East. Not surprisingly, with such a lamentable conservation record since then, Zambia is not allowed by CITES to sell its ivory stockpile (if still there), though since 2005, CITES, apparently persuaded by a Minister of Tourism, Environment and Natural Resources' ludicrous assertion that they had identified 20 crop raiding elephant and that these should be killed on sport hunting permits, allowed it to issue 20 permits annually for elephant sport hunting, though the US Fish & Wildlife Service bars them from entry into the USA, the source of most hunting clients. Zambia of course needs money to run its statutory body responsible for wildlife; hence, you might conclude, it needs to sell some elephant permits - though the \$100,000 share to the Government hardly pays for two vehicles. But the sad fact is that the Minister, advised by his head of the Zambia Wildlife Authority (ZAWA), has ignored the advice of the Zambia Natural Resources Consultative Forum - a cross-sectoral body drawn from Government departments, civil society and the donors (suppliers of 50% of Zambia's financial needs) - which includes hunting organizations in its membership, to ban elephant hunting until such time as elephant populations and their management allow for it.

And undertakings given on 3 January at a meeting convened by the Minister with the private sector and rural community representatives - supposedly to rectify past mistakes and to consult widely with them on all issues, have fallen asunder; this followed by the lie that elephant hunting permits would not be

issued unless all the people and organizations involved were consulted, and certainly not, said Dr Saiwana of ZAWA, before a ministerial visit to the Safari Club International hunting convention in Reno at the end of January.

But there was more to come on that trip to America, the Minister visiting the US Fish & Wildlife Service and lobbying not only for the ivory of the 20 elephant to be allowed in, but for increased numbers as well, he looking enviously at Zimbabwe and the 500 or so elephant it is culling (so he says), saying that Zambia's paltry quota of eight elephant are far too few, neglecting to mention that elephant on the Zambia side are not part of the Hwange/Chobe population, and that those that are there form the basis of a thriving tourism business on the Zambezi, some of them already shot not far from the lodges.

The present Minister of Tourism etc, Kabinga Pande - guided by the dictates of politics and economics rather than wildlife management, is hard on the spoor of the previous Minister who stated that only the 20 identified crop-raiding bulls would be hunted, although the Statutory Instrument No 40 of 2005 made clear that the 'hunting of elephants for sport (a) shall not include the hunting of elephant for purposes of controlling problem elephants'. And this SI states that nothing less than an elephant carrying 33 pounds of ivory side may be taken, thus opening the door for the killing of young breeding bulls. And what of the communities this is supposed to benefit. Evidence is to hand that communities within hunting concessions are owed a fortune by ZAWA, many of them unable to pay village scouts, encouraging them to poach the very animals they are charged to guard. One community with whom I work, with the

help of the ZAWA crimes investigation unit - once it became clear we would brook no alternative, is playing a large part in bringing to book a poaching syndicate run by wildlife police officers. They shot two matriarchal herds of elephant and took the meat to the nearest roadhead where it was collected by their senior officer and transported into town in the Government pick-up.

The Minister of Tourism etc, Pande, in pursuit of economic justification, states that the 115 elephant shot as a result of village garden raiding in 2006 would have brought in \$10,000 each (\$1,115 000). But he clearly is unaware that a large percentage of these animals were females carrying small ivory. Not much of a trophy there. Well if we take the 14,500 elephant which were removed without let or hindrance from those charged to protect them, following the Pande formula they would have brought in \$145, 000,000. And a thorough investigation of the distribution of the meat from garden raiders and elephant shot by safari hunters will surely reveal that little of it went to the villagers on whose lands the animals fell.

But it is the continuing slur on foreign investors in the safari industry, repeating in the press non-proven charges of the electronic calling of lion to the hunter's rifle, which flies in the face of undertakings given at the truce meeting that the dirty linen would not be washed in public. And the Minister's charge that some of us send e-mails to America saying that safari hunting in Zambia is corruptly handled, is true. It would be silly to do so were it not true, and were one not able to prove it.

And today comes news of the issuing of a deportation notice by the Minister of Home Affairs against the safari operator, Ross Michelson - like me, one of those accused of calling lion with 'louder speakers' but not yet found guilty in the courts (difficult when two of the three of us so charged had not been in the area where the crime was supposed to have been committed), something in defiance of habeus corpus, whose origins lie in our Magna Carta of 1215. His 'sin', and mine, is that he fell foul of a syndicate of anti-western imperialists; and mighty powerful they are here. And in my case, according to the present Director of Research of ZAWA, I am also inciting the local community against ZAWA. Well, as an old Game Department man here, I am merely carrying on a tradition of local villagers empowerment, kicked off by the doyen of conservationists, Norman Carr, and my friend and former colleague, Barry Shenton, in 1949/50. It is a fine and worthy tradition to follow.

Conservationists are dumbfounded by all this, donors alarmed and bunching like buffalo when a lion is about - for they know they control the purse strings, and the soldiers of civil society are both contemptuous and ashamed of what is happening. And the latter are a growing force, buoyed by their victory in defeating ZAWA and the Ministry in their proposed sale of Mosi oa Tunya National Park land and the building there of an 18 hole golf estate.

And what be the life of a paleface conservationist investor here: phone tapped, threats of deportation, 'action targeted', defamed, sullied and abused. Well, it be 'faga moto' and tilting at the windmill.

As a woman once said to me in Ireland, “It’s hard to know where you’r goin’ when yer lost!”

Ross Michelson order of deportation issued for allegedly...

Immigration Department deports British businessman
Zambia Times 1 February 2007

A 46-YEAR-OLD Briton has been deported for allegedly contravening immigration laws.

Immigration Department spokesperson, Mulako Mbangweta, said in Lusaka yesterday that Michaelson Mathew Ross, proprietor of Leopards Ridge Company and Gatewell Limited that drills boreholes in Lusaka, was deported after investigations instituted recently. Ms Mbangweta said it was the opinion of the ministry of Home Affairs that the presence of Mr Ross was likely to be a danger to the peace and good order of Zambia. Mr Ross was deported under Section 269 (2) of the Immigration and Deportation Act. The order followed investigations and several warnings issued against him. Ms Mbangweta said the Immigration Department would not hesitate to deal with any person found contravening immigration laws and added that it was saddening that some foreigners were abusing the hospitality they enjoyed in Zambia

Thursday, February 01, 2007

Dark deeds in darkest Africa

The issuing of a deportation order by the Zambian Minister of Home Affairs for the summary removal of a significant foreign conservation investor in Zambia, Ross Michelson, is cause for concern. He has allegedly – according to the Immigration Department, contravened the immigration laws on a number of occasions, though as the owner of a game ranch, a hunting safari company and a water drilling company it is unlikely that his immigration and investor status is the reason for Government wanting him out. I am reminded unpleasantly here of the dark days of the Kaunda regime when people were sent packing on the whim of an official.

Michelson, the former Chairman of the Game Producers' Association of Zambia, has made a significant contribution to the nurturing of the game ranching industry in Zambia. His problem is that he has locked horns with a powerful grouping of anti-western elements, as have I, who have used their political muscle to have him removed, leaving the field free to take his game ranch and his hunting company, doubtless soon to be issued to one of the grouping, 'administratively'.

The pressure has been relentless: the reporting to State House by one of the anti group that he, I, a senior member of the main opposition party and two others had met for lunch to plot the overthrow of the ruling party and the destruction of the maize stocks of Zambia; Chief Nyalugwe (where Michelson's ranch is located, and where my hunting company operates) being taken by one of the anti group to see the Director General of

the Zambia Wildlife Authority(ZAWA) to ask him to close us down, then on to State House where he made a request of the President for our deportation on the grounds that we had been calling animals with 'louder speakers'. Then Michelson had his hunting concession closed down without due legal process, again on the grounds of calling animals with loud speakers, and of overshooting his hunting quota by one animal, none of them proven or sufficient grounds to take such draconian action; and his brother, Greg, had his professional hunters' license removed – again without due process being followed. Of course, Michelson obtained an injunction and got the area back, but letters have appeared on hunting websites in America and South Africa, with contradictory statements made by ZAWA, and damage done to his business and Zambia. Of course, he, like I, have complained to the Americans and South African market, which is our right to do. But the Minister in charge of tourism and wildlife has taken exception to these e-mails, warning the US Fish & Wildlife Service and Safari Club International that some operators are up to no good, calling at the same time for the Americans to allow the import of ivory from sport hunting – something we have all opposed. And on the 3rd January he said that those foreign operators who continued to criticize Government, would be asked to leave the country. And what do the anti group say now; the notice is in the post, they will say, bwana!

All of this is part of a resurgence of anti-foreign investor bashing – not so much against the big chaps (who did what Rhodes' emissaries did years earlier) with their mines which pollute but are not fined, but against us little chaps with our safari companies and our worn out gari-motos dealing with the wild-

horse exchange rate mechanism, fuel shortages and fuel price increases unhinged from reality, threats by Government and opposition alike to send us to join the 12,000 suffering buggers in the Lusaka jail for crimes of casualization of labour, and threats of deportation by the Immigration Department if we don't provide the full \$500,000 now required to have our self-employed permits renewed – a totally illegal edict.

What is going on here? From where floweth this spring of antipathy?

The time is long past for donors, particularly our own mother countries, to say enough is enough: if you take our aid, if you agree to the proposals of the Commission for Africa and if you accept the debt write-off offered by our countries at the Gleneagles G8 meeting, then certain standards are required. And don't call us imperialists; don't lay the blame on the West for the corruption which places Zimbabwe and Zambia in the top 11 most corrupt places on earth, don't blame the West for the poverty caused by poor governance – horrifyingly revealed in the Transparency International Zambia facilitated analysis of the Auditor-General's reports which found that, since independence, only 16% of national government expenditure went on health, education, agriculture and local government, and that over the last 20 years almost a years' worth of that expenditure was stolen or unaccounted for. And what about the fact that more was spent on traditional ceremonies than on agriculture; that 38% went on Presidential state visits. It is time for some honesty and truth.

Friday, February 02, 2007

Zambia conservation:light and dark...

January of 2007 started with a truce meeting between government, rural communities and safari operators. The door was open we were told for a new beginning. The optimists (the minority) opted for immediate meetings with the 'Big Men'; the skeptics counseled a waiting period - the wise hunter approach; the cynics said that the "Big men" were merely playing for time so that they could enter the land of free speech in peace. Well, the optimists engaged and were told some rather brazen porkies; the skeptics proved to be right; the cynics, knowing full well the price of everything but the value of nothing, said that honesty and service to the nation is not an endemic concept and therefore one should expect nothing. Those of us in the first group took a rare old pasting. However, I called in to the office of the Chairman of the Zambia Wildlife Authority Board today, finding him newly returned from his trip to Washington and the hunting convention in Reno in company with Minister Pande and Dr Saiwana, the head of the Zambia Wildlife Authority. He urged me to be patient, that he would be arranging a series of meetings soon for all concerned in Zambia to discuss such matters as the auctioning of elephant hunting permits, which the Natural Resources Consultative Forum had advised should not be done, and were ignored. What is in his favour, Walusiku Lisulo, that is, is the fact that he is an architect and he knows something therefore of project management and the dangers of building on sand. Let us wait in the company of skeptics.

Sunday, February 04, 2007

Chief Kasempa complains of the lack of benefits from tourism in his area



Chief Kasempa says his people don't benefit from the KNP

While Chiefs are supposed to receive 5% of the hunting concession and trophy fees earned from safari hunting and paid to ZAWA, this percentage may be changed by the Minister of Tourism, Environment and Natural Resources under the Wildlife Act Part 3:6(6). Therefore the Chief Kasempa should

take his case to his area M.P. - who is the Minister, to have this changed.

In 2002 a CRB/ZAWA workshop agreed to share revenues as follows: 45% CRBs, 5% Chiefs, 40% ZAWA, 10% Central Treasury - however this only applied to animal trophy fees and was implemented for the seasons 2002-2004. A committee of ZAWA administrators and 7 CRB Chairmen then met at the end of 2004 and decided to share concession fees: CRBs 15%, Chiefs 5%, ZAWA 80%. At the end of 2006, CRBs insisted on 50% of concession fees, 5% going to the Chief. Numerous complaints are building up from CRBs who say they have not been paid what is owed them, nor given proper accounting. As a result many village scouts are owed salaries, and little, if any money has been made available for community development.

One of the hunting concessions within Chief Kasempa's area, Lunga Busanga, in the hands of the company African Experience Safaris (in the Northern Kafue – a Secondary area). On the sudden departure from Zambia of the owner of African Experience Safaris, Ed Smythe, a meeting was held in Kasempa on 4 May 2006 between ZAWA and some of its board members, CRB representatives in the Lunga Busanga area, the local chief (Senior Chief Kasempa), a House of Chiefs representative and a Kasempa District Council representative. The purpose of the meeting was to re-allocate the concession 'administratively' rather than put it out to tender, the latter being the normal and accepted procedure so as to avoid any hint of corruption. Tom Mushinge, the then Commercial Director of ZAWA, stated that in this case they would like the local community to decide on who would be chosen to take up the concession, and that the

CRB could not take on the hunting concession themselves – as they had already applied to do. A ZAWA Board member (Sikongo) said that the concession had been removed because Smythe had breached various hunting regulations, “such as failure to honour community pledges, hunting without Escort Scouts, over shooting the quotas, no respect to traditional authority, etc”, though no mention was made that the necessary procedures, as laid out in the lease agreement, and put there to protect the partners, had been followed. Such charges are, under the circumstances, not convincing; many safari companies suffering similar charges.

The Kasempa CRB put forward four companies that had expressed an interest in taking up the concession:

- TEA – ECO Systems Limited
- C.K. Scientific Group Zambia Limited
- Mukata Zulu and Associates
- Royal Zambezi Wildlife Safaris

Senior Chief Kasempa objected to Royal Zambezi on the grounds that Chieftainess Chiawa was a shareholder and he did not think it proper that a chief from another area should take up a concession in his area. However, ZAWA stated that Royal Zambezi was suitable, and supported by the District Councilor and the House of Chiefs representative, this motion was adopted. They then called in the operator (Reynolds) to negotiate on pledges and concession fees, a further break from normal procedure, as in an ‘administrative’ re-allocation it would be expected that the original lease agreement would be adhered to. Nevertheless, Reynolds proposed a concession fee of \$24 000, the CRB representative countered with \$25 000,

and this was agreed. Then the operator's representative pledged the sum of \$10 000 to the CRB, to be paid every season. This was accepted. Then the CRB requested that meat be issued, as did the District Council, and this was accepted.

It is highly irregular to make a cash pledge to a CRB given that the purpose of pledges is to see that the community benefit from hunting. It is likely that this payment will be distributed between the members of the CRB and the chief, with nothing going to the community whom they represent. One of the reasons put forward for giving this concession to the Chieftainess Chiawa safari group – Royal Zambezi Safaris, stems from their hunting operations in the Chiawa GMA where they have been hunting up and around the game lodges. At the time, the Chieftainess was the acting Chairman of the ZAWA Board. Royal Zambezi Safaris are still hunting in the area.

Saturday, February 10, 2007

World Bank funded reports...

The Zambia representative of the World Bank must surely realize that if you pay for a study commissioned by a government department that the Bank has a responsibility to ensure that the consultants are qualified, that wide-ranging consultations are undertaken within civil society and that the report does not serve an end which is clearly not in the nation's interest. In the case of this study clearly none of this occurred; therefore the Bank must take it on the chin. When I questioned the revolutionary conclusion of the consultant that all customary

land should in future fall under the Ministry of Lands, saying that the House of Chiefs were not represented at the meeting, nor the cross-sectoral Natural Resources Consultative Forum, adding that the consultation process appeared to have been engineered to ensure that there was no opposition to such extraordinary conclusions, the two Bank representatives said they would ensure that this was done before handing in the report. This was smoke and bones as they did not ensure further consultations were carried out; therefore they lied to the Zambian public and should be disciplined by the World Bank Group's Institutional Integrity Department (INT). After all, what is corruption.

And in the case of the Bank funded review of the Zambia Wildlife Authority's strategic plan, when I pointed out glaring errors in the draft report as well as the serious omission of any mention in the accounts of disbursements made to rural communities, nothing was done to rectify the matter in the final report. And the Bank is aware that as a result of payment shortfalls based on income from hunting safaris , wildlife protection in rural areas is severely impaired and elephant poaching and the illegal bushmeat trade on the rapid increase.

Thursday, March 01, 2007

Dr Saiwana of ZAWA defends himself...

ACC arrests senior cop

By Times Reporter

THE Anti-Corruption Commission (ACC) has arrested a

senior police officer and two other persons for allegedly soliciting for K6.3 million from Zambia Wildlife Authority (ZAWA) Director General Lewis Saiwana.

The senior police officer and two others allegedly solicited for K6.3 million as an inducement or reward for them to quash a case of money laundering against Dr Saiwana.

ACC public relations manager Timothy Moono said in Lusaka yesterday the three were arrested following investigations.

Mr Moono identified the officer as assistant superintendent Samuel Nyirongo of police headquarters who has been charged with one count of corrupt practice by a public officer contrary to Section 29 (1) (a) and 41 of the ACC Act number 42 of 1996.

Two of his accomplices, Stephen Shinondo of plot number 7846, New Mumbwa road, and Rodgers Shakalima of plot 33/15 off Vubu road, Emmasdale, have been charged with one count of corrupt practices by private persons contrary to sections 31 (1) and 41 of the ACC Act number 42 of 1996. The trio has been released on police bond and will appear in court soon.

And ACC acting director of investigations Isaac Chilanga commended the Police Service for reporting the matter to the commission.

Sunday, March 04, 2007

Ross Michelson deported !!!

Monday, March 05, 2007

Zambia and the rule of law...

As a fellow investor in the tourism industry and in rural development, and as a corporate member of Business Action for Africa, an organization based in London and established under the Commission for Africa which lobbied successfully for major debt write-offs to Zambia by our G8 Group of Nations, the deportation on Saturday of Mr Ross Michelson is an extremely serious departure from the rule of law and from common decency. This man has been abused by the Zambian Government: his hunting lease removed without reason and without due process, accused of crimes for which he has not been charged or found guilty in a court of law, and while out of the country marketing Zambia, deported under emergency powers still in force from the Chiluba regime – all of this instigated by a rival business group having undue political influence within the tourism sector and who slaver after his concessions and his game ranch. And then Mr Michelson, when allowed back in to the country by the Attorney-General - the Department of Immigration at Lusaka airport allowing him ingress, is, in defiance of the judiciary, arrested and bundled onto a plane for another country.

Michelson's and my lawyer, Wynter Kabimba, has courageously

spoken out against this infringement of the African Charter of Human and People's rights, of Michelson's rights, of this abusive treatment of investors. For there have been other deportations of bona fide investors: an Italian farmer in Kabwe, a Dane and how many others harried out under emergency powers. But of all things – for after all we are but men, it is the contempt of the Ministry of Home Affairs for the judiciary which is the most serious threat to our fledgling democracy. 'This is not a democracy like America or Britain,' thundered the Minister of Tourism, Environment and Natural Resources to me the other day. Well no, fine.

It is time for the British High Commissioner to make it absolutely clear that such treatment of one of its citizen investors is totally unacceptable, and to talk less of ending protectionism in Europe and more of the necessity for the Zambian Government to adhere to western liberal democratic standards. And our other mother countries: Ireland, Denmark, Italy, France, Germany, Sweden, Norway, America, Canada, to name but a few, need to take note and resist the fashionable sycophancy. We are in the trenches here.

Friday, March 09, 2007

Executive contempt...

Monday, March 12, 2007

Comment on Shenton's letter to The Post

Saturday, March 31, 2007

Zambia's Chief Nyawa of the Sichifulo Game Management Area

Speech of Chief Nyawa, at a meeting with DG ZAWA and Sichifulo GMA operator held on 16/03/07.

Welcome everyone to this meeting.

I speak on behalf of the people of Nyawa my subjects, my own and those who are in the same precarious condition as we are. This meeting that we are having today is but one of those in a series that have been held at our cost in terms of money, time and energy yet it has become a vicious cycle. My people and I are not ready to be taken for a ride while institutions and private individuals are plundering our resources in full view and in some cases with full co-operation of those entrusted to protect them. In view of this, let me address the issue of the concession holders in Sichifulo GMA. During a meeting we held last year at my palace together with His Royal Highness Chief Siachitema, we resolved that he leaves the area once and for all. Despite many of our efforts to have him out, he is still showing his head and ZAWA is at home with such an operator.

The following were the reasons why we wanted him out and still stand as justification of his being not of any help:

- No employment of a liaison office.

As provided and required in the pledges list in the Hunting Concession Agreement dually signed by our CRB, ZAWA and the operator, we expected to have a liaison officer. To date there is no such a person employed to help bring harmony and feed both sides with information. This is there in the agreement but the operator has decided to do all the work on his own. Due to this, we do not have a focal person who in our view would be available to us and update us.

- No benefits

We have got nothing so far from the GMA despite the hunting which have been taking place. Can anyone responsible and sensible justify this theft and plunder going unabated. We are aware that even other CRBs are owed money running into billions but we can not accept to be cheated out when our animals are being hunted and the money disappears in the thin hair. Is there any justification of the existence of the GMA when the objectives which it was suppose to achieve are far from being realistic, attainable, tangible and measurable?

- Depletion of Sichifulo GMA

Today our GMA is a secondary hunting area when both ZAWA and the operator are benefiting from the last animals being killed there. There is no programme put in place to help resuscitate, protect and responsible management of our wildlife. Why is this audacity and disregard for natural justice to do good being perpetrated by the operator with impunity and ZAWA is fully aware and can not do anything in a positive direction? Today the depleted GMA is a play ground for any poacher and the abuse of even legal hunting is the order of the day. If I may ask can ZAWA and the operator justify their presence in

the GMA as adding value to it or contributing factors to its depletion? We know what they all stand for and what they have done to our GMA. No Govt agent like ZAWA can claim being responsible when a protected area can go from prime to depleted status under their supervision. Where were they?

The total effects of the negligence by both ZAWA and the operator have had the following effects on the resources and the people of Nyawa.

- Total Loss of confidence in ZAWA and the operator

The traditional leadership and the Nyawa community have lost confidence in both the operator and ZAWA for failure to bring sanity and make a difference. Instead, the GMA has been depleted at a very alarming rate and level ever experience in the whole history of the Nyawa people. The role and perceived partnership with you is seen as a ploy to save your own interest at the expense of the community. How would we have faith and trust in you when your presence in our GMA has caused the worst plunder of our resources. There is no motivation for our people to give you the slightest support when all you have done is to amass benefits to yourselves at the expense of even the resources which are the goose that lays the golden eggs.

- Encouragement of Poaching.

Our community scouts have stayed for over 20months without getting their pay. These are the people which both ZAWA and the operator expect to fully protect our GMA. Honestly this is not fair and least expected of them. It is logical to say the protector will become the abuser if you do not meet his welfare. These officers have families, kids to take to school

and person responsibilities to take care of. If they are not paid for 20 months + what are they eating, how are they taking their kids to schools and looking after themselves? This is a breeding ground for corruption, resources abuses and poaching at its best. These are clear issues and on the ground situations which unfortunately are taking place in places where money is being made for other important individuals and institutions. Those getting the lion's share (ZAWA and the operator) from our rural resources are taking the least responsibilities and we the owner of the "pool resources" and the least beneficiaries if any are concerned.

It is clear that there is no motivation in both ZAWA and the operator to take quick action because they have other areas they can go to and abuse. What would you two lose if today our GMA was turned into a desert? You will simply relocate your businesses elsewhere and continue abusing rural resources. Sichifulo will be a forgotten story and you will never ever step there again. At the helm of encouraging poaching if not involved in are the uncaring operator and ZAWA.

- Encouraged Encroachments.

The current conservation effort of our GMA has made no difference on the lives of people and many have seen the area more as a potential crop land and pasturing area. This is so because those getting the lions' share have failed to justify why the area should be left as a GMA. It is the responsibility of ZAWA and the hunting safari operator to help redress the situation but all we see is nothing of such action. There is no justification for you getting more money when you are doing nothing in our area. Once again we the community leaders and our people getting nothing as at now are once taking up the responsibilities

to protect our GMA. Surely why should you be getting more than us when you are doing almost nothing. Once again at the helm of encouraging encroachment and poaching and doing nothing about stopping these rots are ZAWA and the operator.

- Negative Effect on the social-economical

The fact that conservation of rural resources is a money making venture, vice versa is true of what is happening in our area. To the common man our GMA is nothing rather than a piece of unproductive land being put to no use. This negative attitude is deliberately created so that individuals amass wealth at the expense of the actual owners, we the Nyawa people. Neither ZAWA nor the operator can stand proudly and give even a single indicator to the people of Nyawa that their social-economics have being positively affected by the money they are making in Sichifulo. Can anyone of you give such an example? Definitely you have nothing to show. This is a typical example where Govt institutions and individuals because of the connections to the power that be have taken people for granted. There is no reason beyond that. If your involvement in our land has a zero effect on our lives then you are not worthy being there. Your presence is no different from thieves who come to still in a field they have no idea what crops are there.

- Political distortion

To many they are seeing our getting nothing as a political ploy to persecute the people because of their different political affiliations. The question is, to which extent is even the Head of State aware of this abuse and negligence. I said in my opening remarks that, we are aware that this negligence is country wide and many are owed billions of money. Unless people get the

realistic, tangible and equitable benefits, the fate of the GMA is viewed as a ploy by ZAWA and the operator to deny the people of their benefits.

- Way Forward,

I stand by our last year's resolution that the operator has failed and must without delay leave the area. There is no doubt that we the Nyawa aspire to maximize the benefits from our GMA and we will endeavour to protect our rights to that. All we want is sanity to come back and our resources protected from designed abuse and uncontrolled harvest. We want a new operator who will look beyond a year's hunt. We do not want to have the like of the failed former Dept. of National Parks and Wildlife Services Director, no. There are responsible operators who treat their areas as their own sources of livelihood and have helped to conserve the resources in a more meaningful way, not this operators way.

- Conclusion

From the many failures and problems identified, there is no doubt that there are institutional problems in ZAWA that have spread into operation and management. We the Nyawa people are willing and capable to call for a total change that will secure our interest unlike the way we are being treated by businessmen who have no responsibilities over our resources. Finally, let the operator go in peace he and his group have failed. If ZAWA has any place for abuse let them give them to him, as for Sichifulo we have had enough. This is an indication that there are failures by the new system (ZAWA) and therefore need for a comprehensive and complete review. No one will do this

for us if those entrusted to do it are the abusers and do not care. The Nyawa people would be in the forefront to call for a complete change that respects partnership as the current system is not working for us but businessmen and ZAWA. Unless something is done to protect our interest, we will submit a formal complaint of non payment to relevant authorities and institute independent investigations.

The list of the rot is endless and the existence of a government conservation agency (ZAWA) seems non existence and doing nothing. By copy of this I am asking those copied to look critically on the issues I have raised and help come up with a way forward for the interest of us all. Let us not pretend this is not what is expected of ZAWA and any operators. We need change in the right direction radical or otherwise.

His Royal Highness Chief Nyawa v

C.c. Min. of Tourism, Lusaka

C.c. Southern Province Minister, Livingstone

C.c. House of Chiefs,

C.c. Board Chairperson ZAWA

C.c. Tourism Council of Zambia,

C.c. Professionals Hunters Association of Zambia (PHAZ)

C.c. Operators Association of Zambia

C.c. Co-Chairpersons, Natural Resources Consultative Forum Committee,

C.c. Chairperson, Natural Resources and Environmental Committee (Nyawa Royal Establishment)

Friday, April 06, 2007

OBITUARY: J.B. Shenton of the Kafue National Park
(1929 - 2007)



Barry Shenton (Shenton Family Collection)

John Barry Shenton was born on the 30th April 1929 in Eshowe Zululand. His father “Shen” had moved to South Africa from Leicester, UK as a baby with his grandparents in search of a new life in the gold reefs of Johannesburg in 1894 and Shen followed his father as a mining engineer up to the Great War. Captain John Lindsay Shenton “Shen” came back from Europe to a cattle/cotton farm. Barry’s mother Pat was a strong-willed Scot of third generation in South Africa. By 1936 the cotton had done well but the cattle had been decimated by Nagana, the deadly tsetse disease and when Shen joined the Parks Board, the family moved to Hluhluwe game reserve that year until the time they trekked north to Zambia in 1948. The conflict between the three small game reserves in Zululand and the livestock escalated because of Nagana and at one time the game department were given orders to shoot all the wild animals to prevent further spread. Barry and his younger brother Bob became good hunters until Shen organized six Martins bombers to spray DDT up to the boundaries of the reserves and this stopped the tsetse conflict. Barry served for a couple of years in the Natal Parks Board before accompanying his parents to Northern Rhodesia where Pat farmed chickens for eggs while the two men opened up a virgin piece of land in Mazabuka. It is remarkable that the eggs were sent by train to the Copperbelt with the train guard, and the money and the boxes returned on the next train.

Times were tough with the first crop yielding 35 bags of maize, so Barry joined Bert Schultz as a professional hunter in the newly formed Northern Rhodesia Game Department in 1950

on the Government Controlled Hunting scheme in Luangwa Valley. Wealthy overseas clients would pay to hunt wildlife on Chief Nsefu's reserve and the profits were given to the chief to develop his area – a system not unlike today's Community Resource Boards. These early rangers became testers for Mr. Bata who would come out every year with shoes modified for the tough environment in Luangwa. Barry ended up with a cupboard full of shoes like Imelda Marcos- rope soles, tall mosquito boots, and many versions of the "veld skons" that most bush people preferred in the end. These shoes were nick-named "brothel creepers". The first camp they built, Nsefu, survived the floods this year, for the 57th time while many other newer structures have been washed away over the years, a testimony to the quality of service offered by those early government workers.

Barry spent an exciting four years hunting in the dry season and controlling elephant in the wet season by shooting crop raiding bulls in the villages around eastern province. He had grown up fluent in Zulu and now learnt ChiNyanja. Over the next five years Barry was a full time ranger opening up the west bank of the Luangwa game reserve to tourism and also postings to Kabompo, Kasempa and Lundazi where he built the Nyika Lodge on the 8000ft plateau.

In late 1958, the council gave the game department just eleven months to open up Kafue National Park to tourism, failing which the area would lose its status and be re-settled. Norman Carr selected Barry and Johnny Uys to help him and over a very hectic year, they managed to open up 900km of road and build Ngoma Lodge and two bush camps under very challenging

conditions. Roads were surveyed on foot and cleared behind by hand to then be smoothed with a railway line triangle pulled behind a Landrover. Bridges were built with rock and concrete around 44-gallon drum forms, all carted by an old three ton Morris truck via Namwala. The Morris chassis eventually broke, and it was repaired with a mopane pole wrapped with wet buffalo hide - good enough to finish the job. By the end of 1959, the game department had won its challenge, and Zambia's biggest National Park was open to visitors. Barry was a painfully shy man in those days but dedicated to duty, efficiency and discipline and was promoted to Warden of KNP in 1964, while his parents ran Ngoma Lodge.

One of the visitors in the dry season of 1961 was a pretty Swedish nurse who had settled at a mission hospital in eastern Rhodesia (Zimbabwe) and escorted her visiting parents to KNP in an old Morris they had bought for the journey. The car developed a problem and Barry took four days to fix it, by which time he had proposed her for marriage and in 1963, their first son Rolf was born. Marianne loved the bush and moved to KNP to become his lifelong partner, bearing three sons and a favourite daughter, Allison who lives in Livingstone. Marianne, always a socialist, a nurse and a great traveller, mellowed Barry's colonial past and shyness and he adapted positively to the new Zambia when droves of Europeans left.

By 1970, Zambians were ready to take over the Game Department, and Barry retired to manage brother Bob's farm in Mazabuka. He attacked this job with the same vigour and determination as always and within two years produced the first crop of tomatoes on top of seed maize and cotton. The

first half of the crop was given away in the Mazabuka market as no-one had the taste for this new fruit. Suddenly the taste caught on and Barry couldn't produce enough for the next few years. He also introduced potatoes to Mazabuka's growing list of produce and used to sell them off the back of the truck in Lusaka's city market. Barry was always up-to-date with new ideas and bought a new diesel Mercedes from Germany in 1969 foreseeing the fuel crisis. This car is still driving around Lusaka.

In 1982, Barry finally managed to buy his own farm in Mkushi and again adjusted quickly to the new environment. He proved, at 53, that one is never too old to start a new life and became one of Zambia's biggest seed growers, both in soya and maize. Barry diversified whenever opportunities arose, and ran a borehole drilling rig, contract harvested maize, and built Kaingo Safari Lodge in South Luangwa National Park in 1992 with his son, Derek. In 1994, when the Great North Road was almost impassable, he began his last major project: The Forest Inn. Friends and family advised him that it was a bad time to build with all the uncertainty, but as usual he responded by saying he might not have the energy to start later and that the road would be fixed sooner or later, and so he did it anyway! The well-appointed, peaceful Forest Inn has become the place to stay for almost all visitors to Mkushi with all creeds and colours welcome for business or leisure.

Barry slipped quietly away on the 21st of March in his bed surrounded by his wife and children, surely a satisfied man, having beaten all his life's challenges, including a first cancer fifteen years ago. Youngest son, Clive will continue managing the farm and the Forest Inn. His children and grandchildren

have continued his sense of nation building, social conscience and sustainable resource management.

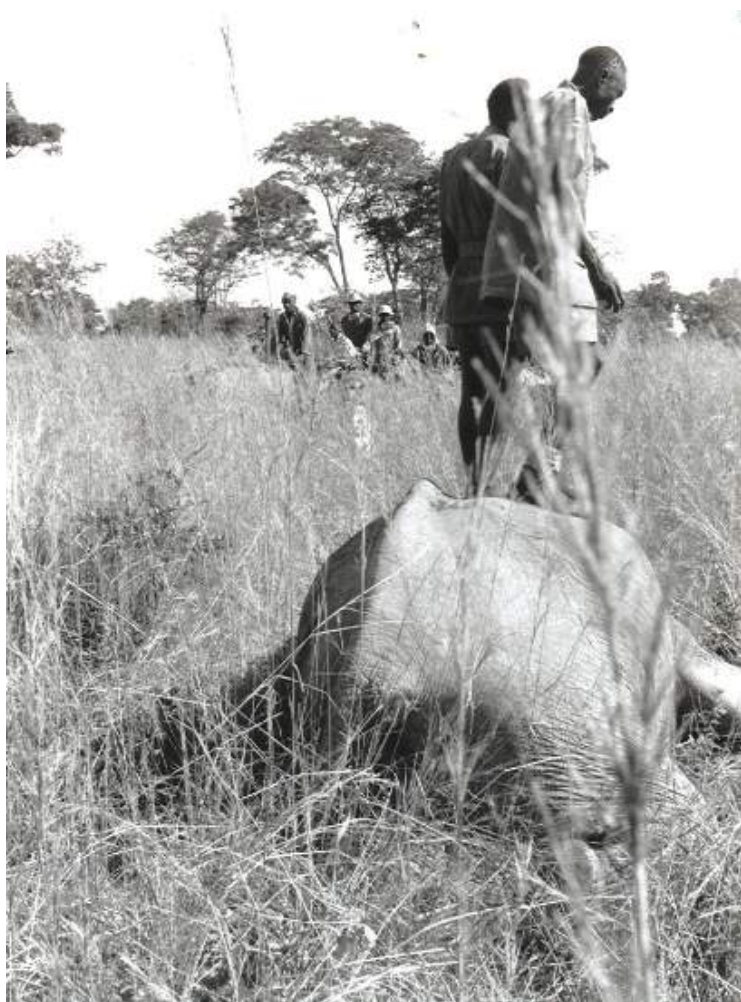
Rolf Shenton

Chief Nyawa is dead...

I am told that the present Chief Nyawa is hale and hearty, the newspaper article referring to the previous incumbent, who died in 1996

Monday, April 23, 2007

OBITUARY: Rice Time c.1920 – 2006 (September).



Rice Time 1966

Rice Time, gone now from our midst, was a hunter's hunter: honest, good humoured, courageous, imbued with a keen

intelligence and unshakable tenacity and fortitude; a man of integrity. He hunted, not for ivory or trophies – legal or illegal, but rather to protect farmers and villagers from wildlife depredations, following on in our Game Department the tradition set by the Provincial Administration of 1935 with the establishment of a Game Control Department (later known as the Game Department) - responsible for protecting people rather than wild animals, expanding in 1942 into the Department of Wildlife and Tsetse Control, and later when Rice and I worked together in 1966/67, the Department of Game and Fisheries, and later still in 1988/89, the Department of Wildlife and National Parks.

Rice, a Tonga from the south bank of the Zambezi, had his start with Operation Noah during the flooding of the Zambezi at Kariba, a programme which rescued island-stranded wildlife on his ancestral lands and then released them on the mainland. Later, he moved to the Mazabuka farming block where he earned his spurs hunting down lion and leopard cattle killers, bushpig and baboons under the Vermin Control Officers, Johnny Uys and T.G. Murphy, earning the admiration of the Provincial Game Officer, Frank Ansell, and the gratitude of many farmers and villagers. Like most of the great fundis and game guards, he was without formal education.

In 1966, he was recruited by the Warden of Luangwa Command, Johnny Uys, to the Luangwa Game Cropping Unit at Kakumbi and assigned to me as my fundi. He spoke no English, and I no Chinyanja, so we prattled on in Chilapalapa – spoken then from Cape Town to Tanganyika. And like my great friend, Derek Macleod's fundi, Nelson Chilangwa – well known for

his assistance to Norman Carr in the rearing of a few lion and a trip to London to publicize Norman's book 'Return to the Wild, he proved to be a goldmine of bush lore and utterly fearless and dependable. Only the best fundis sufficed, for the work was arduous and highly dangerous as it involved killing complete elephant herds by day with dart guns, and to begin with, hippo on foot at night. In the first rainy season, we all went briefly our separate ways, deployed by the Warden, Johnny Uys, on game control work of one sort or another, although it was the Senior Ranger, Les Allen, who sent Rice off to deal with garden raiders with 29 rounds of ammunition. He returned at the end of the rains with 29 elephant tails.

As the cropping work involved a great deal of running – not always forward, through the bush after elephant with ten 20 cc syringes clutched in the hand, and the Game Department being loth to revert to the use of firearms, fearing the disturbance factor, I suggested to the then Chief Game Officer, Bill Bainbridge, that when MacLeod and I left, that Rice and Nelson should take over the cropping. This was agreed to. I then trained them in the use of the dart guns, in the handling of the drug – a rather unforgiving neuro-muscular blocking agent for which no antidote existed, but for some reason replacements were brought in, one being the highly experienced Rob Backus, but other candidates were uninspiring. Rice and Nelson merely carried on as before. When I saw Rice a year later, he recounted some of his experiences, laughing and shaking his head at the scrapes he had been lead into.

The cropping scheme closed in 1972, the thousand or so elephant shot a paltry dent in the 100, 000 whom it was feared

would severely alter the floristic diversity of the Luangwa. The following year began the killing fields, in the case of the elephant, a repeat of the depredations a hundred years before by the hunters in the employ of the Tete based ivory traders.

In 1970, Rice assisted Johnny Uys – then Chief Game Warden, in conducting the Crown Prince Birendra of Nepal and his wife, Princess Aiswarya, on a hunt at Luwawata in the Luangwa, the Prince's father, King Mahendra, hunting with Peter Hankin. This Eton and Harvard educated Prince was without luck for the safari was a disaster of massive proportions, and seven years after his coronation in 1974, his son killed both him and his wife and a number of family members.

In 1988/89, Rice - now retired, and I were re-united in the doomed task of saving the last few black rhino left in Zambia: the plan being to fence off a large patch of land on the Mushilashi river in the South Luangwa National Park, and there to translocate the last pockets of rhino left in the country since the onset of the killing fields in 1973. Rice soon set to work and after a few weeks in the bush alone, found fourteen rhino in and around the Chendeni Hills, not far from the headquarters of the Luangwa Integrated Rural Development Project. Other surviving rhino were noted for future rescue work. But those in power refused to allow the Chendeni rhino either to be moved or to be placed in a sanctuary; they were safe we were told. Inevitably, within a few years they were all dead.

I found other work for Rice: training guards in the Kasanka National Park and ending his career with Kapani lodge, becoming a great favourite on walking trails with the great, the good and

the balmy. Rice, in a long and adventurous life, had two wives, 16 children, 30 grandchildren and 10 great-grand children, a remarkable achievement in itself. I hope they will carry the memory of his integrity with them.

Zambian Honored for Grassroots Environmental Work

April 2007

The Goldman Environmental Prize was established in 1990 by San Francisco civic leader and philanthropist Richard N. Goldman and his late wife Rhoda H. Goldman. The US\$125,000 prize, now in its 18th year, is awarded annually to six grassroots environmental heroes and is the largest award of its kind in the world.

The Goldman Prize winners are selected by an international jury from confidential nominations submitted by a worldwide network of environmental organizations and individuals. Prize winners participate in a 10-day tour of San Francisco and Washington, D.C., for an awards ceremony and presentation, news conferences, media briefings, and meetings with political, public policy and environmental leaders.

This year's prize winner for Africa is Hammerskjoeld Simwinga, a 45 year old Zambian from Mpika in the Northern Province. Here is his story:

“Without a salary, outside funding or transport for almost a year, he kept his programs alive by visiting remote villages on foot, bicycle or catching lifts. He has helped locals realize the precious nature of their wildlife heritage and the fragile balance that can so easily be destroyed. He is a modern day hero.”

- Mark Owens, co-founder and co-president with Dr. Delia Owens, the North Luangwa Conservation Project (1986-1997) and the Owens Foundation for Wildlife Conservation.

Transforming Communities through Sustainable Development

In Zambia’s North Luangwa Valley, where rampant illegal wildlife poaching in the 1980s decimated the wild elephant population and left villagers living in extreme poverty, Hammerskjöld Simwinga – known as Hammer – is utilizing innovative sustainable community development strategies to restore wildlife and transform this poverty stricken area.

Heading up the North Luangwa Wildlife Conservation and Community Development Programme (NLWCCDP), Simwinga protects the biodiversity of the North Luangwa National Park while simultaneously improving village life in the region through micro-lending, education, rural health programs and women’s empowerment.

Simwinga began working in the region with the US-funded North Luangwa Conservation Project in 1994, when local economies relied heavily on income from poaching. He helped villagers form “wildlife clubs” that used small business loans to provide basic goods, services and legal jobs as alternatives to working for the poachers. Each wildlife club was run as a free

enterprise; village entrepreneurs were expected to repay their start-up loans.

Through the wildlife clubs, villagers opened small general stores and grinding mills, offering employment to millers, mechanics and bookkeepers. The program also assisted subsistence farmers with seed loans, transportation and technical assistance to help them grow protein-rich crops with better yields so they did not have to depend on meat from wild animals. Simwinga tied the entire project to protection of the wildlife, thus supplanting an illicit economy based on poaching with a legal one.

Simwinga's tireless efforts have led to a dramatic transformation of the region. Income has increased one hundred-fold among the villagers and family food stocks have doubled. As a result, illegal elephant poaching is now 98 percent controlled and bush meat poaching is minimal. Wildlife has returned to the area, including elephants, hippos, buffalo and puku. Even critically endangered black rhinos have been reintroduced in the North Luangwa National Park by the Frankfurt Zoological Society.

The program now reaches more than 35,000 people and serves as a model for other sustainable development programs throughout the African continent.

Government Interference and Continuing Need for Support

Simwinga began his community development work with the North Luangwa Conservation Project (NLCP), a US-funded

organization founded in 1986 by Dr. Delia and Mark Owens that trained local game scouts and worked with villages to rehabilitate and conserve the 6,200 square-kilometre North Luangwa National Park. In the 1980s the Convention on International Trade in Endangered Species (CITES) set regulations on, but did not ban, trade in ivory, resulting in years of massive elephant poaching in Africa; half of Africa's 1.2 million wild elephants were killed between 1979 and 1989 and North Luangwa's elephant population dropped from 17,000 to 1,300.

As the successes of NLCP's work became apparent in the mid 1990s, powerful government officials and others capitalizing on poaching saw their profits dwindle with the slowdown in the illicit ivory and meat trade. In 1996, Zambian government officials arrived in Mpika and seized the NLCP offices; the entire project came to a halt. Within weeks the project was reopened but after a year of uncertainty, NLCP was turned over to a new management organization. They were unable to fund all of NLCP's initiatives and quickly dropped support for all village development programs.

But Simwinga was undeterred. He worked tirelessly to keep the community development program moving forward, funding the project partially through loan repayments from villagers. For almost a year he worked alone with the communities, regularly walking 30 kilometres between villages. Slowly he pulled together a substantial Zambian non-government organization, NLWCCDP, and attracted small funding to keep the work alive. His challenge now is to manage the ever-growing demand for the project in neighboring regions and bolster financial support from the international community.

“Conservation of wildlife communities is not possible in the long term without simultaneously meeting the basic needs of the local human communities.”

- Hammer Simwinga

Compiled by Linda Shenton

Wednesday, April 25, 2007

More on Hammer Simwinga...

<http://zambiaconservation.blogspot.com/2007/04/hammer-and-mpika-elephant-hunters.html>

(In mid-2018, Hammer and I were discussing how to protect the graveyard)



IM working on the graves

In the early 70's while working in the Bangweulu for the National Parks and Wildlife Service, I employed someone to take care of the old elephant hunters' graveyard at Mpika boma, usually the responsibility of the Ranger, Mpika. But this being an old mazungu graveyard, when the former Rangers Poles and Les Allen had long since left, and I as well, it remain uncared for. In 2003, on my return to Zambia, I visited the site and found it completely overgrown, the aircraft propeller and the elephant bones which had lain so long on Charlie Ross's grave, missing, and gravestones lying hither an thither. I immediately hired 20 people with hoes and put them to work. At the end of the day, having finished the job, and admiring how good it all looked, a man came strolling along, quickening his pace suddenly while still some distance off.

"What has happened here?" he inquired.

"We've just cleaned the old place up."

"But I wrote over a year ago to the Council, asking for permission to clear it, but they never replied. How did you get permission?"

"I didn't."

This was my first meeting with Hammer. Since then he has cared for the place, working on plans for an information centre, perhaps later a library. An unusual man this, I thought.

Hoovering Africa's rivers

1 May 2007

News that the wife of the President of the United States will

shortly descend upon Zambia in order to personally deliver thousands more insecticide-charged mosquito nets, is cause for considerable alarm. In a harvesting culture, such a simple and deadly gift has already had a major negative impact on fish stocks, and obviously on other beasts like otter and crocodile who survive on fish. And where once we sat for hours escaping the midday heat in a river such as the Luangwa, safe in the knowledge that the local croc would not bother us – nourished as he once was by a plentiful supply of fish, it would be a foolish man to try it now. Everywhere the mosquito net removes the larvae and juvenile fish, the ubiquitous gillnet the rest, aided by the poisoning of rivers with easily obtained cotton insecticides. We even now, God help us, have developed a trade in vulture heads to supply traditional healers and the witchbound. Of course, such poisoning also accounts for the lion, the leopard, the jackal, the civet, the hyena...

Although Zambia has obtained an exemption from the Stockholm Convention for the use of DDT, there is not much sign of a carefully controlled programme of spraying getting under way in the villages of the hinterland. It's all, I suppose, about the neurosis to give. Why not a net. Sounds good.

John Barry Shenton. 30 April 1929, Eshowe, Zululand -
21 March, 2007, Mkushi



Front left: Barry Shenton, Johnny Uys on his right - with some of our guards behind, and members of the Natal Parks Board at a time when some black rhino were collected from Hluhluwe in 1961.

Barry Shenton, a quiet self-effacing man, served his adopted

country for twenty years as an officer in the Game Department of Northern Rhodesia, ending his time in the Department of Game and Fisheries. At the time he joined the Game Department in 1950, there were only a few game reserves in the country, a populace struggling to defend itself against marauding elephant, baboons and wildpig, and little tourism to speak of. By the time he left in 1970, the planning was complete for the promulgation of 19 National Parks and a framework of 34 Game Management Areas, and the existence of a burgeoning hunting and tourism industry.

After a few years in the Natal Parks Board, Barry joined the Game Department in 1950 and was posted to Lundazi to join the newly established Government Controlled Hunting Scheme. This was the latest in the Provincial Administration's efforts since 1946 to see that local people benefited from game cropping, paying hunters and properly organized and conducted hunting safaris. Barry joined Ranger Bert Schultz as one of the professional hunters, a man of great experience who had been hunting the valley since 1919. In May of 1949, the District Commissioner at Lundazi, Errol Button, suggested that it would be advantageous to nurture non-hunting tourism as well, saying that it would not interfere with the activities of local hunters. This was accepted, and the Director of the Game Department, T. Vaughan-Jones instructed Ranger Norman Carr to take over the Department's camp in Nsefu, Chipera, and convert it for tourist use, with all revenue accruing to the Nsefu Native Authority. Senior Chief Nsefu, having been a willing partner in these important developments, then requested that his area be converted into a national park. This was refused. But with the assistance of Carr, Schultz and Barry, the move towards

attaining game reserve status in 1954, and finally national park status in 1972, was inevitable. And it was Barry who laid out the boundaries.

Until 1954, Barry continued on with the hunting in the dry season, and in the wet season managed a number of crop protection guards. For this he developed policy guidelines - the same guidelines recently passed on to the Zambia Wildlife Authority as they now embark on a major new training of village protection guards, and in 1952, established a game guard training camp at Milyoti. Over the next five years Barry was a full time Ranger opening up the west bank of the Luangwa Game Reserve to tourism and also served at Kabompo, Kasempa and Lundazi, building the Nyika Lodge on the 8000ft plateau.

In 1958, Norman Carr was appointed Warden of the Kafue Game Reserve – until then run by Len Vaughan, former owner of the ranch which is now Lochinvar National Park, and was allowed to take two Rangers with him to develop the area for tourism. He was given a year to do it or see much of it lose its status. Norman chose Barry and Johnny Uys to assist him. In less than a year they constructed 900 km of road, built Ngoma Lodge and two safari camps. At the end of 1959, the Kafue was opened for tourists. In 1961, Barry married a Swedish national, Marianne, his first child, Rolf being born in 1963; and in 1964, he became the Warden.

These are some of the bare facts of Barry's personal ulendo through his conservation life. What we are left with, apart from the existence of our National Parks, our hunting and tourism industry, his meticulous notes, photographs and correspon-

dence - evidence of a life of reverential dedication and hard work, the orderly farm in Mkushi, is the remarkable family he has left behind: Marianne, Rolf, Allison, Derek and Clive, all, in one way or another, dedicated to conservation and the elevation of the rural poor, the selfless serving of the common good. Barry's legacy to Zambia is immense.

Ecology of the Sitatunga



Ecology of the Sitatunga (*Tragelaphus spekei selousi* Rothschild, 1898) in the Bangweulu swamps, Zambia, Central Africa

Research into the ecology of the sitatunga (*Tragelaphus spekei* Rothschild, 1898.) in the south-east Bangweulu, Zambia, was carried out between 1973 and 1976. The sex ratio for sitatunga does not differ significantly from 1:1, although 47.3% of the population are adult females and 25.6% adult males, 12.1% immature males, 4.3% immature females and 10.6% calves. Two conception peaks are related to the onset and cessation of the rains with breeding occurring throughout the year. Sitatunga occur singly (50%), in twos (22.2%) or in threes (16.7%). Females and their calves are the only group with any integrity. The maximum number observed in a group was 7. The minimum home range for males is 0.0363 km² and for females 0.176 km². Aggression and the mutual avoidance of dominant males suggests territoriality. Sexual dimorphism is marked. Pelage colouration is variable. The white facial markings are important in male agonistic displays. Criteria for relative age determination of sitatunga were derived from eruption and attrition sequences of impressions taken from maxillary teeth. Males reach a theoretical maximum weight of 106 kg at 8.1 years and females 51.5 kg at 7.34 years. Males are 54.6% heavier than females and maximum horn length is achieved at 7.5 years. Age is significantly correlated with weight, horn length and the length/weight index. The mean horn length for adults is 64.2 cm (measured according to Rowland Ward's) and the mean front hoof length, for both sexes, is 7.6 cm.

Barry Shenton on dealing with crop raiding elephant

SOME OBSERVATIONS ON ELEPHANT CONTROL OPERATIONS IN EASTERN PROVINCE - 1958

BY J. B. SHENTON, GAME RANGER, LUNDAZI

In order fully to appreciate the implications of these observations it is necessary to have a general idea of the elephant control policy in the Eastern Province over the past few years.

Until 1957 season, one elephant from the party actually raiding cultivation was followed for a maximum of three miles and destroyed, and then only after it was proved to be a confirmed raider i.e. the animal(s) had to visit the garden at least twice before any action was taken. During 1957, the Nicholson Theory was put into practice. In effect this entailed following the raider from the garden, and if only bulls were found, they were left undisturbed while a circuit was made to look for a possible breeding herd in the vicinity. If found, the leading or most mature female was shot. If not, one of the young bulls from the garden was destroyed.

This policy proved to be unsatisfactory due mainly to lack of supervision of the Control Guards, which meant that very little information was obtained, and the results did not seem to justify the continuation of the scheme.

Consequently this year the policy generally in the Province has reverted to that of pre-Nicholson years, except for one Chief's area in Lundazi, where the experiment has continued. This area was chosen because of the large number of breeding herds

inhabiting the area and adjacent Lukusuzi, Nsefu, Luambe and Luangwa Reserves.

The results from this area and others are shown below, observed by Game Ranger, Lundazi, or, in some cases sifted from facts supplied by the specially chosen Elephant Control Guard stationed in Chief Mwanya's area. It is intended to produce a second report at the end of this season's operations, which it is hoped will serve as a useful basis for future control policy in the Province.

Observation 1. Chimpamba Village, Chief Chikwa, Lundazi.

Raiding by bulls in this group of villages was quite regular during March until 11 April, during which period one elephant male was destroyed on 17 March, and another bull shot on 31 March. Possibly two but certainly small female herd was in the vicinity during March/April. On 11 April after four consecutive days of raiding, the cow herd moved up the Luangwa from the area voluntarily, and all raiding ceased on that date, and has not recurred during the past month.

Observation 2. Simulemba group of villages at foot of escarpment, Chief Chikwa.

During February and March sporadic raiding by bulls took place, but it is not known definitely that any breeding herds were in the vicinity, though reported by local villagers. Raiding became more frequent however in early April, and on 16th a cow herd 20 + strong moved close to Simulemba Village, while three bulls actually raided the shambas. One of these males

was shot the same day and the cows removed themselves, with the remaining bulls following to a point about 20 miles distant, where raiding took place during the following week. It is clear that the destruction of the bull on 16 April had nothing to do with the departure of the cow herd, as they had moved on some hours before the bull was shot. Later the cow herd moved to yet another area and raiding more or less followed this line.

Observation 3. Sam Village Chief Mwanya area, Luangwa Valley

On 14th March 1958, a female elephant was shot after bulls had raided, the latter having joined the females later the same day. Raiding by bulls was reported for several days previous to 14th. No further raiding has since taken place in this area.

Observation 4. Chief Mwanya's own village.

On 14 April, six females plus two immature elephant raided these gardens, one of which was shot. Eight days later, two bulls raided nearby Saidi gardens and one was shot. Here it must be pointed out that both raiding parties came from the nearby Lukusuzi Game Reserve and survivors returned there. It is likely that there was no connection between cows herd and raiding bulls in this case.

Observation 5. Changachanga Village, Chief Mwanya, and adjacent villages.

21 March, Mundu Village: bulls raided, 1 shot.

23 March, Changachanga Village: breeding herd of about 30

raided, 1 female shot. 15 April, Munyanga Village: bulls raided, 1 shot 23 April, Saidi Village, bulls raided, 1 shot.

24 April, Chiweka Village: bulls raided, 1 shot.

In all the above cases of bulls raiding, there were no females in the immediate vicinity of the bulls when shot, and apparently regular shooting of bulls had little deterrent effect. But the destruction of one female from a herd on 23 March kept the area clear for the following three weeks.

Observation 6. Tom Village, Chief Mwanya's area.

For over a week a herd of nine females and young elephant raided this village regularly, except on the occasion when three bulls came instead. On 8 April, one cow was shot and all raiding ceased, and no reports were received for the rest of the month.

Conclusion.

1. It would appear that in the majority of cases regular raiding by bulls in an area can be traced to a breeding herd in the vicinity. When these herds are removed by shooting one of their number (usually the oldest female, or leader), the bulls in attendance are drawn away and raiding ceases.

2. The shooting of one bull raider from a party does not necessarily clear the area of potential raiders (see observation NO.5 in particular) though the remaining bulls usually steer clear of cultivation for a time.

3. It appears that on the comparatively rare occasions when an elephant herd - composed mainly of females, raids crops, destruction of one of their number has the effect of removing

the herd for some considerable time. This maybe due to the fact that the females have not been affected to any extent in the past by elephant control operations, and react more than do the bulls to punishment.

Obituary of Bill Astle

WILLIAM ASTLE. 11 December 1932 – 2 March 2006



IM & Bill Astle 1978

Bill spent 17 years working in Northern Rhodesia and Zambia, first as an agricultural research officer in the Agricultural Department, and later as a biologist in the Department of Wildlife and National Parks – most of it in the Luangwa Valley, and finally, as Chief Biologist stationed at our HQ in Chilanga.

He left in 1973, the early 70's being the period when a corpse of men consumed with the passion of conservation departed the Game Department for ever: Frank Ansell, John Clarke, Phillip Berry, Barry Shenton, Johnny Uys...

Bill was a wonderfully eccentric man whose generosity of spirit was combined in such delightful ways: I well remember the saga of the jacket many years ago; Bill lending his only jacket to his malonda, pitying him for the cold nights of winter in the Luangwa, then, when it was time for him to go to England on leave, looking for the jacket in irritation, then remembering what he had done with it, and 'borrowing' it back for his three month's leave. And before that, in the 60's when he gone on leave again and had returned with a wife, a beautiful and exotic creature from Brazil called Mercedes, news of her arrival drawing us to his fence, peering though with binoculars to see if it was true. And how many are the Zambians, who, having worked as labourers or carriers in the bush for Bill, or taken under his wing as research assistants - and later assisted financially by him, rose to be university lecturers, senior civil servants and the first fully certified Zambian tourist guides.

Of course, Bill's patch in life was the Luangwa Valley, a place which he loved deeply, where indeed I found him in 1966 – already a veteran bachelor and biologist it seemed in our beloved Game Department, already with a reputation as a plant ecologist with a deep knowledge of the miombo forest. In the early 1970's, Bill became the Department's Chief Wildlife Research Officer, he, Mercedes and their daughter, Marilia, leaving soon after in 1973. He then went into consultancy work, moving to Botswana to carry out ecological studies for F.A.O.

in the Okovango and at a research station near Gaborones. In the late 80's he was back in the valley, again doing some remote sensing work with Steve Prince, his former protege, moving back into the same research camp he had left long before at old Mfuwe.

Bill I saw as the quintessential Englishman of the north of England: careful with his money, generous, disdaining of affected ways, a man who found great delight in a quaint phrase, a humourous gesture...a man who loved a good laugh. Of that we had many. And of course there was cricket: we played together in many places: in Fort Jameson, on the old Mfuwe airstrip in the Luangwa amidst the calling cards of a herd of buffalo that had rested there the previous night, in Gaborone and in Lobatse, and had watched cricket at his beloved Old Trafford in the sun, and in the cold. He will soon be there again, or in the valley, striding rapidly along, the carriers struggling to keep up with him; Bill, our friend.

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Tuesday, May 01, 2007

IN MEMORIAM: D.S.G. MacLeod - 30 years ago



D.S.G. Maccloud (1965) (pic IM)

In loving memory of

Derek MacLeod

Born 23.4.1944

Died 24.4.1977

Remembered and much loved

by his Luangwa friends

and his family.

IT WAS THE BEST OF TIMES;
HE MADE IT SO.

Friday, June 29, 2007

Zambia wildlife officers plunder the birthright of the rural poor...



Mbo caught, but safe anyway.

At midday on the 24th June 2007, a few of my employees and I – accompanied by an old friend from pre UDI Rhodesia days, Malcolm King, cut human tracks in the bed of the Ilinda stream

which lies within a wonderful piece of old Africa, the West Petauke Game Management Area of Zambia,.

Looking south, I saw a wisp of blue smoke rising up in front of a small thicket; then turning north, I found myself staring at a man armed with a military weapon standing a hundred yards away, a lean and sallow complexioned man dressed in the familiar shirt worn by government Wildlife Police Officers. Unhurriedly he moved out of sight. I immediately sent two trackers after the man, unaware that they had seen a second man, similarly armed, running away, and then walked towards the smoke where lay a newly dismembered impala ram and other meat being smoked over a fire and boiling away in two pots, and the boots and the familiar apparel of Zambia Wildlife Authority employees scattered about, the organization having the mandate and duty to protect Zambia's wildlife. Ten minutes later my people escorted the officer in charge of the Kalansha Wildlife Camp, one Joseph Mbo, into my presence. His story was familiar: they had come on poachers with newly killed animals, had fired a few shots in the air while giving chase, and had then started to prepare the meat so that it could be collected for consumption by the painfully poor villagers. A perfect alibi, naturally, but one in which the absence of a bullet would make it well nigh impossible to prosecute the gang in court. Without being pressed, Mbo happily divulged the names of his group: Daniel Daka and Fraxon Phiri from Nyimba, and Axon Phiri and Josephat Walya hailing from Kalansha game camp.

Mbo, in calm and unhurried fashion, said that they had come on the poachers the previous day. The impala ram however, had been killed but a few hours before, fresh blood still mantling the

leaves where it lay. Disarming Mbo, I gave orders for the camp to be packed up and loaded on my car, drove to my camp on the Luangwa river, and the following morning then drove sixty kilometers to the little town of Nyimba lying on the Great East Road. Some half way along this track we were hailed down by none other than the ZAWA sector i/c based in Nyimba, Collins Chibeka, a name familiar to us in our ongoing investigations into the elephant and meat poaching syndicate laying waste the district. Loading him and his bark wrapped bundle of fish or meat, perhaps both, we drove to the Nyimba Police Station. There CID spent a number of hours interrogating us and Mbo, declaring that our chances of putting the gang in jail were slim. My newly qualified public prosecutor, Japhat, agreed. I tried to remember where I had read that on occasion the weight of circumstantial evidence could far outweigh direct evidence. Outside I found Chibeka, his bundle of meat already spirited away. Despondent, I drove back to the Luangwa with Mbo and my main witness, Sylvester, heading directly to the Ndevu Wildlife Camp where Mbo said we would find the other officers who had accompanied him under his command. There we found Phiri and Walya, the former a village scout employed by the Luembe Community Resource Board, the man who had run away, and Walya – he being the man who had left his trousers hanging on the tree in the poaching camp. I then dropped them off part way towards my own camp, discovering later that they had left two AK 47s in the car.

The following day I met with the Chairman of the Luembe CRB, Axon Lungu, a fellow trustee of our Luembe Conservancy Trust, and we agreed that none of the gang should be allowed to continue in their posts. And talking to other community leaders, I

sense the immergence of new strength and determination to root out those who masquerade as protectors.

Wednesday, July 04, 2007

Zambia's National Policy on Environment of 1995 yet to be ratified?...

Preamble to the draft National Policy on Environment (May, 1995)

Zambia has an area of 752,614 km² located at an altitude between 2,164

and 350m with a most equable climate, largely on the Central African

Plateau, with four major biomes consisting of forest, woodland, grassland

and aquatic systems. These encompass large parts of the Zambezi and

Congo drainage systems and it is thus probably the best watered country

in Africa. It is endowed with a wealth of natural resources within 16

ecosystems with landscapes that include extensive forests, grassy plains,

hills and steep escarpments; huge lakes and rivers, deep valleys and

ecologically rich wetlands together with areas of anthropic origin such as

cropland, plantation forests and urban settlements.

All development programmes are undertaken against this environmental

background and depend to some extent upon natural resources. Above

all, the country is mainly a primary commodity producer of non-renewable

resources that require special care, management and application. It is

within this context that, with planned economic growth, the ensuing

increase in resource utilisation can only be sustained through application

of a national policy to protect and manage the environment. The country

at present faces daunting challenges of de-forestation at the rate of 250-

300 thousand ha per year; land degradation in many places verging on

desertification; wildlife depletion especially in the protected areas and all

accompanied by soil erosion, loss of productivity, inadequate sanitation

and air and water pollution.

The relationship between widespread poverty, with a national mean of

around 73% of the population living below the poverty line determined by

the Central Statistical Office, 1997 and environmental degradation, is

clear since 62% of the population lives within the rural areas

where

dependence upon natural resources for livelihood is on the increase.

For example, some 60% of the total land area is covered by forest. Most

of it is degraded through deforestation, encroachment and uncontrolled

bush fires². This situation has developed mainly as a result of long-

established inappropriate policies that tend to discourage forest

management and appear to favour other forms of land use, very often at

the expense of forests.

The population is growing at the rate of about 2.9% per annum which,

without sufficient public awareness and control, contributes further to a

vicious circle of increasing poverty and increasing depletion of resources.

This central issue is compounded by limited understanding of

environmental problems, a weak administrative and legal framework and

breakdown of traditional values and practices which previously ensured a

high degree of social responsibility and equitable sharing of resources

within a natural equilibrium.

There are 11 government ministries involved in environmental affairs (9 of

these have policies that include concern for environmental matters, some

of which is extremely scanty). There are over 33 sets of legislation

affecting the environment, much of which is inadequate. Zambia has a

dualistic legal framework and is signatory to 21 international conventions

on environment. Yet it is without a single over-arching institutional

arrangement, institution or policy mandated for integration and

collaboration over these issues of national importance.

Deficiencies reflect a historical sector approach to legislation that includes

inadequate incorporation of international standards within national

legislation; that apart from forestry, water and wildlife sectors, there is little

provision for involvement of local communities in the implementation and

enforcement of related legislation; lack of intra and inter-sectoral

institutional arrangements and few coordination mechanisms for effective

integration of legislation. The Environmental Council of Zambia (ECZ),

created in 1992 through the Environmental Protection and

Pollution

Control Act No. 12 of 1990, has not been able to bring into being the

necessary nationwide collaboration in environmental and natural

resources management largely through lack of resources.

Environment has an estimated budget allocation within the Transitional

National Development Plan of less than 1% of the total. There is thus a

clear requirement to appropriate additional financial resources for

environmental purposes and in particular to strengthen the ECZ.

Current shortfalls include ineffectual mechanisms for community-based

natural resources management. This makes prospects for maintaining

environmental integrity bleak and efforts for poverty reduction and

sustainable development seriously impaired. Lack of formal inter-sectoral

links and limited up-to-date baseline data further hinder the process. In

addition, at a higher level, there are limited national guidelines for

effective integration of international environmental conventions into the

country's environment and natural resources management efforts.

Management of trans-boundary conservation of natural resources, whilst being accepted as a key pillar in ecosystem management is not well supported. There is insufficient provision in development programmes for environmental education and promotion of gender equity through inclusion of gender-related activities in project activities and national agendas and work plans. Enhancement of private sector participation in environmental and natural resources management, also receives insufficient support.

Friday, July 13, 2007

Auditing natural resource revenues...

From <http://www.marginalrevolution.com/marginalrevolution/2007/07/auditing-natura.html>

When my editor and I were exchanging drafts of this piece, my spam blocker wouldn't let them through. There is too much talk of Nigeria and diamonds! Here is one excerpt:

Paul Collier, an economics professor at Oxford University, has a new and potentially powerful idea. In his recently published

book, “The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done About It” (Oxford University Press), Professor Collier favors an international charter — some widely publicized guidelines that countries can voluntarily adopt — to give transparency in spending wealth from natural resources. A country would pledge to have formal audits of its revenues and their disposition. Imagine PriceWaterhouseCoopers auditing the copper revenues of Zambia and issuing a public report.

Saturday, July 14, 2007

Last of the Livingstone white rhino...



White Rhino to Kafue in 1961

Some weeks ago an AK47 bunch of Angolan plunderers, working with some Livingstone Wildlife Police Officers killed one of the two remaining white rhino, source of daily joy and tourism income, an adult female, cut off her horn, and disappeared. Further reports from Livingstone say, "...is missing its buddy and was searching in vain. Leg is either still with bullet, or at the gate they say "shattered". Haven't seen it as is keeping low. His name is fwanya and he was always the tamest, gentlest and friendliest of them. poor thing, he should probably be sent home!"

Apparently the Zambia Wildlife Authority have made some arrests.

These rhino were first brought to Zambia in 1961 by Barry Shenton and Johnny Uys of the Game and Fisheries Department of Northern Rhodesia, a gift of the Natal Parks Board. The picture shows Johnny and Barry delivering two rhino to Kafue in 1961, later - after the death of one of them, transferred to Livingstone's Mosi oa Tunya National Park.

Tuesday, July 17, 2007

Corruption is real in Zambia - Saudubray

Corruption is real in Zambia - Saudubray

By Masuzyo Chakwe

Monday July 16, 2007 [04:00]

CORRUPTION is real in Zambia and the country should not relent in fighting it, outgoing French ambassador to Zambia Francis Saudubray has said. And ambassador Saudubray said his dream is for Zambia to implement the decentralisation policy.

During the French National Day which fell on Saturday, ambassador Saudubray said like in most countries in the world, corruption was real in Zambia. He said Zambians should be courageous, ambitious and have independent legal systems to fight corruption. He hoped that the country would not relent in fighting the scourge.

"It is not because a former president has been condemned, in a civil case by a British court, that everything has been solved.

Corruption is real in Zambia, like in most countries in the world. It eats up public funds, ruins investment opportunities and compromises development," he said.

Ambassador Saudubray said he dreamt of a decentralised Zambia.

"Who in Lusaka can claim to know what is good in Isoka, Sesheke or Zambezi districts? Only local citizens and their elected counsellors must decide on the construction of a school, a clinic, a bridge or a borehole," he said.

He said he dreamt of a Zambia that would finally have respect for its environment.

Ambassador Saudubray said there was nothing more saddening than seeing forests decimated through charcoal burning or empty national parks because the wildlife had been ruined through poaching.

"There is nothing more saddening than seeing both the old and young throwing rubbish on the road through the windows of their cars or bus," he said.

He said there was need to encourage the use of new domestic fuels and ban charcoal.

Ambassador Saudubray said there was need to fight poaching by offering real alternatives to the poor who go through the wilderness in search of preys by meting out stiffer punishment to those who earn a living by or promote the trafficking, those who trade in game meat, ivory or poached trophies.

He hoped those making considerate profits especially in the

mining sector would be brought to pay tax.

“It is not fair to take advantage of a past agreement made with the Zambian government several years ago when the conditions for the mining development no longer have anything to do with what they were then. For instance, when copper is being sold at US \$7,000 a metric tonne whereas it was worth US \$2,000 five years ago,” he said.

And Ambassador Saudubray said he and his wife Virginie had criss-crossed the country and didn’t feel like they lost time in Zambia.

“I have criss-crossed your country from north to the south and from the east to the west. I have admired the Zambezi plains in Mongu or Lukulu, I have gone through the ‘black forest’ or national parks such as Kafue, Lower Zambezi or North Luangwa National Parks, I have taken water from the great Zambezi River at its very spring, north of Mwinilunga, I have refreshed my face with the mist from the Kabwelume or Kundaila Falls,” he said.

“I have swum in the crystal waters of Lake Tanganyika or marveled in front of those of Lake Bangweulu, I have admired the rock paintings in Kasama or Tonga potteries in Sinazongwe. I have exchanged views with government officials and poor fishermen at Lake Mweru. I have visited the mines on the Copperbelt and Sugarcane plantations in Mazabuka. I have participated in Likumbi Lyamize, Kuomboka, Kazanga, Ncwala exceptional ceremonies,” he said.

Ambassador Saudubray said he had kept a feeling of a harmo-

nious country with a lot of potential that deserved more than what it had at the moment.

He hoped Zambia, through dialogue and negotiations, would reach a system of government convenient for her.

He said it was not for him to say whether it was by law or through the reform of the Constitution that would solve the issue.

Ambassador Saudubray said Zambia should be proud of its culture and traditions and model of government.

“How many African countries can claim to have never been at war, to be in harmony inside and outside of their borders, to play a role in promoting peace and stability? Zambian diplomacy has to capitalise on these benefits on these values, on these assets. The beneficial and peaceful role that your country plays on Africa scene must be more known, heard and recognised,” said ambassador Saudubray.

Tuesday, July 24, 2007

Supreme Court decision pending injunction given
Nawalya community partners in a hunting lease...

Two weeks ago the Supreme Court heard the case in which the Zambia Wildlife Authority had appealed against the decision of the High Court in awarding an injunction to the Nawalya Community Resource Board (representing the villagers of Chief Nwalya) stopping ZAWA from removing the concession held

by Leopard Ridge Safaris Ltd in their area. This decision is extremely important given that CRBs form partnerships with ZAWA and safari operators and do have the right -by way of the Hunting Concession Agreement, to choose or fire their operating partners. Of interest here will be the Supreme Court decision affecting 7 hunting companies, found in favour of the respondents. The matter must now go back to the High Court (see <http://zambiasafarihunting.blogspot.com>)

Thursday, August 16, 2007

Auditor-General 2005 Report on ZAMBIA WILDLIFE AUTHORITY...

Note: During this period, the senior officers of the Zambia Wildlife Authority were: Director-General: Hapenga Kabeta; Director of Finance: Tom Mushinge; Director of Conservation: Gershom Chilakusha

ZAMBIA WILDLIFE AUTHORITY

Background

The Zambia Wildlife Authority (ZAWA) was established under the Zambia Wildlife Act, No 12 of 1998. Its functions include among others to:

- a) provide for the establishment, control and management of National Parks and for the conservation and enhancement of wildlife eco systems;
- b) provide for the establishment, control and management of Game Management Areas;

c) involve local communities in the management of Game Management Areas

d) provide for the regulation of game ranching;

e) provide for the licensing of hunting and control of the processing, sale, import and export of wild animals and trophies. Management

According to the provisions of the Act, ZAWA is managed by a Board of Directors consisting of eighteen (18) board members appointed by the Minister drawn from the private and public sectors for a tenure of three (3) years and members are eligible for a further period. The Board appoints the Director General, subject to the approval of the Minister. The Director General is responsible for the administration of the Authority and is assisted by five (5) directors in charge of Finance and Corporate Services, Research, Planning and Information, Commercial Services and Game Management Areas, Conservation and Management and Board Secretary. The Director General, Directors and the Secretary are appointed by the Board for a renewable three (3) year period. Sources of Funds

According to the ZAWA Act No. 12 of 1998, the funds of the Authority consist of moneys as may: a) be appropriated by Parliament; b) vest in or accrue to the Authority; c) be paid to the Authority by way of fees, levy, grants or donations; d) accept moneys by way of grants or donations from any source in Zambia and subject to the approval of the Minister from any source outside Zambia; e) subject to the approval of the Minister raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions and; f) in accordance with the regulations made under this Act charge and collect fees for services provided by the Authority. Provisions of K4,014,617,507 were made in 2004 and 2005 respectively

in the Estimates of Revenue and Expenditure as grants to the Authority. However, the Treasury released K7,470,000,000 and K4,572,000,000 in 2004 and 2005 respectively resulting in over funding of K3,455,382,493 and K557,382,493, respectively. During the same period, ZAWA budgeted and collected revenue through fees, levies and sales in addition to Government grants as tabulated below:

	2003 (K'Million)	2004	2005
Budgeted Income	23,668	28,234	30,497
Actual Income	16,827	24,882	28,402
Variance	(6,841)	(3,352)	(2,095)

As can be noted from the table above, the Authority collected revenue below the budgeted amounts during the periods under review. It was also observed that contrary to the provisions of the Zambia Wildlife Authority Act of 1998 which stipulates, among other things, that the Authority may accept moneys by way of grants or donations from any source in Zambia and subject to the approval of the Minister from any source outside Zambia, ZAWA received a donation of K207 million in 2005 from People and Parks, an organisation based outside Zambia, without the approval of the Minister. Review of Operations

A review of the audited accounts and other relevant documents for financial years ended 31st December 2003 to 2005 carried out in August 2006 revealed the following: Financial Performance a) Profit and Loss Account for the years ended 31st December 2003, 2004 and 2005

	2003	2004	2005
K'Million	K'Million	K'Million	
Income	31,582	35,933	44,124
Expenses:			
Community share of income	20,878	3,345	4,315

Establishment Expenses 8,181 25,296 24,385

Administrative Expenses 1,949 16,008 13,451

Operating Expenses 2,311 4,539 4,584

Total Expenditure 33,319 49,188 46,735

Excess of exp. over income (1,737) (13,255) (2,611) As can be seen above, while income rose by 39.7 % from K31,582 million in 2003 to K44,124 million in 2005, the Authority continued to incur excess expenditure over income during the same period.b)

Balance Sheet 2003 2004 2005

K'Million K'Million K'Million

NON CURRENT ASSETS

Property, plant and equipment 10,306 12,526 12,938

CURRENT ASSETS

Inventories 918 1,224 2,142

Receivables and prepayments 4,962 3,261 4,182

Cash and cash equivalent 12,115 20,419 11,510

17,995 24,904 17,834

CURRENT LIABILITIES

Payables and accrued expenses 20,694 27,020 30,511

Bank overdraft - 17 1020, 694 27, 037 30,521

Net current liabilities (2,699) (2,133) (12,687)

TOTAL ASSETS 7,607 10,393 251

Capital employed

Capital grants 10,154 8,894 10,243

Revaluation surplus 3,506 3,506 3,506

Accumulated funds-deficit (7,534) (20,669) (27,033)

Deferred income 44 13, 498 8, 371

NET ASSETS 6,170 5,135 (4,913)

Non current liabilities

Retirement benefit obligation 1,437 5,164 5,164

SHAREHOLDERS FUNDS 7,607 10,299 251 As can be

seen above, the Authority had net current liabilities of K2,699 million, K2,133 million and K12,687 million for the years 2003, 2004 and 2005 respectively. This entails that the Authority would not be able to pay its liabilities when they fell due. The liquidity position worsened in 2005. Registration of Property to be Transferred by Government²². According to Part I, Section 19 (1) and (2) of the Zambia Wildlife Act of 1998, any property, rights, liabilities and obligations of the Government through the Department of National Parks and Wildlife Service are deemed transferred to the Authority in respect of which transfer a written law provides for registration, the Authority shall make an application in writing to the appropriate authority for registration of the transfer. It was, however, observed that the Authority does not hold title to its buildings despite enjoying economic benefits from the buildings. It was also observed that the Authority had not taken stock of its properties since its establishment in 1998.

Irregular Payment of Gratuity and Allowances In December 2001, the Authority appointed a Director General for an initial renewable period of three (3) years. Accordingly, in December 2004 the Authority renewed the contract of the Director General for a period of another three (3) years beginning December 2004. However, in November 2005, the Authority terminated the contract of the Director General after serving for one year. According to the contract, the former Director General was entitled to, among others, a gratuity paid tax-free at 35% of basic annual salary payable on termination or expiration of contract. To be eligible for pro rata entitlement, the Director General should have served for at least two (2) years of the contract. It was observed however, that though the contract provided for non-payment of gratuity in the event

that the contract is terminated before serving two (2) years, the authority paid his full gratuity and salary for the remaining two (2) years that he had not served in amounts totalling K335,488,842.50. In addition, the former Director General was paid K215,000,000 in allowances relating to the remaining period of the contract resulting in an irregular payment of K550, 488,842 which is recoverable. In his response dated 12th November 2006, the Director General stated that this was a matter of the Board and the Ministry to address as they were the ones who knew what happened. Un-retired Imprest

Contrary to Financial Regulation No. 186 which stipulates that special imprest should be retired immediately after the purpose for which it was issued was fulfilled, it was observed that imprests in amounts totalling K368, 346,544.08 were outstanding for more than ninety (90) days as of 31st December 2005. In his response dated 12th November 2006, the Director General stated that recoveries are effected where amounts are outstanding for a long time and that efforts would continue to ensure that the situation was brought to an acceptable level. Non Recovery of Salary Advances

Contrary to ZAWA regulations, which stipulated that salary advances must be recovered in three (3) months, amounts totalling K175,065,703 relating to salary advances to 261 members of staff were outstanding for more than two (2) years without effecting recoveries. In his response dated 12th November 2006, the Director General stated that as regards non recovery of salary advances, officers who retired were being paid their benefits by the Ministry, not by ZAWA. Consequently, the recovery of salary advances could not be done. Trade debtors It was observed that ZAWA did not have an effective mechanism of monitoring its debtors. In this regard, amounts

totalling K1,300,233,627, owed by nineteen (19) operators who had since abandoned their projects and left the country or werewrongly classified, could not be collected. Consequently, ZAWA management applied to the Board to write off the debts. South Luangwa Area Management Unit (SLAMU)

In January 1999, Government of the Republic of Zambia (GRZ) entered into an agreement with the Government of the Kingdom of Norway regarding cooperation for promotion of the economic and social development of Zambia to extend continued assistance to South Luangwa Area Management Unit (SLAMU). According to the agreement, the GRZ shall make all reasonable efforts to facilitate the successful implementation of the project by granting the project status as pilot within ZAWA throughout the project period and thereby: a) Grant the project permission to retain all revenues from tourism and safari hunting in SLNP and LGMA; b) Allow the community based natural resources management (CBNRM) approach to be continued; and c) Delegate sufficient decision making authority to the project to facilitate its operation. Contrary to the provisions of the agreement with the Kingdom of Norway, the following were observed: i) In July 2004, ZAWA entered into an agreement with L and L properties for culling of six hundred (600) hippos over a period of three (3) years in South Luangwa Area Management Unit. Under this agreement, ZAWA received amounts totalling K498,033,775 in 2005. As of December 2006, only K82,391,000 had been remitted to SLAMU leaving a balance of K415,612,775 still owing. ii) It was also observed that both SLAMU and ZAWA Head office had been invoicing Chichele lodge based in South Luangwa National Park. In this regard, the lodge made payments directly to head office instead of SLAMU, as a result, records at SLAMU indicated that Chichele Lodge owed them

a sum of K523,403,066 (US \$67,202) whereas the statement obtained from the lodge showed that the lodge was owing US\$19,764 as of August 2006.iii) It was further observed that the offices at SLAMU which were built under the project have no title deed, and as such it has proved difficult to insure the buildings whose roof was grass thatched and prone to high risk of fire. Irregular Procurement of Uniforms for Drug Enforcement Commission (DEC)

A review of records relating to the procurement of uniforms indicated that ZAWA had procured uniforms for DEC using the Support to Economic Expansion and Diversification (SEED) project funds in amounts totalling K46, 614,610. A scrutiny of the SEED agreement did not provide for such arrangement. There was no evidence of an agreement between DEC and ZAWA. As of October 2006, there were 130 T-Shirts, 130 Combat jackets, 130 Long sleeves polo neck jumpers for DEC as uniforms in stores.

Irregular Issue of Title Deeds in Mosi-O-Tunya National Parks

According to the provisions of the Act, ZAWA allocates sites in National Parks and Wildlife / Bird sanctuaries to successful bidders. The successful bidders are awarded a Tourism Concession Agreement (TCA). The TCA is a commercial agreement that regulates the conduct of the operators. It confers the rights and obligations of the concessionaire and grantor (ZAWA). An Environmental Impact Assessment (EIA) is prepared and approved by Environmental Council of Zambia

(ECZ) before the operator would proceed with the development of operations. However, it was observed that two operators namely Waterfront lodge and Maramba River lodge had been issued with title deeds in the Mosi-O-Tunya National Park. The title deeds for Waterfront have since been cancelled and a Tourism Concession Agreement was signed on 8th February 2005 for a period of twenty five (25) years. As of August 2006, the title deed for Maramba River lodge had not been cancelled and the Authority was not receiving any money from the lodge, as there was no agreement though the lodge operated in the National Park. Furthermore, there was no evidence of an Environmental Impact Assessment having been done for the above-mentioned lodges by the ECZ.

Outstanding Statutory Obligations

In accordance with the Income Tax Act, Cap 323, every employer is required to remit Pay As You Earn (PAYE) to the Zambia Revenue Authority (ZRA). During the period under review, it was observed that ZAWA had not been remitting PAYE. As at 30th June 2006, the outstanding PAYE stood at K19,656,327,267. It was also observed that the Authority had not remitted pension contributions to NAPSA for its employees in amounts totalling K3,544,973,232 as of August 2006. The issue was brought to the attention of the Board at its 4th meeting held on Friday 16th May 2003 by the finance committee, though no action has been taken as of October 2006. In his response dated 23rd November 2006, the Director General stated that efforts were being made to address the matter.

Share of Community Resource

The Communities in Game Management Areas (GMA) have formed Community Resource Boards (CRB) which comprise a registered board for the purpose of administering the CRBs.

The main sources of income for the CRB are revenue from concession, bird and animal fees. As a way of equitably distributing the wildlife resources, ZAWA and the CRBs recommended allocating the utilization of the resources as follows: %ZAWA 50 Chief 5 CRB 45 The funds to the CRBs are distributed as follows: %Wildlife Conservation 45 Community Projects 35 Administration 20 Board members of the CRBs are volunteers elected among the community. Failure By CRBs to Prepare Annual Reports and Audited Accounts

According to the provisions of Part III section 5 subsections (a), (b) and (c) of the ZAWA Act of 1998, the Community Resource Board (CRB), is required not later than ninety days after the end of the financial year, to submit to the Authority, through the Director General: _ An audited balance sheet; _ An audited statement of income and expenditure; and _ A report concerning its activities during that financial year. Contrary to the provisions of the Act, the sixty two (62) CRBs did not submit audited accounts and did not prepare the annual reports. A review of records and other relevant documents pertaining to the operations of Community Resource Boards revealed the following:

Chiawa Game Management Area

The Government issued a gazette number 332 in 1998 directing all operators in the Chiawa GMA to be paying land user fees. The fees were to be paid at the beginning of the year. However, as of December 2005, total amounts of K450,999,935 and US\$128,857 (K440,175,512) were outstanding as unpaid land user fees for over 120 days. As of June 2006, the fees had not been paid and ZAWA had not invoiced the operators for the year 2006. b) Chiawa Community Resource Board Records obtained from ZAWA indicated that Chiawa CRB received

an amount of K71,470,328 during 2005. However, a review of the bank statements of the CRB indicated that an amount of K200,648,714 had been received from ZAWA. No explanation was given for the variance of K129,178,386. It was also observed that:

- i) There were no expenditure details in respect of the period from January 2003 to June 2005 for which the Board Secretary and the Finance Chairperson gave no satisfactory explanation.
- ii) ZAWA guidelines provide that the panel of signatories comprise two from the community and another one from ZAWA. However, it was observed that the panel of signatories did not include officers from ZAWA.
- iii) Contrary to the agreed guidelines, nine (9) members of the CRB paid themselves loans ranging between K1,200,000 and K10,000,000 in amounts totalling K38,200,000 between July and December 2005. Though the loan agreements provided that the loans would be recovered by June 2006 none of the money had been recovered as of August 2006.
- c) **Jumbe Community Resource Board** During the period under review, Jumbe CRB received a sum of K35,993,350 and the funds were to be apportioned as follows:

Recommended	Actual (K)	(K)
Chiefs Share	- 16,000,000	
Wildlife Conservation	16,197,007	7,593,850
Community projects	12,597,672	7,214,500
Administration	7,198,670	5,185,000

 It was observed that contrary to the guidelines, the chief was paid K16,000,000 from the CRB funds. In 2003 ZAWA signed a Hunting Concession Agreement with the Mungomba Hunting Safari Company which provided for among others, the drilling of boreholes, provision of grinding mills and the employing of five (5) village scouts for the Jumbe CRB. The agreement did not specify the safari operator's obligations in terms of quantities and values. Contrary to the concession, the safari company did not sink the boreholes for the community,

but instead only provided two grinding mills which are situated at the chief's palace, and the community was not benefiting from the grinding mills as they were not accessible to the rest of the community for which they were intended.

d) Chitungulu Community Resource Board

A review of the ZAWA field report dated 2nd December 2004 revealed that one of the board members was given a sum of K18,000,000 paid on cheque number 000136 to purchase a grinding mill for the community which was not procured. As of August 2006, the K18,000,000 had not been refunded and the matter had not been reported to the police. It was observed that the CRB issued another cheque number 22045 in amounts totalling K13,530,125 for the purchase of the grinding mill.

e) Mwanya Community Resource Board

During the period under review, the CRB received an amount of K560,888,489 as community share. It was observed that: i) Board members of the CRB diverted funds and paid themselves advances of K300,000 each totalling K3,000,000. The terms of the advance were that it would be recovered by December 2005. However, as of August 2006 the deductions had not been effected, though the members continued to be paid sitting allowances. ii) The Hunting Concession Agreement in the area provided, among others, the drilling of boreholes, provision of grinding mills, employing five (5) village scouts, employing community coordinator, training local people to be professional hunters. Contrary to the concession agreement, the community bought a second hand light truck at a cost of K48,000,000 from the safari hunter. The terms of payment were such that the community forego the drilling of boreholes and add an amount of K24,000,000 paid on cheque number

00050. The basis of determining the cost of the boreholes and the valuation of the cost of the vehicle could not be ascertained. The Safari hunter has not fulfilled the other obligations he made in the agreement.

Wednesday, August 22, 2007

Zambia: Bangweulu Ramsar Site

Ramsar Convention Secretariat blurb...

"The Convention on Wetlands came into force for Zambia on 28 December 1991. Zambia presently has 8 sites designated as Wetlands of International Importance, with a surface area of 4,030,500 hectares."

Ramsar description as follows:

*Bangweulu Swamps. 28/08/91; Northern Province; 1,100,000 ha; 11°25'S 029°59'E. Includes National Parks, Game Management Areas. In addition to providing a breeding ground for birds, fishes and wildlife (e.g., the African elephant *Loxodonta africana*, the buffalo *Syncerus caffer*, and Sitatunga *Tragelaphus spekei*), the site is known to support large numbers of the endemic, semi-aquatic Black Lechwe (vulnerable *Kobus lechwe*) and is home to the threatened Wattled crane (*Grus carunculatus*), as well as the only home in Zambia for the threatened*

Shoebill (Balaeniceps rex). The swamp is a natural flood controller and important for groundwater recharge and water quality control. The site contains the historical Nachikufu caves with bushman paintings, maintained by the National Heritage Conservation Commission. Threats to the wetland such as poaching will be addressed by the National Wetlands Steering Committee with a proposed general management plan that will steer development away from sensitive habitats. The Zambian Wildlife Authority in collaboration with WWF-Zambia office are collaborating on improving sustainable livelihoods and ecotourism possibilities. The site was extended from 250,000 to 1,100,000 ha on 2 February 2007. Ramsar site no. 531. Most recent RIS information: 2007.

For further information about the Ramsar Convention on Wetlands, please contact the Ramsar Convention Secretariat, Rue Mauverney 28, CH-1196 Gland, Switzerland (tel +41 22 999 0170, fax +41 22 999 0169, e-mail: ramsar@ramsar.org). Posted 25 January 2000, updated 2 May 2007, Dwight Peck."

My comments:

In the original Ramsar core of this site i.e. the water meadows and plains associated with the Lukulu river of the S.E Bangweulu (not the river of the same name i.e. the Bemba Lukulu debouching into the Chambeshi river), and once the site of the Black Lechwe Project on Chikuni Island, which I headed from 1973-1976, the uncontrolled impacts of fishermen has had a deleterious impact on the most important black lechwe lekking grounds of the Bangweulu. Four foot

fishing weirs, permanent huts and villagers houses dot the high ground, altering flow patterns and changing the dynamics of the system. Added to this the embankment access which I originally constructed to allow tourists to reach Shoebill Island camp, now forms an almost solid wall, again impacting and altering flow patterns. In addition, inflated hunting offtake quotas and poaching is from all reports having a negative impact on the biology of animals such as sitatunga, and on the quality of trophies.

What the Ramsar Secretariat does not mention is that the Bangweulu core area of the five river estuaries (Munikashi, Luitikila, Lumbatwa, Lukulu and Lulimala) and deep swamp, provide a productive fishery for the people of the swamp islands; and that what it should have done since 1976 - as per the Black Lechwe Project, was to provide sustained yield offtakes of lechwe and some other species for people who had lived off them for centuries (and still do, but illegally) - particularly the aboriginal baTwa centred about Mboyalubambe. This is the reason why the Chikuni Special GMA was gazetted, and why a National Park was not created. People need to be part of wildlife conservation and development, particularly in S-E Bangweulu. Present work being carried out by the GEF/UNDP Protected Areas Re-Classification Project, should see that the Luitikila National Forest, the Isangano and Lavusi Manda National Parks, the five river estuaries, the Mwendachabe forest, and their associated floodplains, and the Kasanka National park are knitted into a conservation mosaic covering the chiefdoms of Kopa, Chiundaponde, Chitambo, Luchembe and Bwalya Mponda but under a series of interlocking smart partnership of the Landsafe Trust system, rather than just a number of

National Parks which exclude people, or which are unable to manage the conservation and management of the system as a whole, as is presently the case.

Thursday, August 23, 2007

New Minister for Zambia's Ministry of Tourism,
Environment and Natural Resources...

Zambia's President has replaced Kabinga Pande with Michael Kaingu, the noted advocate of the information highway. Pande will now deal with those beyond our borders i.e. Foreign Affairs.

Friday, August 24, 2007

The Ramsar African Secretariat writes to ZAMBIA...

To the Zambia Wildlife Authority:

We recently received an email from Mr. Ian Manning, inquiring about the National Wetlands Steering Committee in Zambia. This information was provided in the updated Ramsar Information Sheet for Bangweulu Ramsar site. We however realized that we do not have any information documented on this at the Ramsar Secretariat. We would like to inquire whether this is similar to the 'National Committee' as encouraged by Recommendation 5.7 of the 5th Meeting of the Conference of

the Contracting Parties Kushiro, Japan (which encouraged Contracting Parties to establish, or recognize the establishment of, national committees according to the needs of each Contracting Party, to provide a focus at national level for implementation of the Convention. This same recommendation requests that national committees send the Bureau summary information concerning their establishment, updated with reference to their work in subsequent national reports).

We would therefore appreciate you forwarding information on the National Wetlands Steering Committee in Zambia; when it was created, its members, how it operates and other necessary information about. This would help us stay up to date with the activities geared towards the implementation of the Ramsar Convention in Zambia and would serve as a good example to other Contracting parties. We would refer Mr. Ian Manning to you for further information on this issue and subsequent issues.

Furthermore, there was some information provided concerning threats to the Bangweulu Ramsar site and additional information which could be included in the Ramsar Information sheet for this site. You would find this information in his email which is below. The Ramsar Administrative Authority in Zambia, together with Mr. Ian Manning, can check out the possibility of incorporating this information in the RIS for this site or in what way this information could be used.

Reply from:

To Mr Nalumino Nyambe

Project Leader

WWF Zambia Coordination Office:

In response to your question concerning the National Wetlands Steering Committee in Zambia, we are sorry to inform you that we do not have any documented information on this committee at the level of the Ramsar Convention Secretariat. Since we are an inter-governmental organization, we work for the governments of the Contracting parties through officially appointed contact institutions in each contracting party. We have therefore forwarded your request to the Ramsar Administrative Authority in Zambia (the Zambia Wildlife Authority, ZAWA) for further information. We would forward any responses we get from them to you. Meanwhile, we would advice you to keep in touch with them and work hand in hand with them, towards the wise use and management of Zambian wetlands.

Saturday, August 25, 2007

Think again America...

A doubling of aid to Africa is well intentioned but misguided; it will merely further fatten the slumbers of corrupt and dysfunctional governments, further centralize their power, and further disenfranchise and impoverish the poor. And the news that Laura will arrive in Zambia bearing thousands of mosquito nets, is terrible news for the fish stocks of our countless rivers and, ultimately, for the villagers who are so dependent on them for some protein. Everywhere these nets meant to combat

malaria are being sown together and used to remove every living fish, egg and spawn from our waters. We need money to flow directly to the people through local trust structures and associations. In the one million acres of mountain, alluvial plain, rift valleys and rivers of the chiefdoms in which I work, our wildlife is being massacred by ivory poachers and the agents of the bushmeat trade. The killing fields of Africa asserts itself with renewed vigour while the money pours in, propping up governments which are no longer connected with their people. We need funds to go directly to villagers so that they may have an incentive to conserve their resources. Who will be accountable for seeing that this 'doubling' of funds actually produces an improvement in the lot of the poor? Think again America.

Zambian community suspends its own village wildlife scouts...

The Community Resource Board (CRB) for the Luembe chiefdom of Zambia's southern Luangwa valley, on Thursday, 30 August, took the decision to suspend all their 12 village wildlife scouts. For over 30 years – in particular from the time of the takeover in November 1999 of wildlife and protected area affairs by the Zambia Wildlife Authority (ZAWA) from the Department of National Parks and Wildlife, the region has been in the grip of a crime syndicate made up of the very people supposed to protect wildlife. The supplier of the ammunition, the transport for collecting the dried game meat, and the supervision of the actual poaching operation is the officer-in-

charge of ZAWA Nyimba sector, Collins Chibeka, and the two ZAWA Wildlife Police Officers (WPOs) in charge of two ZAWA camps, Ben Mwale and Joseph Mbo, assisted by all the village scouts and the other WPO.

This action by the CRB and its capable Chairman, Axon Lungu, is highly significant, for along with the Nawalya CRB further up in the Luangwa, who opposed the removal of their hunting safari operator by ZAWA without due legal process, it shows that rural people living in Game Management Areas are starting to resist the heavy hand of ZAWA, and that of corrupt chiefs, in the management of their lives.

The Luembe Chiefdom is in the midst of a major attempt to remove its chief, Senior Chief Luembe, for selling off their land and for a litany of human rights abuses carried out by him against them. Removed once from office, then replaced by a Government Minister, he will shortly appear in the Kabwe High Court. Investigations are also underway against him and the Chairman of the MMD ruling political party, Whiteson Njobvu, for their part in the illegal alienation of the adjoining West Mvuvye National Forest No. 54 and in the chief's case, his failure to place a caveat against the 99 year alienation of the M'Nyamadzi game ranch. Both these men were trustees of the Luembe Conservancy Trust, whose mission was to conserve the wildlife and land for the benefit of the villagers.

Since July 2005, the concession holders of the area, Mbeza Safaris, has been apprehending WPOs and village scouts poaching. On 3 July 2007, the Secretary of the Luembe Headmen Traditional Committee wrote in outrage to the Director-General of

ZAWA, saying that nothing was being done about the poaching of elephant and other game. In particular, he produced proof of the involvement of the WPO Ben Mwale in the killing of two elephant, and of Collins Chibeka for collecting bags of meat and taking it to Lusaka. He also supplied an affidavit signed by 27 men and woman, admitting that they had worked in Ben Mwale's fields in return for elephant meat.

The Association has yet to receive a reply, and Mwale and Mbo and Chibeka have not been suspended, let alone prosecuted. And no action has been taken by ZAWA to suspend the village scouts.

I have written elsewhere of catching Mbo and village scouts at their meat filled poaching camp, and of finding Chibeka waiting nearby at another camp. Although I took them to the police, I was not able to prosecute as we could discover no bullet in the impala we found. Their well-oiled story of 'we found poachers and their camp, fired in the air, they ran away' has served them and their predecessors well since 1976, accounting for all the Zambian rhino and in excess of a 100,000 elephant, and countless buffalo and other game.

The sad part of all this is that village scouts are recruited from villager ranks. They are part of the community, with the ZAWA officers coming from elsewhere and being placed in charge of them. As they have not been paid by ZAWA for many months, it is hardly surprising that they poach. But they are directed in this by the permanently employed WPO civil servants.

Ben Mwale recently was given a pair of tusks recovered from an

elephant by the fisherman, Ghandi, but has received no reward as is customary. Ghandi states that this ivory has not been handed into the Nyimba office for registration.

The Chairman of the CRB told me yesterday that his CRB had received no funds from ZAWA this year, though Mbeza paid its concession fees in April.

Saturday, September 01, 2007

Luembe Headmen complain about, and to, ZAWA...

**LUEMBE HEADMEN TRADITIONAL COMMITTEES
SENIOR CHIEF LUEMBE
P.O.BOX
NYIMBA**

3RD JULY, 2007.

**THE DIRECTOR GENERAL DR LEWIS SAIWANA
ZAMBIA WILDLIFE AUTHORITY
CHILANGA**

Dear Sir,

Re: elephant poaching and other species by ZAWA and the CRB village scouts in the west petauke game management. Area 17 and adjoining open areas.

May I draw the attention of your honourable office as on the above-mentioned captioned subject matter?

The Luembe headmen traditional committee and indeed the luembe local community are not happy in the manner ZAWA and the CRB village scouts are conducting themselves in the course of executing their duties. Instead of enforcing the law on the conservation of our wildlife they have chosen the opposite part of it as prescribed on the above captioned subject matter.

The poaching of elephants and other species have reached an alarming stage and want your office to move in very quickly and stop the stage. The whole lot of these ZAWA scouts nyimba sector are all poachers and some very much quicker action must be applied to arrest the situation.

The headman traditional committee together with local community through the office of CRB chairman would request your honourable office have these scouts swapping transfers with those of north-western and western provinces where the language is going to be difficult for them to communicate and start poaching. Some of these scouts who are directly involved into the poaching ^{of} elephants must face prosecution.

Luembe headmen complain

Monday, September 03, 2007

A report from Livingstone on Zambia's game translocations...

"I was down at (Zambia Wildlife Authority) ZAWA this afternoon when a truck that had bought down 10 zebra from Kafue turned up. Only 6 are alive after offloading. 2 died on the way down, one at the weighbridge this afternoon and one just after it was off loaded. The truck left Kafue at 1600 yesterday but only got to Livingstone at 1400 today!!!! The truck, which is Zimbabwe registered, is a converted container.

I'm not an expert on moving game but I am a farm boy and I wouldn't have put cattle in it. There is a serious lack of ventilation. Can you please pass this on to wildlife society and ask someone to follow it up as they are about to start bringing the roan, sable and eland next week. If they take that amount of time to get from Kafue to here in the current heat, the only thing being restocked will be game rangers freezers."

Another report received states that ZAWA intends capturing eland from the Kafue National Park and translocating them to Liuwa Plain NP. Any removal of eland from Kafue, given their numbers, is to be deplored.

Wednesday, September 05, 2007

Lochinvar National Park suffocates from neglect...



Len Vaughan

In 1918, long before it became a National Park, Lochinvar ranch was bought in a Nairobi pub over a couple of beers by my good

late friend, Len Vaughan (pictured above); he had not seen the place before. It was the ellysian fields, covered from one side to the other with lechwe, buffalo, eland and now and then, the Ipumpe crowned Mushkulumbwe on one of their spearing chilas. Steadily over the years since 1976 it has been neglected, the annual flooding regime on which the ecology depends all but destroyed by the impoundment of Iteshiteshi upstream. Now it is being taken over by the dreaded Mimosa, starving out the grasses, stifling the lekking water meadows on which lechwe depend, driving them into the woodland to meet the hoards of cattle. It is all a national disgrace.

Monday, September 10, 2007

Dr Neo Simutanyi talks of organized racket in Zambia hunting licenses...

In The Post newspaper of 10 September 2007, Dr Neo Simutanyi in his article entitled 'Education and the Criminal Economy' says that "There have also been reports of an organized racket in the award and use of hunting licenses in which some government officials are believed to be involved'.

Sunday, September 16, 2007

Zambia needs to change how it manages wildlife and protected areas..

The Zambia Wildlife Authority (ZAWA), with one man at the helm with any experience and the qualifications to back it up, Dr Lewis Saiwana, is beyond repair, beyond reconstruction. That it has not even made the necessary pension contributions for its own staff is proof that it is time to call it a day. At HQ, ZAWA is a shambles, unable to pay consultants as promised, unable to administer the hunting industry and the quota system, unable to pay all the Community Resource Boards who are responsible for hiring village scouts, unable to answer a simple letter. And in the field, uncannily mirroring national expenditure over the last 20 years on agriculture, education, health and local councils, only between 7 – 15% or so of funds has been deployed for field operations. If the West Petauke Game Mangement Area (GMA) is anything to go by, local ZAWA officers operate 'legalized' bushmeat and elephant ivory poaching operations, assisted by village scouts who need little encouragement to poach given the fact that they are only paid occasionally.

Zambia is in the grip of an implacable criminal operation denuding customary areas and National Parks and National Forests of its wildlife. Yet like Zambia itself, ZAWA calls for a financial rescue package. This is not the panacea for the ills which beset ZAWA or the country.

It is time for Government to accept that the management of protected areas and its wildlife, and the wildlife of customary areas, can no longer be run by a highly centralized statutory

body with a weak supervisory board. It is time to put all National Parks and Forests out to public private partnerships, and in customary areas, to place the ownership of wildlife in the hands of development trusts which incorporate customary leaders, local councils, the villagers and NGOs.

At a meeting the other day at the national archives, addressed by the Minister of Home Affairs and the Permanent Secretary of that Ministry, the latter said he will request the Minister to instruct all District Commissioners to pay a visit to the archives in order to study the District Notebooks kept by the British South Africa Company from 1902 – 1924, and by the administration of the Imperial Government until 1964, so that the DC's may learn how to administer their districts. It is time that ZAWA's senior personnel started looking into the old files of the Game Department in order to learn that its prime function was to protect people from the depredations of wildlife, and to earn money for the Native Authority from wildlife. And it is time that the district councils studied the files of the Native Authority to see how well Zambia's districts were once managed. It was not a matter of money then, as it is not now.

Saturday, September 22, 2007

The Kasanka National Park intends re-arranging the deck chairs...

The Kasanka National Park, which lies on the edge of the floodplains of the south-east Bangweulu, has since about 1988 been run by David Lloyd and his Kasanka Trust. As the former warden/biologist of the Bangweulu with its three national parks and its game management areas, I assisted David in the negotiations with government towards a public private management agreement, but it was Peter Moss – a former colleague in the Department of Wildlife and National, and a Mkushi farmer, Gary Williams, who set the park up and obtained the initial funding from the EU.

Unfortunately, the three of us no longer have anything to do with the park, it being run as a tourist operation, with no management plan in place, and no formal trust structures established with the Chitambo chiefdom in which the park falls, originally a portion of what was created in 1931, the Livingstone Memorial Game Reserve.

A report on two of the game counts carried out in Kasanka in 1952 and 1955

I have just been informed that the Kasanka Trust wish to translocate Black lechwe into the Kasanka National Park to augment the two males which recently arrived there. Black lechwe never occupied the Kasanka i.e. as a breeding population, as long as we have had records - and I have copies or access to most of them. Lechwe do mate with puku if there are none of their own kind about – being a member of the same genus, but the

offspring of the union is infertile and will simply die off in time; but in the Kasanka the offspring of the lechwe male there should be removed at once, and the lechwe male as well.

Black lechwe should not be translocated into the Kasanka simply to add to the tourists' species list. We already have the example of the scientifically irresponsible and high-handed translocation of the Kafue strain of zebra (with their stripe shadow) onto one of the floodplains allied with the Lukulu river – the main lechwe lekking ground, showing a complete disregard for the principles of wildlife conservation. No effort was made to find the remnants of the Bangweulu strain and to conserve them. And this sort of thing is happening all over Zambia as private farmers and the Zambia Wildlife Authority put and take animals at will.

The 5th National Development Plan says...

The greatest threat to wetlands in the country is from their degradation caused by human-induced processes and exacerbated by climatic fluctuations (particularly drought). It is estimated, for example, that over 20 percent of the flood plains and swamps have been degraded as result of dam development, siltation, and human settlements. At least 30 percent of dambos in Southern, Lusaka, Central, and Eastern Provinces of the country are degraded through inappropriate agricultural practices, siltation, overgrazing, and human settlements. Over 40 percent of wetlands' wildlife resources have been depleted through over-hunting and habitat loss, while over 50 percent of wetland fisheries resources have been considerably over-exploited.

Sunday, September 23, 2007

Zambia, the Ramsar Convention and Bangweulu...

——-Original Message——-

From: Ian Manning [mailto:ipamanning@gmail.com]

Sent: 22 August 2007 13:48

To: Ramsar Mailbox

Subject: Bangweulu Zambia

Dear Dwight

Can you send me details of the National Wetland Steering Committee

Aye

Ian Manning

Zambia: Bangweulu Ramsar Site

Ramsar Convention Secretariat blurb...

“The Convention on Wetlands came into force for Zambia on 28 December 1991. Zambia presently has 8 sites designated as Wetlands of International Importance, with a surface area of 4,030,500 hectares.

Ramsar description as follows:

Bangweulu Swamps. 28/08/91; Northern Province; 1,100,000 ha; 11°25'S 029°59'E. Includes National Parks, Game Management Areas. In addition to providing a breeding ground for birds, fishes and wildlife (e.g., the African elephant *Loxodonta africana*, the buffalo *Syncerus caffer*, and Sitatunga *Tragelaphus spekei*), the site is known to support large numbers of the endemic, semi-aquatic Black Lechwe (vulnerable *Kobus*

leche) and is home to the threatened Wattled crane (*Grus carunculatus*), as well as the only home in Zambia for the threatened Shoebill (*Balaeniceps rex*). The swamp is a natural flood controller and important for groundwater recharge and water quality control. The site contains the historical Nachikufu caves with bushman paintings, maintained by the National Heritage Conservation Commission. Threats to the wetland such as poaching will be addressed by the National Wetlands Steering Committee with a proposed general management plan that will steer development away from sensitive habitats. The Zambian Wildlife Authority in collaboration with WWF-Zambia office are collaborating on improving sustainable livelihoods and ecotourism possibilities. The site was extended from 250,000 to 1,100,000 ha on 2 February 2007. Ramsar site no. 531. Most recent RIS information: 2007.

For further information about the Ramsar Convention on Wetlands, please contact the Ramsar Convention Secretariat, Rue Mauverney 28, CH-1196 Gland, Switzerland (tel +41 22 999 0170, fax +41 22 999 0169, e-mail: ramsar@ramsar.org). Posted 25 January 2000, updated 2 May 2007, Dwight Peck."

Ian Manning comments:

In the original Ramsar core of this site i.e. the water meadows and plains associated with the Lukulu river of the S.E Bangweulu (not the river of the same name i.e. the Bemba Lukulu which debouches into the Chambeshi river), and once the site of the Black Lechwe Project on Chikuni Island, which I headed from 1973-1976, the uncontrolled impacts of fishermen has had a deleterious impact on the most important

Black lechwe lekking grounds of the Bangweulu: four foot fishing weirs, permanent huts and villagers houses dot the high ground, altering flow patterns and changing the dynamics of the system. Added to this the embankment access which I originally constructed to allow tourists to reach Shoebill Island camp, now forms an almost solid wall, again impacting and altering flow patterns. In addition, inflated hunting offtake quotas set by the Zambia Wildlife Authority and poaching is from all reports having a negative impact on the biology of animals such as sitatunga, and on the quality of hunting trophies.

What the Ramsar Secretariat does not mention is that the Bangweulu core area of the five river estuaries (Munikashi, Luitikila, Lumbatwa, Lukulu and Lulimala) and deep swamp, provide a productive fishery for the people of the swamp islands; and that what it should have done since 1976 - as per the Black Lechwe Project, was to provide sustained yield offtakes of lechwe and some other species for people who had lived off them for centuries (and still do, but illegally) - particularly the aboriginal baTwa centred about Mboyalubambe. This is the reason why the Chikuni Special GMA was gazetted, and why a National Park was not created. People need to be part of wildlife conservation and development, particularly in S-E Bangweulu. Present work being carried out by the GEF/UNDP Protected Areas Re-Classification Project, should see that the Luitikila National Forest, the Isangano and Lavusi Manda National Parks, the five river estuaries, the Mwendachabe forest, and their associated floodplains, and the Kasanka National Park are knitted into a conservation mosaic covering the chiefdoms of Kopa, Chiundaponde, Chitambo etc, but under a series of

interlocking smart partnership of the Landsafe Trust system, rather than just a few National Parks which exclude people, or which are unable to manage the conservation and management of the system as a whole, as is presently the case

Greetings, and many thanks for this. I've forwarded your comments to our Africa team, Mr Abou Bamba (bamba@ramsar.org) and his assistant Ms Evelyn Moloko (africa@ramsar.org), and will ask them to inform you about the Committee.

Best regards, Dwight.

*****Dwight PeckCommunications OfficerCon-
vention on Wetlands (Ramsar, Iran, 1971)CH-1196 Gland,
Switzerlandpeck@ramsar.org, <http://ramsar.org>

—

Dear Mr. Nalumino and others,
Accept regards from the Ramsar Secretariat.

We recently received an email from Mr. Ian Manning, inquiring about the National Wetlands Steering Committee in Zambia. This information was provided in the updated Ramsar Information Sheet for Bangweulu Ramsar site. We however realized that we do not have any information documented on this at the Ramsar Secretariat. We would like to inquire whether this is similar to the 'National Committee' as encouraged by Recommendation 5.7 of the 5th Meeting of the Conference of the Contracting Parties Kushiro, Japan (which encouraged Contracting Parties to establish, or recognize the establishment of, national committees according to the needs of each Contracting

Party, to provide a focus at national level for implementation of the Convention. This same recommendation requests that national committees send the Bureau summary information concerning their establishment, updated with reference to their work in subsequent national reports).

We would therefore appreciate you forwarding information on the National Wetlands Steering Committee in Zambia; when it was created, its members, how it operates and other necessary information about. This would help us stay up to date with the activities geared towards the implementation of the Ramsar Convention in Zambia and would serve as a good example to other Contracting parties. We would refer Mr. Ian Manning to you for further information on this issue and subsequent issues.

Furthermore, there was some information provided concerning threats to the Bangweulu Ramsar site and additional information which could be included in the Ramsar Information sheet for this site. You would find this information in his email which is below. The Ramsar Administrative Authority in Zambia, together with Mr. Ian Manning, can check out the possibility of incorporating this information in the RIS for this site or in what way this information could be used.

We are copying this email to Mr. Ian Manning as well.

We look forward to your reply and we hope to get some information on this National wetlands Committee.

Sincere regards,

Evelyn.

Moloko Evelyn Parh Assistant Advisor, Africa Convention on Wetlands (Ramsar, Iran, 1971) Rue Mauverney 28, CH-1196 Gland, Switzerland Tel.: + 41 22 999 01 72 Fax: + 41 22 999 01 69 E-mail: africa@ramsar.org Web site: <http://ramsar.org>

From: PECK Dwight Sent: mercredi 22 août 2007 14:17 To: Ian Manning Cc: BAMBA Abou; MOLOKO, Evelyn Subject: RE: Bangweulu Zambia

Dear Mr. Manning,

Your email of August 22nd was forwarded to the African team for follow up. Thank you for the information provided on the Bangweulu Swamps Ramsar site.

In response to your question concerning the National Wetlands Steering Committee in Zambia, we are sorry to inform you that we do not have any documented information on this committee at the level of the Ramsar Convention Secretariat. Since we are an inter-governmental organization, we work for the governments of the Contracting parties through officially appointed contact institutions in each contracting party. We have therefore forwarded your request to the Ramsar Administrative Authority in Zambia (the Zambia Wildlife Authority, ZAWA) for further information. We would forward any responses we get from them to you. Meanwhile, we would advise you to keep in touch with them and work hand in hand with them, towards the wise use and management of Zambian wetlands. The contacts information for our contact persons in ZAWA are below:

Mr Nalumino Nyambe

Project Leader
WWF Zambia Coordination Office
PO Box 50551, Ridgeway
Lusaka, ZAMBIA
Fax :+260 1 250 805
Tel: +260 1 255 598
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& zawaorg@zamnet.zm

We hope this information would be helpful to you and we would be grateful if you could tell us more about yourself for the record keeping.

Ian Manning replies:

Many thanks for all your very rapid responses, something very unusual

these days. You ask for some details of myself: I am the former Warden/Senior Biologist of the Bangweulu Command in 1973, followed by

Director of the Black Lechwe Project until 1976, based in the S.E.

Bangweulu in the black lechwe range, with responsibility for the

Bangweulu, the Kasanka, Isangano and Lavusi Manda National Parks and

all the attendant Game Management Areas. My work involved black lechwe

protection, research on black lechwe lekking behaviour, shoebill stork

behaviour and ecology, and the ecology of the sitatunga. In addition I

translocated lechwe back to the Bwela flats of Chinsali district - an

area in which they once occurred. Since that time I assisted in the

negotiations with Government for a PPP on the Kasanka National Park,

was the scientific advisor to the Kasanka Trust in London, and gave

the use of Shoebill Island and Lake Waka Waka (which had been given to

me by the customary authority) to the Kasanka Trust of Zambia, the

present leaseholders of the Park. For some time I have been

trying to

interest investors in taking on the Isangano and Lavusi
Manda in a

partnership with Government and their local communities.

You should be aware of the Reclassification of Protected Areas
Project

(UNDP/GEF) which seeks to do certain things in the newly
constituted

Bangweulu Wetland (RAMSAR). Also, Hapenga Kabeta has
since April last

year (2006) not been the DG of ZAWA. That post is now filled
by Dr Lewis

Saiwana, someone who assisted greatly in the 80's and 90's
with the

PPP in respect of Kasanka.

There would appear to be no national committee dealing with
this or

any other wetland, a serious concern.

Look forward to hearing more

Aye

Ian Manning

Monday, September 24, 2007

Lochinvar National Park dying due to neglect and disinterest

Statutory bodies and NGOs involved with the conservation and protection of national forests and parks should be made accountable when such disasters occur

Friday, October 19, 2007

Mossy nets and feeling good about Africa...

Any intervention into the lives of people and the environment is
subject to the law of unintended consequence.

In a country like Zambia, one of the best watered in Africa, and with a

fishery that was once the envy of all but which is now much diminished due to the complete absence of any controls on fishing

- driven as it is by an insatiable and expanding urban market for fish and bushmeat, the indiscriminate issue of three million or so

mosquito nets provides a significant environmental perturbation.

A friend reported to me that he had seen one such tapeworm of a net,

fully 100 yards long, the individual mosquito nets sown

together, set

across a stretch of water, doubtless later being 'walked' across
the

water by villagers, and all age classes of fish removed. And
from all

over the country come reports of mosquito nets being used
to catch

fish. And in these waters are crocodile, otter, water python,
just

part of the myriad array of animals dependent on fish.

In the Luangwa and Luitikila rifts where our Trust is active, the
fish

population is so reduced that we now, for the first time I can
remember, have people taken by crocodile in the dry season.

And one wonders at the effect of the insecticide treated net on
all

life in the water, joining as it does the land-based poisoning
of

vultures for their heads – sold to the muti trade, and of the
scavengers

such as lion, leopard and hyena who then feed on the bait
carcasses

laced with cotton insecticide.

Before any such massive intervention was contemplated, there
should

have been an application made to the Environmental Council
of Zambia

for net distribution and use, followed by an Environmental

Impact

Assessment and advertisements in the press calling for public comment

on the short, medium and long term impacts.

Mosquito nets are needed here, as is a controlled DDT spraying programme presently being carried out on a limited scale as allowed by

the Stockholm Convention. But one of the main factors ensuring the

continued ravages of malaria is that the prophylaxis and treatment

against malaria has - like HIV retrovirals, been poorly dealt with

leading to a loss of natural resistance to malaria by native Africans,

and their further resistance to the drugs of choice. And in any case,

as ludicrously claimed in the July issue of the National Geographic

magazine, drugs such as Coartem are not available to the people in

Zambia - and are certainly not free. And the nets, supposedly donated

to the people of Zambia, are being sold to them in the clinics at a

price higher than can be bought in the suq. Of course, the mossy net

thing, is all part of the donor/recipient problem...

Sunday, October 28, 2007

A Scots conservationist and a brave and principled
Zambian soldier...

On 27 October 2007, four men imprisoned for treason were released in Zambia; two of them, Major Berrington Mkoma and Lt. Baldwin Manase, who were - according to Mkoma, entirely innocent of the charges, being tortured, and, in the case of Mkoma who had contracted cancer, receiving no mercy or sympathy for his condition from the authorities - except from President Mwanawasa who saved them from hanging.

I read the report this morning in The Post...Mkoma...Mkoma, an unusual name I thought, where had I heard it before. Of course, he had been in Rwanda in 1996, seconded by Zambia to the UN forces at a time when the Tutsis were putting their mail-order machetes to work on the Hutu - retaliation for their destruction by the Hutu in 1994. A killing round, endless it seems. And there had been a Scots journalist, Nick Gordon, who wrote in a British newspaper, "It could, I suppose, be compared to eating a picnic outside Auschwitz. For a start we are not meant to be here. This is the Mutara, the forbidden zone of Rwanda - a desolate and treeless former game reserve in north-east of this homicidal little country that is off-limits to anyone but the army. Anyway, Mutara or not, the photographer and I are sitting in a hired car in the only lay-by in Rwanda, tearing a baton of bread to shreds and trying not to be too conspicuous as we observe the buildings on the hill half a mile away."

It must have been here just after this, in 1996, that a Zambian UN army officer, Berrington Mkoma, saved Nick Gordon's life by wresting him from the hands of homicidal rebels. Nick Gordon never forgot.

In 1997, returning from Rwanda to Zambia, Mkoma was charged with treason – attempting, so Government said, to overthrow the Chiluba Government. Gordon worked tirelessly on his behalf. In 2003 Mkoma developed cancer. In 2004, having left his mark as one of the great wildlife cameramen and journalists for his work in the rainforests of Brazil, Gordon died of a heart attack. Who then came more recently to try and spring Mkoma? Have the last three years gone so quickly that it was Nick Gordon who came to Mwanawasa to plead for Berrington Mkoma's release?

I don't know anything of the treason charges and the bungling coup attempt, nor the meaning in Zambians' eyes of a freedom fighter, but here is a man whom Zambia should clasp to its bosom.

Saturday, November 17, 2007

ALIEN INVASIONS OF ZAMBIA

"A State without the means of some change is without the means of its conservation."

Edmund Burke

The present public uproar over foreign cheap labour (code

for Chinese) invading Zambia, resulting in the announcement by a Government Minister that a Zambianization committee will be re-introduced to deal with it, is indicative of how sensitive the Zambian people are to any invasion of their national sovereignty, be it competition in the labour market, disease or foreign investors. This perfectly natural xenophobia – obviously having some survival value, if only of the collective psyche, lead after all in Northern Rhodesia to the rejection of British Imperial Government rule and the ushering in of Independent Zambia in 1964. However, such driven protectionism is highly selective in its expression, for escaping such nationalistic xenophobic scrutiny is an invasive force arguably far more threatening to a nation than being colonized by the pre-eminent culture of the time; an invader that reduces a nation's GDP, watches as the average life expectancy decreases over the last 20 years from 57 to 37, removes development incentives, underwrites corruption, parasitizes civil servants time and then poaches their services, ignores traditional systems – the magma of future life, and forcibly injects a debilitating cocktail of untested foreign ideas, policies and development drugs into the national buttock - in contempt of the law of unintended consequence and the demands of the precautionary principle. Such an invasive force is foreign donor aid – exemplified by its visible battalions, aid programmes.

One such Zambian aid programme, the UNDP/GEF, 'Classification of Protected Areas' project, is yet further spawn of the mutualistic parasitic relationship of donor and government, a relationship now more secure in evolutionary terms than the 'marriage' of the shark and the sucker fish. The UNDP is the United Nations Development Programme, and GEF, the Global

Environmental Facility, the latter controlled, as it happens, by UNDP and a few other UN organizations. To most Zambians, poor people after all, the UN workers are citizens of many countries who they see speeding by locked in the largest of 4 x 4 stations wagons, a massive radio aerial clamped on bumper, windows shut fast, air-conditioner excluding the native air, its besuited 'experts' rushing off to a meeting. But what they don't know, is that the UNDP resembles very much their own Government, as random readings concerning the UNDP by Inner City Press at the UN HQ in New York makes clear. UNDP is one of the bad apples in the UN barrel.

UNDP recently spent \$737, 000 on a commissioned book about themselves called, "UNDP: A Better Way", a hagiography seeking to sanctify the doings of the successive Administrators of UNDP: Maurice Strong - who left the organization after the uncovering of strong skullduggery, Mark Malloch-Brown (now back in the British cabinet) – an undistinguished time at the helm at best, and the present incumbent, Kemal Davis – the latter with such a dislike for the press and transparency that he refused to answer questions from them for 14 months. The flow of questionable procedures at UNDP is unending: the Spanish Prime Minister criticizes UNDP for not providing audited accounts for its 192 Member States, saying that only summaries go to the members of the UNDP's executive board; UNDP rent ten rooms in Jerusalem for Quartet envoy Tony Blair, at a cost of \$1.3 million that it did not have commitments for, and signed a lease before any internal review procedure, and without considering comparable prices; and the Administrator's Concessionary Fund, released \$709,000 of the 2006 spending, and \$698,000 of the 2005 spending, for the Millennium Project,

the group led by 'Bednets' Jeffrey Sachs and his team including Guido Schmidt-Traub, which was brought in-house at UNDP without following recruitment and hiring rules, and Inter Press Services further report that, "the entire staff of the UN Millennium Project, which Mr. Sachs has led since 2002, was merged into UNDP, in seeming violation of applicable recruiting and hiring rules. UNDP has stated in writing that it will not respond to questions about these employment practices, nor will it release audits, neither to the media nor to countries which fund UNDP – and regarding Mr. Sachs, several UNDP sources suggested that inquiry be made into compensation beyond the previously announced One Dollar a Year service to the Secretary General."

One of the areas of great concern in UNDP and Zambia alike is corruption, as well as the treatment of whistleblowers. Those in various countries who have exposed corruption in UNDP have not been given protection, the UNDP Department of Management leaving whistleblowers out to the maggot flies, a strong parallel with whistleblowers against corruption in Zambia, where, if they are tourism and conservation investors on self-employed or work permits, get placed in Coventry by ZAWA and the Ministry of Tourism, Environment & Natural Resources (MTENR) – shunned by the likes of UNDP, as well as being targeted by the Office of the President and the Minister of Home Affairs. Such is my first hand experience.

In Zambia, as is its custom, UNDP gets together with the MTENR to conjure up its wish list of programmes for funding by the GEF – often a reliable funder of environmental projects, but also, like most aid programmes, one of many

sources for those in power of jobs for pals, new Pajeros, sitting allowances, computers, lucky grant awards (Philippines GEF office) foreign travel, study bursaries and - as the reports of the Zambia Auditor-General attests, corruption. In another classic waPajero move, UNDP and MTENR came up with the idea that Zambia's protected areas, an invader artefact after all, required re-classification. The justification for this was presented in September 2000 to GEF as a concept proposal for a PDF Block "B" grant, stating that " Zambia has demonstrated it's commitment in conserving and managing the country's biodiversity through various legal instruments and policy frame works and through the establishment of institutions at national and local levels", a statement made at a time when such commitment was little in evidence, the Department of National Parks and Wildlife having just been wiped off the map and replaced by a statutory body, the Zambia Wildlife Authority, the chromosome deficient infant of an EU midwife project and its little survival-pack afterbirth, 'The Master Plan', few of whose recommendations have been followed to this day.

The concept note erroneously stated that "since the 1960's when the present boundaries of the protected area system was designed and implemented, there has been substantial habitat conversion, encroachment and unsustainable use of resources within the protected areas. These impacts have changed the nature of the protected areas, and in some cases, boundaries no longer coincide with biodiversity hot spots and distribution. Furthermore, there is increasing demand from local communities for access to the resources. It is therefore an urgent necessity, as recognized in the NBSAP, to reinventory, reclassify, and redefine the protected areas system, and at the

same time develop incentives for community involvement in the management and conservation of biodiversity, to ensure long term sustainability of the new classification and system.” Apart from getting the date wrong by between twenty or seventy years – depending on the particular protected area, no empirical evidence was put forward for such wild and woolly claims that would justify such a manic spring-clean of the protected area cupboard; but that was hardly the point, for this was a pure McLuhanesque example of ‘The medium is the message’, where the waPajero’s invented world has little to do with the historical and ecological reality of the late iron-age darkness of traditional Zambia – the real Zambia. Somebody at the Ministry simply helped his desk-officer chum in UNDP to make up the numbers on the project quota. The patient was gravely ill they said, and they had the treatment.

Well, there is an inevitability about all of this, GEF and the World Bank and the Nordic Development Fund were sent the concept note with a request for £410K so that a Great Plan could be produced. The money was handed over, and a foreign consultant, unversed in the history and traditions of the country, began work. That the man from the Ministry and the woman from UNDP (it only takes two) had not found out that the Game Department had tried its first Public-private partnership (PPP) in 1949, and that it had continued this process in 1969-76 (Black Lechwe Project), arriving at the first lease agreement for a National Park in 1988, and that they were working quite hard at delivering a number of these PPPs in other National Parks, came as no surprise. For how would they know, without a number of visits to the archives; after all, there is no institutional memory left in Government. But none of this matters, for the Foreign

Master Plan subsumes all, even accepted policy.

The first Great Plan recommended nine (sic) implementing partners for the Re-classification of Protected Areas Project: the MTENR, ZAWA, WWF, UNDP, Ministry of Finance and Planning, Natural Resources Consultative Forum, a 'Relevant Ministries Steering Committee', a Technical Advisory Group, a Project Consultation Group (consultants) and private sector partners for two demonstration sites. Of course they had left out the customary authority and the people. Ten then.

In 2003, I met up with the relevant UNDP desk officer, telling her of the Mpumba Trust in Chief Mpumba's country near Mpika, then still funded by WWF-USA (now abandoned like the Tanganyika Groundnuts Scheme), and of the Landsafe Investment Trust model, funded by Gamefields – a private investment group, which had been presented to Paramount Chief Kopa of the Bisa, and which is now currently into its fourth year of use as the template for the development of the Luembe Conservancy Trust in Nyimba district, and for a growing number of similar trusts in Zambia which do not allow the alienation of customary land, be it by foreigner or Zambian. In addition, I mentioned the proposals for PPPs in respect of the two remaining National Parks in the Bangweulu both in need of management, as well as a proposal for a conservation investment framework incorporating a part of DRC (the last of the primary miombo), the Bangweulu, the Luangwa rift and adjoining patches of Malawi, Mozambique and Zimbabwe.

But for some reason all went quiet at UNDP – a new Belgian GEF desk officer suddenly became incommunicado, and the

officer dealing with conservancies and private development at ZAWA – on the surface all smiles and enthusiasm about this empowerment of local communities, but telling a different and hostile tale to community members when they visited him, is the same man employed by UNDP now to manage the Bangweulu demonstration site. And the ZAWA hierarchy turned down applications for a PPP in respect of the two Bangweulu parks, Isangano and Lavusi Manda National, at the very time when the Liuwa Plain N.P. was given out on a PPP arrangement in a partnership between the Paramount Chief of Barotse and Africa Parks; and at the time, the Norman Car Foundation, which some of us had formed to assist ZAWA, had just developed guidelines for ZAWA on PPPs. Time passed, consultants arrived and were now pushing matters forward, later setting up shop at the former offices of the Department of Wildlife and National Parks' Revolving Fund at ZAWA HQ – an unfortunate location, as in the 1980s much of the safari hunting, donor and Government money had disappeared there.

Later word came that the project was going ahead with demonstration sites in Chiawa and Bangweulu being established. In the Chiawa – an area along the Zambezi, the UNDP consultants reported that “community representatives, ZAWA and local tourism operators have agreed to create a new PA category out of the eastern part of the GMA and to raise the protection status. This means that an area will be gazetted on customary land that will have the same protection status as a National Park. The land remains under customary tenure and will be governed in a partnership between the resident community, ZAWA and local tourism operators.”

Let us be clear about what this means: this new category of protected area, placed on customary land, signals a future change of land tenure - effectively alienation by another name, no matter how it is clothed - such was the experience of Chief Nsefu in 1949-1954, who saw his land, which he had agreed to becoming an early form of a PPP arrangement, becoming a game reserve, and later being included in the South Luangwa National Park. This new protected area category has been engineered by UNDP, but clearly with the blessing of ZAWA. To deliver this protected area, a secular planning religion called Future Search was brought in, a facilitator which believes in securing salvation through gathering people together, and which eventually arrives at some sort of consensus of the way life is to be lived. It matters not what it is that your group wish to do, or what some manipulator wishes a group to do, in fact, it helps not to know what to do, for Future Search will get you all together and through a process not unfamiliar to the more passive religious sects, conjures up the future vision and gets everyone singing, hands lifted, from the same hymn sheet. Yassah ! However, as I know only too well, having worked with one of the best facilitators in this line of business, this method is only as good as the quality, knowledge and experience of the stakeholders involved - and it is after all just another man-plan, which is likely not to have any relevance to the actual situation on the ground. Future Search and its kith and kin, a global marriage market of conjuring up ideas, are like eunuchs at the May Ball: they may get the wallflowers up and going on the dance floor but they don't do anything afterwards. But these were just the people and process brought in by UNDP.

As Chieftainess Chiawa assisted in the distribution of the

Landsafe Trust system to the House of Chiefs, accepted by them and submitted to the 5th National Development Plan on 6 July by James Matala, the House of Chiefs' spokesman, as Chiefdom Trusts, declaring that "We should be allowed to retain absolute title to our land while giving investors and non-subjects renewable lease rights under various chiefdom trusts", one wonders therefore why she agreed to effectively hand over a large part of her country to ZAWA, given the increasingly slender claims they have by way of their Game Management Areas (GMAs) – 34 lodge sites already having been sold in Chiawa by the chieftainess over 40 km of the Zambezi, despite it being a GMA where supposedly the permission of ZAWA had to be obtained before any alienation occurred. Of course, to bring this about they made sure not to involve other Zambian developed trust systems which seek to decentralize the power of Government and place it in the hands of customary leaders and landowners – the latter being a group increasingly seeking their democratic cake, but within the traditional system, and acting with the local council and investors, rather than bringing in some outside consultants in order to introduce a franchised development system having alien roots. So, in a stroke, UNDP/GEF completely ignored an indigenous system developed over a period of 58 years, and injected a foreign one.

And so we turn to an examination of the South-East Bangweulu, one of the demonstration sites. As I was once in charge of the area for the Department of National Parks and Wildlife, I was curious as to why there was no mention of the Black Lechwe Project (1969-1976), which had sought first to save the Black lechwe from extinction, and then to ensure that the local inhabitants would benefit from them in the future.

In this second demonstration site where UNDP and ZAWA proposed their new system (the latter now on its uppers but now soon to be out of debt after being thrown a lifeline by a K23 billion bail-out from the Medium Term Expenditure Framework for 2008-2010), which UNDP little knowledge of, they conjured up an agreement with six chiefs within the Black lechwe range i.e. the area which the BL project had been most involved with, an area totally neglected by ZAWA and by the National Wetland Management Committee which is supposed to be in place – but isn't, in violation of Zambia's agreement under the RAMSAR Convention. Again, UNDP seem unaware of some important facts: that the this site was greatly expanded by RAMSAR in 1991 to include all the three National Parks of the Bangweulu and their attendant Game Management Areas – the latter nothing more than a planning framework introduced by the Game Department in 1971, and not a new category of State land.

There never was a plan to gazette part of the Bangweulu into a National Park, for the simple reason that it would have impacted on local people in their annual movement with the floods in search of fish and lechwe. What was proposed by the original Blacke lechwe team, Richard Bell and Jeremy Grimsdell, who carried out a seminal ecological study of the area, was the gazetting of a special GMA, with the second choice being the establishment of a National Park within it – an option they and I never expected to be chosen, one taking in the main watermeadows and plains around Chikuni, Mutoni, Lukanga and Kaleya and up to Chafye island - towards the line of the Chambeshi.

And the plan was not in anyway constrained by land tenure issues. The fact is that when the Black Lechwe Project ceased functioning in February of 1976 with my departure as a result of the changes made by the President of Zambia's Watershed Speech of 25 June 1975, nothing was done there again, the Anglo-American funded Chikuni Research station, HQ of the project, simply fell down in time, the airboat donated by WWF International (handed over by Sir Peter Scott) simply sank ever deeper into the bungyhollow ooze, and my disconsolate driver, without a truck to drive – for that had been expropriated by some village chickens, was still sitting outside his hut dutifully collecting his pay every month when I visited a year later.

Now UNDP/ZAWA have conjured up a Community Conservation Park – yet another protected area, when we already have 19 others in the country, most of which are not looked after and desperately need public private partnerships. One wonders what paramount Chief Kopa is thinking about, having been excited by the Landsafe system – and signing up for it with the House of Chiefs, or how Chief Mpumba regards matters with his community owned trust now abandoned by WWF-USA. Perhaps Chief Chitambo will tell them of the benefits he has derived from the Kasanka Trust – who have managed the Kasanka National Park - which lies in his country, under a PPP with ZAWA now for 18 year or more, and which his people gave over to protected status in the 1930s. And my old friend Chief Chiundaponde, the longest serving chief in Zambia, what does he think about in his dotage, having awaited for the development so long promised? And perhaps the present Chief Bwalya Mponda, at his masumba on Ncheta Island on the Chambeshi, having had 'the knowledge' passed down to him by

the late former Chief, Cotton Mateyo, who served throughout the time of the Black Lechwe Project as a game scout and valued assistant, will merely nod his head. Anything, after all, is better than nothing.

There is no mention of the structure under which these ‘people’s parks’ are to be run and managed, but one thing is for certain is that every effort was made to have nothing to do with the models already being tested elsewhere. Why could ZAWA and UNDP not have engaged with those who developed the models, having registered them with ZAWA and elsewhere, and now struggling on with them in Mpumba, Kaingu, Luembe, Mazavuka... and soon in Nylaugwe and Mwape perhaps. An anonymous comment which came through to me summarises the situation exactly:

“The UNDP reclassification project exhibits all the classic mistakes of an aid program: i) supporting an institution that does not follow its own agenda of partnership building, and one that has made no effort to decentralise or manage its finances - see Auditor-General’s report of 2005 on parastatals, and ii) using foreign consultants (Future Search) who appear to have no experience in rural Africa when there are at least three community ownership projects run by locals, two of them supported by a sister institution, WWF (Mpumba and Mazabuka) and iii) dreaming up a big plan without extensive involvement of the local stakeholders and with no reference to relevant past studies or paying heed to existing conventions. Bound to fail at a cost to future generations.”

And recently, this self same UNDP/GEF project, were per-

sualed to the idea of creating a conservancy in the Luembe open area by some businessmen who had conspired to alienate part of the adjoining West Mvuvye National Forest, and having failed to do the same on the rest of it, sought to take over the adjoining Luembe open area, thinking that having the chief and some senior politicians in their pocket would suffice. But UNDP, discovering that the Luembe Conservancy Trust was not only street-legal and had the blessing of the Community Resource Board, the Headmans' Association and the community in general, they declined to back them.

And so we must now await the next move of the waPajero who feed together from the full pot in town – or as some call it, the plunder pot, while out there in the old timeless traditional world of the true Zambia, is the empty pot. And as I write, the waPajero, the UNDP and the MTENR, will be hatching out anew their statutory instruments to take over customary and community land under the all-consuming Great Master Plan.

Saturday, December 01, 2007

Zambia's parastatal dysfunction and tolerance of corruption

The Times of Zambia of 29 November reports: "Public Accounts Committee chairperson, Charles Milupi told the House that his committee discovered that 15 parastatal institutions did not contribute to the national revenue in form of tax or non-tax revenue in 2005. He said when he presented a report of the

Auditor-General for 2005 on the accounts of parastatal bodies that there was need for the Government to put up management boards at most parastatals. Mr Milupi said reshuffles of ministers should not delay the appointment of management boards for accountability's sake. He said the National Food and Nutrition Commission did not have financial statements for 11 years despite having received K4.8 billion while the Engineering Services Corporation and the Village Industry Service also ignored preparation of financial statements."

This gloomy news, when added to the fact that Government is already taking care of the pension and tax debt of the parastatal responsible for wildlife and associated protected areas, the Zambia Wildlife Authority, should underline the urgent need for a review of parastatals. Is the ZAWA Board now to have a management board supervising it? And where has all the money gone that the Village Industry Service has received, an organization supposedly there to improve villager livelihoods? Perhaps the newly appointed Vice-Chairman of the Human Rights Commission, Palan Mulonda - a man with some knowledge of the poor and rich divide, should investigate.

Sunday, December 02, 2007

A word on a desecrated Zambian National Park...

"ENVIRONMENT-ZAMBIA: An Unwelcome Guest Has Taken Root

By Newton Sibanda

LUSAKA, Dec 1 (IPS) - An invasive shrub has colonised a corner of the Lochinvar National Park, upsetting the balance of one of Zambia's most diverse ecosystems. *Mimosa pigra*, originally from Mexico, is now threatening wildlife and pastoralists who depend on grazing lands in and around the park. "It's a national disaster," a consultative meeting of stakeholders in the nearby town of Monze concluded in its final report last month. According to Highvie Hamududu, the member of parliament for the Bweengwa area in Monze, about 185 kilometres south-west of Lusaka, "Very soon, the grazing lands in this part covered by the infamous weed will not be accessible by our animals. Something needs to be done urgently; this is our cultural heritage." Lochinvar makes up a relatively small (428 square kilometre) part of the 7,000 square kilometre Kafue Flats floodplain, declared a protected wetland site under the Ramsar Convention — a treaty providing for international co-operation for the conservation of wetlands. Yet with over 400 bird species recorded, it is renowned as a bird watchers paradise. Traditional leaders, local politicians and other community leaders attended the meeting in Monze, called to discuss the Chunga Lagoon Pilot site initiative which aims to restrict the spread of *Mimosa pigra* and to clear existing shrubs from the Kafue Flats. The floodplain is fed by the Kafue River between the Iteszhi tezhi Dam in the west and the Kafue Gorge Dam in the east. Within the flats, *Mimosa pigra* has mostly affected the southern banks of the Kafue River around the Chunga Lagoon. The thorny shrub is found in many tropical and sub-tropical parts of the world. On the African continent it has posed special challenges in Ethiopia, Ghana and Uganda. Since it was first noticed in the Kafue Flats in the early 1980s, *Mimosa pigra* has destroyed 2,900 hectares of pasture, and replaced it with

impenetrable thickets that crowd out indigenous plants and animals.

It usually grows to just over two metres tall, but may reach heights of six metres. Under favourable conditions, these plants can grow up to one centimetre a day. In addition, their seeds can remain dormant in the ground for 10 years in the event of prolonged dryness, germinating when favourable conditions return. "Large plants of the weed can produce vast amounts of seeds of up to 220,000 per year which are typically dispersed in two main ways: they are carried downstream during flooding, or transported by animals or machinery," said Griffin Shanungu, co-ordinator of the Chunga Lagoon Pilot site. According to William Lonsdale of the Commonwealth Scientific and Industrial Research Organisation, the meteorological data of Lochinvar National Park show that in the period from 1980 to 2005 there was a steady decrease in rainfall, while temperatures remained almost the same. This has contributed to having a smaller proportion of flooded areas during the wet season, to the benefit of the *Mimosa pigra* plant, which does better on the fringes of the floodplain than in permanently waterlogged areas.

In addition, Lonsdale believes that the construction of dams at either end of the Kafue Flats has altered flooding patterns to the advantage of *Mimosa pigra*; there has been an insufficient release of water from the Itezhi tezhi Dam. The director of the Environmental Council of Zambia, Edward Zulu, says the invasive weed is having a detrimental effect on many sectors of the economy, including agriculture and tourism. *Mimosa pigra* is making it difficult for tourists to observe the Kafue lechwe (a marsh antelope found only on the flats) and to spot birds. Certain bird species endemic to the area, such as crowned and

the wattled cranes, are endangered. “The rich biodiversity of the Kafue Flats is under threat by the infestation of *Mimosa pigra*, which has significant impact on tourism by denying access to the area, also by making water availability very difficult and altering the scenery — but most significantly rendering the area almost mono-specific with regard to plants and almost completely devoid of wildlife which is the basis of the national park’s tourism,” said Zulu.

Tourists still visiting the park have also had difficulty finding places to spend the night, recently. “There is a critical shortage of accommodation in the Lochinvar National Park as lodge owners have abandoned the area,” said Hamududu. Lodge owners are reluctant to establish tourist accommodation in the park because the *Mimosa* plant has been destroying the scenery. Hamududu said that the shortage of accommodation in the park has forced visiting tourists to spend nights in Monze. As the spread of the plant continues to destroy the ecological balance of the Kafue Flats, local stakeholders — including the National Environmental Council of Zambia (NECZ) and the Zambia Wildlife Authority — have been taking steps to control the weed. “As with most of the invasives, the three options available for preventing the spread of *Mimosa* is through mechanical, chemical or biological control,” said Brian Nkandu, national project co-ordinator at the NECZ for control of the invasive weed.

He said that about 100 hectares would be cleared this year, and 1,000 hectares by the end of 2009. (END/2007)”

I notice that there is no mention of the impacts on the baila

people and a loss of more than 50% of their cattle. This is a national disaster; but what is being done about ZESCO and its mismanagement of water from the barrage?

Wednesday, December 19, 2007

Searching for enlightenment...

The Enlightenment which we all yearn for is delayed by the unwillingness of most of our intellectuals to come to grips with Zambia's historical and cultural reality: that Zambia is made up of a small corrupt western world of Government and business elite - both in bed with the donors, a recently constructed world afloat in a sea of traditional Zambia (95% of the land), which is itself undergoing a Neolithic revolution from hunter-gatherer to more settled agriculture, their only problem being that the changes being wrought by their own Government and the donors - walking fully into the Malthusian trap, is making their lives more difficult, not easier. And to blame foreign investors for an assault on natural resources is a travesty. The destruction of the Ila cattle and grazing lands, the illegal alienation of national parks and national forests, the imposition of a .6% royalty on mining companies, the failure to place very strict environmental controls on their mining operations, are just a few of the impacts of Government, donors and capitalism on true Zambians.

The genius of Zambia is being trampled on, because the elite - searching desperately for a plot and a Pajero, don't look where

they are going.

Thursday, December 20, 2007

A reader asks what I mean by illegal alienations...

The meaning of illegal alienations of National Parks and forests is fully explained in my blogs <http://victoriafallsheritage.blogspot.com/> and <http://zambiaforests.blogspot.com/>, which deal specifically with attempts to alienate parts of the Mosi Oa Tunya National Park (part of the Victoria Falls World Heritage Site) and the actual alienation of the northern section of the West Mvuvye National Forest. In the case of Mosi, the 220 ha illegally given on long lease to hotel developers was cancelled as a result of the opposition of concerned conservationists, local citizens and the international tourism industry. In the case of West Mvuvye, the Surveyor-General recently gave orders for the cancellation of a 99 year (renewable) leasehold held by some businessmen. To date, none of those responsible have been prosecuted; the only lasting impact being the on-going harassment of the main whistleblower by the Government.

Monday, January 07, 2008

CRBs should account for money received from ZAWA - Levy

By Zambia Times Reporter

PRESIDENT Mwanawasa has directed Tourism, Environmental and Natural Resources Minister, Michael Kaingu to ensure that there is accountability in the usage of the money the Zambia Wildlife Authority (ZAWA) was paying to the Community Resource Boards (CRBs). Every quarter of the year, ZAWA retains 50 per cent of the money it raises from the issuance of the hunting licences in the game management areas, of which 45 per cent is given to the CRBs while five per cent is given to traditional leaders. Dr Mwanawasa said at a public rally in Mambwe District on Saturday that the ministry should account for how the money was being used. "95 per cent of the money ZAWA pays to the CRBs should be used for the provision of social services to the people living near the National Parks," he said. The President noted that Mambwe District has been experiencing perennial drought which usually devastates many crops and wondered why the money ZAWA was paying the CRBs was not being used to lessen some of the burdens brought about by the floods. He said the money ZAWA was paying to the CRBs was meant to improve the lives of the people living in the national parks. Meanwhile, Dr Mwanawasa took a swipe at traditional leaders for misleading him that ZAWA was not retaining their five per cent allocation. "During my stay here, some Chiefs approached and asked me to assist them acquire their five per cent allocation which they claimed ZAWA has not been giving them. But when I called my minister and ZAWA officials they showed me the cheques that have been cut for

the chiefs,” he said. The president said when he called back the chiefs they did not give him a satisfactory answer to the reason they had misled him.

Dr Mwanawasa said there would be no development if the traditional leaders could not be trusted any more.

MANNING COMMENTS:

The President is right to require accountability for ZAWA payments to CRBs - and their use by CRBs. As a partner investor in a Hunting Concession Agreement with ZAWA and CRBs in West Petauke, I have long called for transparent accounting by way of a published public audit - something not forthcoming. And CRBs, comprising unpaid villagers, cannot be blamed for a lack of administrative support and guidance by ZAWA, or of the fact that some chiefs simply help themselves to the funds. The Wildlife Act of 1998 has placed chiefs in an unenviable position in their customary areas by creating elected CRBs, with the chief as mere Patron of the CRB. This was designed to remove chiefs from decision making - a grave error. Chiefs cannot be removed from decision making in this manner. The whole CRB scheme is in need of complete overhaul, but ZAWA do not wish this, having turned down just such proposals in the past.

Saturday, January 19, 2008

Camels to be introduced to Zambia's National Parks...

Post newspapers

Levy donates Gaddafi's camels to Zambians

By Chibaula Silwamba

Saturday January 19, 2008 [03:00] [Print Article](#) [Email Article](#)

PRESIDENT Levy Mwanawasa has donated his personal camels that were given to him by Libyan President Muammar Al-Gaddafi to Zambians.

In a speech read on his behalf by tourism, environment and natural resources minister Michael Kaingu during the hand-over of four camels to the Zambia Wildlife Authority (ZAWA) yesterday, President Mwanawasa said although President Gaddafi gave the camels to him, he found it befitting to share them with Zambians.

"In this regard, I am handing the animals over to the Zambia Wildlife Authority (ZAWA) under the Ministry of Tourism, Environment and Natural Resources, who will manage them on behalf of and for the benefit of the people of Zambia. Accordingly, these animals are here forth the property of the state," President Mwanawasa said.

He said in the past when Libya donated camels to Zambia, they all died.

"While it is true that camels are desert animals and that the Zambian environment may not be conducive for them, it is also true that with good management these animals can adapt to the Zambian environment and even produce," he said. "I therefore,

wish to challenge you the minister through your wildlife experts to ensure that these animals are well looked after so that they quickly adapt to the new environment and start producing.”

President Mwanawasa urged ZAWA to work with the veterinary services department to ensure that the camels were regularly vaccinated and monitored to ensure that they were not attacked by any diseases.

And ZAWA director general Dr Lewis Saiwana assured that that camels would be protected.

“We will keep them well and ensure that we can have more camels in Zambia so that in future we can also distribute them to some of our National Parks,” said Saiwana.

And Kaingu said the addition of camels to the list of animals in Zambia would enhance tourism products.

Zambia Elephant Times - running out

28 January 2007

Zambia Natural Resources Consultative Forum advises
against elephant sport hunting

NATURAL RESOURCES CONSULTATIVE FORUM MEET-
ING TO DECIDE ON THE CONTINUANCE OF SPORT
ELEPHANT HUNTING IN ZAMBIA

And to provide advice to the

PERMANENT SECRETARY, MINISTRY OF TOURISM, EN-
VIRONMENT AND NATURAL RESOURCES

INTRODUCTION

A meeting was held at 1430 hrs on 10 January 2006 to
discuss the question of Elephant Sport Hunting (ESH) in

Zambia so as to prepare an urgent Advisory Note for the Permanent Secretary and the Minister in the light of their forthcoming attendance at the meeting of the Safari Club Convention in Reno, Nevada, USA starting on 18 January 2006, a convention where the elephant quota for 2006 would be sold by Zambian Safari Operators and their agents. Regrettably the Acting DG ZAWA declined to attend in person or to send a competent officer (a preliminary meeting of the NRCF Steering Committee had been held the previous week to discuss the matter with the Acting DG ZAWA, the latter declining to attend)

The meeting overwhelmingly agreed that given the absence of the necessary base-line data (see below – prepared for the meeting) from ZAWA on which clear advice may be tendered to the Permanent Secretary, that the precautionary principle should be invoked and ESH banned for 2006, and until such time as ZAWA provided the essential inputs

The Chairman NRCF however ruled that the MTENR should be advised of the situation but that a meeting with ZAWA should be held after SCI Reno to decide on the formulation of the Advisory Note.

NRCF, as far as those present was concerned, therefore rests on the horns of a dilemma.

1.0 BACKGROUND

In 2005 the Zambia Wildlife Authority (ZAWA) issued a quota of 20 elephant for sport hunting by foreign clients in the Chiawa, Rufunsa and Lower Lupande hunting concessions;

10 to be utilized by the concessionaires of those areas, the remaining 10 to be auctioned to other safari operators – the proceeds to be deposited in an elephant conservation fund and shared with affected communities. The quota was issued by ZAWA in response to complaints by local communities of elephant damage to crops, and of loss of life. The DG ZAWA stated that 20 problem bull elephant had been identified by his officers and that these would be shot, and that measures would be taken to assist communities in improving their capacity to defend themselves against raiders. The Tourism Council of Zambia (TCZ), the Safari Hunting Operators of Zambia (SHOAZ), the South Luangwa Conservation Society (SLCS) – which produced an analysis of the issue, in particular a response to ZAWA’s Draft Guidelines for Elephant Sport Hunting (ESH), and Conservation Lower Zambezi (CLZ) opposed the hunting of elephant on the grounds that elephant were being poached, that populations had not yet recovered from the hunting ban of 1982, and that the few bull elephant in these areas were of considerable value to the non-consumptive tourism industry. Numerous international elephant conservation organizations also opposed the move. In 2004, ZAWA had applied to the Conference of the Parties (COP) of the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) for the ivory taken from the 20 elephant to be exported to CITES signatory countries. This application was granted. ZAWA’s application for elephant to be downlisted to Appendix 2, enabling it to sell its stockpile of 17 tons of ivory, was refused. At least one international organization supported the introduction of elephant hunting and had negotiated with the US Fish & Wildlife Service for ivory from the 20 hunted elephant to be imported into the USA. This was, however,

refused. ZAWA, through the NRCF held a consultative meeting on the elephant hunting proposal, but had already announced the issue of the hunting quota.

2. Policy and Zambia International Treaty Obligations

Zambia Draft National Policy on Environment (May 2005)

- The wildlife resource is generally under severe and increasing pressure due to increase in human population and loss of habitat as a consequence of expanding human settlements and conversion of habitat to available land.
- Depletion in most places of wildlife due to illegal harvesting a consequence of high poverty levels.
- Deforestation and uncontrolled hunting is leading to a widespread depletion of all of wildlife
- Loss of biodiversity through weak management of protected areas.
- Community-based management still weak and not yet widely practiced.
- Potential for tourism development jeopardised through reduction in large mammal populations and degradation of habitats in some places.
- River flow changes through hydro-power dam regulation causing reduced production of floodplain wildlife.
- Development of mechanisms for re-investment and revenue sharing with the poor.

CITES Convention Guided by way of non-detriment finds and ultimately by the application of the precautionary principle

1992 – Burnt 6.5 tons of ivory. Paid for by Elefriends +

2002 – Application for transfer of elephant to Appendix 2
refused

2004 – Application to sell 17 tons refused

2004 – Application for parties to import ESH products from
Zambia ?

Biodiversity Convention: Where knowledge is lacking, guided by the application of the precautionary principle

The African Convention on the Conservation of Nature and Natural Resources (2003) -an AU mirror of the Biodiversity Convention

Lusaka Agreement 2002 - 68. The Zambia Wildlife Authority is currently investigating the role of Zambian nationals and ivory sourced within Zambia relating to the recent seizure of 6.5 tonnes in Singapore. There have been seven arrests to date including an unspecified number of ZAWA staff members.

2005 - Lusaka Agreement Task Force currently investigating 6 tons of illegal ivory confiscated in Singapore 2002 – now moved to Nairobi, believed to come from Zambia.

African Elephant Conservation Act: A U.S. federal law that reaffirms the endangered status of African elephants and allocates money toward conservation efforts US law recognizing endangered status of African elephant

3. Precautionary Principle Guidelines

Guideline 1: INCORPORATE Incorporate the Precautionary Principle explicitly into appropriate legal, institutional and policy frameworks for biodiversity conservation and natural resource management. Elaboration: Application of the principle requires a clear legal and policy basis and an effective system of governance. It also requires the establishment and maintenance of adequately resourced institutions to carry out research into risk and uncertainty in environmental decision-making.

Guideline 2: INTEGRATE Integrate application of the Precautionary Principle with the application of and support for other relevant principles and rights.

Guideline 3: OPERATIONALISE Develop clear and context-specific obligations and operational measures for particular sectors and contexts, or with respect to specific conservation or management problems.

Guideline 4: INCLUDE STAKEHOLDERS AND RIGHTHOLDERS Include all relevant stakeholders and rightholders in a transparent process of assessment, decision-making and implementation

Guideline 5: USE THE BEST INFORMATION AVAILABLE Base precautionary decision-making on the best available information, including that relating to human drivers of threats, and traditional and indigenous knowledge

Guideline 6: CHARACTERISE UNCERTAIN THREATS Characterise the threat(s), and assess the uncertainties surrounding the ecological, social and economic drivers of changes in conservation status.

Guideline 7: ASSESS OPTIONS Identify the available actions to address threats, and assess the likely consequences of these various courses of action and inaction

Guideline 8: ALLOCATE RESPONSIBILITIES FOR PROVIDING EVIDENCE Allocate roles and responsibilities for providing information and evidence of threat and/or safety according to who is proposing a potentially harmful activity, who benefits from it, and who has access to information and resources

Guideline 9: BE EXPLICIT Specify that precautionary measures are being taken and be explicit about the uncertainty to which the precautionary measures are responding.

Guideline 10: BE PROPORTIONATE In applying the Precautionary Principle adopt measures that are proportionate to the potential threats

Guideline 11: BE EQUITABLE Consider social and economic costs and benefits when applying the Precautionary Principle and where decisions would have negative impacts on the poor or vulnerable explore ways to avoid or mitigate these

Guideline 12: BE ADAPTIVE Use an adaptive management approach, including the following core elements: • monitoring of impacts of management or decisions based on agreed indicators; • promoting research, to reduce key uncertainties; • ensuring periodic evaluation of the outcomes of implementation, drawing of lessons and review and adjustment, as necessary, of the measures or decisions adopted; • establishing an efficient and effective compliance system.

4. A Few Multi-National Organizations Position on Zambia ESH

Conservation Force: Has been supporting ZAWA in ESH

Save the Elephants Organization: Opposed to ESH, advocating non-lethal Green Hunting

Bloody Business.com: Opposes hunting, states CITES will monitor the Zambian ESH (World Peace Herald 23 May 05)

Born Free Opposes

IFAW Opposes

US Fish & Wildlife Service: Does not allow imports of ESH from Zambia

Under the USF&WS regulations adopted in the early 90's, the USF&WS must make two findings before issuing an elephant trophy import permit. First, under CITES, it must determine that the trophy import is for a "purpose" that is not "detrimental". Second, under the US Endangered Species Act (ESA), it must

determine that the underlying hunting benefits, or enhances, elephant conservation. In making the second determination under the ESA, the Service essentially re-makes the biological non-detriment determination made by the exporting country (Zambia) and additionally must be provided hard evidence of conservation enhancement. Permit applicants should collect and furnish the USF&WS evidence of the abundance of elephant where they hunt, the effect of their hunting on reducing or controlling poaching, all related revenue directed towards conservation of the elephant, community programs and incentives derived from the hunting and other benefits

25 January 2007

ZAMBIA: OF TRUCES, BROKEN PROMISES AND ELEPHANT

On 3 January 2007, a truce between Government and the hunting safari industry – including all of the tourism and conservation community, was brokered by the Minister of Tourism, Environment & Natural Resources, Kabinga Pande, at a meeting in Lusaka. The Zambia Wildlife Authority (ZAWA) Director-General, Dr Lewis Saiwana, admitted past mistakes and requested future cooperation, and the Minister promised a future open door policy, requesting that the campaign against Government cease and that the factional fighting besetting the industry should be resolved. On Monday 15 January, 2007, Ian Manning and Rolf Shenton, steering committee members of the Natural Resources Consultative Forum of

Zambia (NRCF) – a cross-sectoral forum of all the stakeholders in the environmental and natural resources field, met with the Chairman of the ZAWA Board, Walusiku Lisulo, who stated that ZAWA would fully consult all stakeholders in the future. This undertaking was confirmed by Dr Saiwana, who added that no elephant hunting permits would be issued without full consultation with all concerned, and that a full round of stakeholder meetings would be held in February 2007 on the return of the Minister, the Chairman and the DG from their attendance at the forthcoming Safari Club International meeting in Reno, USA. The NRCF had in January 2006, invoked the precautionary principle, and with the agreement of the hunting fraternity of Zambia, advised the Minister that no elephant hunting should be allowed until the necessary supporting scientific information was to hand. This had been ignored by the Ministry and ZAWA in 2006, assurances obviously now being sought that this would not happen again.

On Tuesday 16 January, the licensing office of ZAWA phoned safari operators to announce that an auction of elephant hunting permits would be held at ZAWA HQ on Friday 19 January, 2007. On Wednesday 17 January, Manning e-mailed and had delivered by courier to Dr Lewis Saiwana, Walusiku Lisulo, and the public relations officer of the Ministry, Bwalya Nondo - the latter promising to place the letter in the hands of the Minister, a letter querying the auction. No reply was forthcoming.

On Friday 19 January 2007 - in a repeat of the auction of 2006, and witnessed by a safari operator's representative, ten elephant for sport hunting were put up for auction at a reserve price of

\$10,000 each, two elephant permits being purchased by Mr Doug Reynolds of Royal Zambezi Safaris, to be killed in the Chiawa concession, an area adjoining a photo tourism hotspot. Rashid Randera of Baobab Safaris and Nyampala Safaris, who in 2006 had purchased eight elephant permits, attended the auction, did not take part in the public bid, but met with the auctioneers prior to the auction. No other operators, Reynolds and Randera apart - as in 2006, attended. An opportunity was given to the acting Director General of the Zambia Wildlife Authority, Isaac Longwe, to comment on the auction. He has so far not done so.

Sunday, January 28, 2007

Zambia Minister lobbies for elephant hunting with US Fish & Wildlife Service

Zambia lobbies US over elephant trophy hunting

From BWALYA NONDO (Public Relations Officer, Zambia Ministry of Tourism, Environment & Natural Resources), Nevada, USA

The Daily Mail 27 January 2007

ZAMBIA has launched a campaign to lobby the United States government to recognise elephant trophy hunting as key to the conservation of the earth's largest mammal. The American government does not allow its citizens to participate in elephant safari hunting in Zambia, and advances the Convention on Trade in Endangered Species (CITES) banning, dealing in ivory among others, as the reason for its position. Zambia has since

met the United States Fisheries and Wildlife Services authorities to argue that increased quotas for trophy hunting in selected areas with trans-boundary elephant populations, was necessary. These areas include the Zambezi valley, where the elephant population was shared by Zambia and Zimbabwe. Zambia considers a quota of eight for the Lower Zambezi, far below the limit settings recognised for elephant trophy hunting quotas.

Minister of Tourism, Environment and Natural Resources, Kabinga Pande, who is leading a delegation of Government, Zambia Wildlife Authority (ZAWA), and Zambia National Tourist Board (ZNTB) officials to the annual hunters convention in the American desert city of Reno, said he was concerned that while Zimbabwe was allowed a gigantic 500 quota in the shared trans-boundary elephant population for sport-hunting, Zambia was restricted to a paltry 20, annually. Speaking when he met United States Fisheries and Wildlife Services, director, Ken Stensil, at the Reno Convention Centre, Mr Pande observed that sport-hunting had the potential to bring large financial benefits to the country and empower local communities economically and motivate them to participate in conservation projects. He said sport hunting would also go a long way in easing animal-human conflicts in game management areas and therefore enhances conservation of animals such as elephants. He said sport hunting was a conservation tool that would help Zambia plough back proceeds into the community. He regretted that in the past, the government has been subsidising conservation of elephants through funds raised from other species when the elephant could itself contribute to its own management. Between 2001 and 2005, 115 elephants were killed on control programmes, resulting in a loss of US\$1.1

million in licence fees. If the same animals were hunted for trophy, communities would have realised US\$575,000 for investment in various socio-economic areas to reduce poverty. Mr Pande said although many elephants were killed on control programmes every year, the only benefit to the community was meat. He said it was for this reason that communities supported the resumption of trophy hunting.

The United States was an important market for Zambian trophies and appealed to authorities to rescind the decision not to allow their citizens to bring trophies from elephant-hunting safaris. Mr Pande also cautioned the American government to be wary of some safari hunters who were maligning the Zambian government through e-mails, suggesting that safari hunting in Zambia was corruptly handled.

And Mr Stansell assured the Zambian delegation that US authorities would study the Zambian case. He appealed for more information to enable the American authorities appreciate Zambia's elephant situation clearly. The five-day convention organised by Safari Club International, has attracted 19,000 delegates from around the world.

Monday, January 29, 2007

Conservation Force going awry... Gone Mad!

Elephant Hunting Is Fully Open In Zambia / Getting A Handle On "Sustainable Use"

(posted August 2005)

"Zambia has most definitely opened safari hunting of elephant as planned. The hunting is limited to only a few areas this safari season, but that is a beginning. We have been after Zambia to open elephant hunting for more than a decade. Some readers may remember that I began the Zambia Initiative within Safari Club International in the middle 90's to rebuild Zambia's failing safari industry. That initiative was successful, but we were unable to persuade the Zambian officials to add elephant hunting to their safari menu. Periodically, the authorities have continued to consult Conservation Force about opening elephant hunting and this season have finally begun some limited elephant hunting.

Conservation Force has met recently with Zambia's management and with CITES permit authorities and has pledged to assist all US hunters with their trophy import permit applications as a free legal service until they are approved and accepted routinely. We are, in fact, already assisting all of the known US hunters. Their permits have been filed. We've also met face to face with the US Fish & Wildlife Service as a facilitator to expedite the necessary information exchange between that agency and Zambia for issuance of elephant trophy import permits. The necessary intergovernmental correspondence between the USF&WS and Zambia is ongoing.

Under the USF&WS regulations adopted in the early 90's, the USF&WS must make two findings before issuing an elephant trophy import permit. First, under CITES, it must determine that the trophy import is for a "purpose" that is not "detrimental". Second, under the US Endangered Species Act (ESA), it must determine that the underlying hunting benefits, or enhances, elephant conservation. In making the second determination under the ESA, the Service essentially re-makes the biological non-detriment determination made by the exporting country (Zambia) and additionally must be provided hard evidence of conservation enhancement. Permit applicants should collect and furnish the USF&WS evidence of the abundance of elephant where they hunt, the effect of their hunting on reducing or controlling poaching, all related revenue directed towards conservation of the elephant, community programs and incentives derived from the hunting and other benefits. Remember that the renowned CAMPFIRE PROGRAM in neighboring Zimbabwe that began in the early 1990's rested on elephant safari hunting. Sixty-eight percent of the revenue of that program was derived from the safari hunting of 54 elephants per year. The pre-existing poaching was largely eliminated and the number of elephants killed in problem animal control was greatly reduced. We wish Zambia every bit the same success, though their initial elephant hunting is limited to problem animals in a small number of indigenous communities. "

IM: Conservation Force is John Jackson, former President of SCI (Safari Club International)

30 January 2007

Feeding from the cooking pots of the community...

Kalaluka Mulyokela

As long as ZAWA still remain a parastatal institution feeding from the cooking pots of the community, it will remain a liability to conservation efforts in the country and beyond than a prime mover of objective and sustainable natural resources management practices and innovations.

A promise made in public having been abrogated in order to create some friendship with individuals and give ZAWA a breath to pay some credit is the most terrible betrayal of trust among parties, collaborators and sympathisers. ZAWA will never commit itself to any truth as long as they are dripping with the desire to make money for their senior staff and settle what they owe people. It is a very shamefully situation that the donor agents have continued to go to bed with ZAWA while deliberately failing to put enough conditions and ask for tangible and projected results of the use of their money.

Professional judgment and management of wildlife is no longer the main focus but the commercial benefits gained in such a program. Have a look at what happened in the Legacy Deal. If ZAWA was ready to lease the 218 hectares of the prime area of the Park here in Livingstone for an initial \$9 million and a further \$ 2 million per annually, what is so special about 10 elephants selected without scientific or any elaborate research based on many considerations let alone the concern of other partners. They went even further to quickly review the draft management plan and zoned the 218 hectares as a high level use area with full support of “top and learned senior management of ZAWA. Elsewhere heads would have rolled

but at ZAWA some people have built empires and dynasties run purely as an individual wish. Shame on Govt and its misinformed technocrats at ministry level.

ZAWA has completely lost direction and unless the influence of political rhetoric is stopped, by the time the alarm of misuse of public resources will have been sounded, it will be like closing the stables when the horses would have escaped.

If you check in today's Post newspaper, you will see adverts asking the public to apply for hunting licenses in GMAs. If you as a forum asked for the animal census on which the quotas will be based, you will be given none. Most likely they will be based on hunting success. We all know that this is not the best data on which to base hunting quotas. Even the minister had said it that unethical methods were used by even safari operators who he even threatened to deal with. What other atrocities have been committed by unaccompanied individual hunters in GMAs. Dry season drinking points have become target spots for most people hunting in GMAs

Today ZAWA game guards in Mazabuka have been turned into fish scouts, they are used by some farmers locally to clean their cattle farms of their own staff who poach for the pot once in 365 days while the Lechwe in Lochnivar are slaughtered at will by poachers. The list is endless and for those with the passion to see sanity return to ZAWA there is only one term to use that is "wildlife management in Zambia has go to the dogs and Government has NO will to say the least"

Can the National Consultative Forum address such concern for the people of Zambia and World over before its role becomes synonymous with any compromised line ministry department. Please pass this to people that will have the nerve to find a common ground for our wildlife including donors.

Tuesday, January 30, 2007

Pande speak on elephant management...

Zambia's favourable climate attracts American tourists

From BWALYA NONDO in Nevada, USA

ZAMBIA'S favourable geo-political climate has stirred interest in a number of Americans to visit and sample the various tourism attractions. Some American citizens who thronged the Zambian stand at the on-going Annual Hunters Convention taking place in the American desert city of Reno, at the Spark Reno Convention Centre said, they were interested in coming to Zambia being one of the safest tourism destinations in the world. Peter Morris, a professional hunter and conversationalist underscored the importance of peace and political stability as key factors that determined the development and growth of tourism as an economic sector in any country. Mr Morris pledged to use his professional affiliation to help market the Visit Zambia Campaign across the United States.

American citizens' interest to visit Zambia was aroused more by Tourism, Environment and Natural Resources Minister, Kabinga Pande's, speech to the convention, urging them to consider Zambia a safe safari-hunting destination. Mr Pande said the Zambian Government recognises the high economic value of wildlife resources and that tourism had been rated second most important economic sector, of which safari hunting was an integral part.

The minister said Government had linked poverty reduction in hunting areas to wildlife conservation. He said revenues collected from safari hunting were shared equally between local

communities and the Zambia Wildlife Authority (ZAWA). Mr Pande said safari hunters coming to Zambia would therefore contribute greatly to the enhancement of the rural economy especially in the development of social services. He said Government had put in place various mechanisms to add value to hunting expeditions.

On elephant hunting, the minister said Zambia decided to introduce this as sport hunting on pilot basis in Chiawa and Rufunsa Game Management Areas that border Zimbabwe. He said this decision was arrived at after observing that there was hunting of elephants in Zimbabwe and not in Zambia. This was despite managing the same animal population that kept crossing the borders.

The minister was grateful to Safari Club International for organising the convention that accorded Zambia an opportunity to market its safari hunting and tourism attractions. The weeklong convention has attracted 19,000 delegates from around the world.

Friday, February 02, 2007

Why elephant should not be hunted in Zambia...

As the Natural Resources Consultative Forum advisory note on sport elephant hunting sent to the Minister of Tourism, Environment and Natural Resources goes some way to explaining, elephant should not be hunted in Zambia for the following reasons:

1. We lack the necessary scientific information on populations to support it

2. Zambia does not maintain proper records of poached elephant (MIKE: Monitoring of the Illegal Killing of Elephant), nor are elephant protected

3. CITES refused Zambia permission to sell its stockpile of ivory or to change the endangered status of elephant in the country

4. The application to CITES to hunt 20 elephant a year was based on the fact - according to government, that some specific elephant were raiding village gardens and therefore needed to be controlled. CITES apparently agreed to this ludicrous claim, though I have not yet been able to confirm that they gave permission for the kill

5. Elephant permits were issued for three areas, one of which has some 30 or so lodges. Icon bulls, the basis of much of our photo and eco tourism, have already been shot within this area - the Zambezi tourist area.

6. The Us Fish & Wildlife Service refuse to allow elephant ivory in to the country; America being our main source of hunting clients, solidarity is therefore required.

7. Elephant poaching is ongoing, and in one part of the Luangwa river government wildlife scouts are part of a poaching syndicate and are currently being investigated

8. No arrests have been made as a result of the Singapore seizure of 6 tons of ivory which came from the Luangwa; and now that we know that another 123.5 tons (14, 500 elephant) went out through the same route between 1994-2002, the failure to investigate points to major failings in the investigative machinery.

9. The hunting fraternity voted for the ban

10. Given all of this, our ratification of the Biodiversity Convention requires us to invoke the precautionary principle and ban any hunting

Sunday, February 04, 2007

CITES Convention for June 2007...

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Fourteenth meeting of the Conference of the Parties

The Hague (Netherlands), 3-15 June 2007

Interpretation and implementation of the Convention

Conservation of elephants and trade in elephant specimens

ILLEGAL IVORY TRADE AND CONTROL OF INTERNAL
MARKETS

1. This document has been prepared by Kenya and Mali.

Introduction

2. This document is intended to support CoP14 Prop. XX submitted by Kenya and Mali on the African elephant

and outlines proposed submissions to the 14th Conference of the Parties to CITES (CoP14) to assist with control of the ivory trade. These include a 20 year moratorium on trade in raw and worked ivory and strengthened CITES requirements for ivory trade controls through amendments to Resolution Conf. 10.10 (Rev.CoP12). It is intended to support and strengthen the Action Plan for the Control of Trade in African Elephant

Ivory, which Kenya and Mali fully support.

3. The illegal trade in ivory and uncontrolled domestic markets for ivory around the world present a considerable problem, not only for the long term survival of many elephant populations, but also for wildlife law enforcement authorities in range States and consumer countries. Since the last Conference of the Parties to CITES, CoP13

in Bangkok in October 2004, there have been a significant number of large seizures of ivory. The estimated total amount of ivory reported seized since CoP13 is 41,043 kg (see table in Annex 1). Note that this is higher than the figure quoted in CoP14 Prop. XX because in the short time since preparing the proposal two more large seizures have been reported, one in Vietnam and one in France. On the basis of these seizures it is estimated that somewhere in the order of 20,000 or more elephants have been poached annually since Cop13 to supply illegal ivory markets (see below).

4. At the 54th CITES Standing Committee meeting (SC54) in October 2006, the Director of ETIS (Elephant Trade

Information System) confirmed an “upsurge of seizures” in the last year. He also emphasized an increase in organized crime and reported that government stockpiles were disappearing in some countries; this is also confirmed in the Central African Elephant Conservation Strategy.

5. An investigation in China in May and June 2006 found that the price of ivory on the illegal market was US\$560-750 / kg, representing up to a three fold increase in two years². In Sudan and Egypt there has been a twofold to fourfold increase in recent years. Further rises in ivory prices will continue to increase the incentive for those involved in poaching and the illegal sale of ivory.

6. Thus demand for ivory has increased significantly since CoP13. Continued debate in CITES about re-opening trade serves to fuel this demand, bringing with it increased enforcement challenges, particularly for elephant range States. Such challenges demand fresh approaches. One such approach is DNA profiling, which has been used to analyse the 6.5 tonnes of ivory seized in Singapore in 2002 (the results indicating that the majority of

the ivory was from elephants in Zambia (SC54 Doc. 26.1 (Rev. 1)).

7. Meanwhile, an essential element of any system to control ivory trade is the ability to monitor the flow of ivory and to trace worked ivory back to the tusk or original piece of raw ivory and the country from which it originated. This will require each State, particularly those with elephant populations on Appendix II and those designated as ivory importing countries, to introduce a computerised registration system, by which all tusks and cut pieces are marked and recorded on a database that is compatible with the databases of other Parties.

8. A moratorium on ivory trade would allow time - free from effects of any further CITES decisions on ivory trade

- to bring illegal trade under control; to develop new methodology (e.g. using DNA profiling) to meet the considerable enforcement challenges facing African (and Asian) elephant range States; to allow for the proper development of a standardised computer-based registration and tracking system; to determine the effects of 1 Strategy for the Conservation of elephants in central Africa, 2005 (Anon). <http://www.iucn.org/themes/ssc/sgs/afesg/tools/> 2 Ivory Market in China: China Ivory Trade Survey Report, IFAW, Jun 2006. CoP14 Doc. XX 2 the one-off stockpile sale agreed to conditionally at CoP12; to determine

and address the factors that are driving the expanding illegal market; and to provide time to refine MIKE (the programme for Monitoring Illegal Killing of Elephants) so that it can become an instrument more capable of detecting problems with poaching at an early stage.

9. Meanwhile, Resolution Conf. 10.10 (Rev. CoP12) on trade in elephant specimens needs to be amended and improved. Originally concluded at CoP10 in Harare, it is widely recognized that the Resolution is flawed. The requirements it lays out for controlling internal trade in ivory are not adequate. Nevertheless these requirements provide the measure for determining – under the Action Plan for the Control of Trade in African Elephant Ivory - whether domestic ivory markets outside Africa comply with CITES.

Ivory seizures and poaching

10. The significant number of large seizures of ivory since CoP13 illustrates that demand for ivory has increased substantially in the last two years. Clearly, many thousands of elephants are dying annually to supply the illegal ivory markets. Among the most recent seizures are 3,000 kg in Osaka, Japan, in August 2006 and 1,500 kg in France in November 2006, while over 5 tonnes were seized in two shipments in Taiwan in July 2006 (see table in Annex 1 which summarizes information reported on these seizures at the time of writing). The ivory seized totals 34,108.5 kg³ plus a further 155 tusks (of unspecified weight). A report distributed at SC54 in October 2006 records another 5,639 kg and 197 tusks seized in many small seizures,⁴ bringing the total reported in less than two years to 39,747.5 kg and 352 tusks, an estimated total of 41,043 kg.⁵ This is the highest amount of ivory reported seized during any period between CITES conferences since African elephant populations were

listed on Appendix I in 1989. Using an average tusk weight of 3.68 kg⁶ and 1.88 tusks per elephant,⁷ these seizures equate to 5,932 dead elephants. If enforcement authorities seize 15% of illegal shipments of ivory (a generous estimate), the figures indicate that nearly 274 tonnes of ivory were in trade and that approximately 39,550 elephants (or possibly more considering the need to supply the domestic markets) have been poached since CoP13.

11. A report for CoP12 on data gathered by ETIS stated that 150 countries were implicated in the illegal ivory trade (CoP12 Doc. 34.1). Analysis of ETIS ivory seizure data demonstrated that illicit ivory trade is most directly correlated with the presence of large-scale, unregulated domestic ivory markets, which exhibit a poor degree of enforcement effort. At CoP13, it was reported that illicit trade in ivory continued to be most directly related to the presence of these markets in Asia and Africa (CoP13 Doc. 29.2). Furthermore, the ETIS report stated that “to some extent, such markets have become more active since 1997” (notably, the year three populations of African elephants were downlisted to Appendix II). The report concluded, *inter alia*, that “Cameroon, China, the Democratic Republic of the Congo (DRC), Ethiopia, Nigeria and Thailand are most highly implicated in the illicit trade in ivory, and have held this distinction since CoP12.”

12. At CoP12, ETIS data showed a declining trend in ivory seizures from 1989 to 1994, followed by a period of stability from 1994 to 1998 and an increasing trend from 1998 to 2002. The report linked the increasing trend with the emergence of demand for ivory in China rather than the one-off sale of ivory that took place in 1999.

This finding was contested by the Executive Director General

of the CITES Management Authority of China who stated that many Chinese people misunderstood the decision to allow a one-off sale of ivory, and that the apparent legality of ivory on sale in some elephant range States gives the wrong signal to Chinese people working or touring in those countries.⁸ At CoP13, based on more than 1,000 additional ivory seizures reported

since CoP12, analysis of the ETIS data showed a decline from 1989 to 1994 and then a gradual increase from 1995 to 2002 (data from 2003 was considered deficient). It “continue[d] to confirm the findings of the ETIS analysis to CoP12 that identified China as the single most important country in the ivory trade today”. (CoP13 Doc. 29.2).

13. The increasing trend in illegal ivory trade presents a clear threat to elephant populations, particularly in areas most vulnerable to poaching. Section 5 of CoP14 Prop. XX documents recent heavy poaching in DRC, particularly Salonga, Kahuzi Biega, Virunga and Garamba National Parks and Okapi Fauna Reserve. Widespread

and uncontrolled poaching has been reported in and around Zakouma National Park in Chad, while a recent census found no elephants in Nigeria’s Sambisa Game Reserve (a MIKE site), where elephants had been subject to heavy poaching in the three years before the survey. ³ Note that further verification is merited as to whether the 7 tonnes reported in illegal trade in Zimbabwe in May 2006 has been seized. ⁴ Ivory Update, compiled by Born Free Foundation and SSN for SC54, 2-6 Oct 2006. ⁵ Using an average tusk weight of 3.68 kg (Hunter, N., Martin, E. and Milliken, T. Determining the number of elephants required to supply current unregulated ivory markets in Africa and Asia, *Pachyderm* No.36, Jan-Jun 2004). ⁶ Ibid. ⁷

Parker, I.S.C., and Martin, E.B. How many elephants are killed for the ivory trade, *Oryx* 16 (3): 235-239, 1982. 8 Chen Jianwei. Letter to TRAFFIC, 14 Oct 2002.

CoP14 Doc. XX

14. At a symposium on elephant conservation in Accra, Ghana in August 2006,⁹ participants from wildlife authorities reported that poaching was the main cause of decline for elephants in Central African Republic (CAR), Cameroon and Ethiopia and a serious threat in Niokolo Koba National Park in Senegal, as well as in Benin and Niger. Organised poaching syndicates also pose a challenge in Malawi. In Liberia, with the end of the civil war, poachers were reported to have returned to the bush. Poaching was confirmed to be a problem in Kakoum and Mole national parks in Ghana.

15. Poaching also presents an on-going threat in east Africa. In Kenya, despite an elaborate enforcement network, a total of 212 elephants have been confirmed poached to obtain their ivory since CoP13: 91 in 2004, 68 in 2005, and 53 from January to November 2006. Between January 2004 and November 2006, a total of 2,180.65kg of ivory and 55 pieces have been seized in Kenya. In 2006 alone, up to September, there were 54

seizures of ivory totalling 907.1 kg and 18 pieces. Since 2002, there have been three major seizures of ivory shipments originating from Tanzania: more than 5 tonnes in July 2006 in Taiwan; almost two tonnes in Hong Kong in October 2003; and 3.2 tonnes recovered in Dar es Salaam in January 2002 (see Annex 2 Table B of CoP14 Prop. XX).

16. Elephants in Zambia have come under heavy pressure from poaching. Six tonnes of ivory seized in the

Philippines in January 2006 is believed to have come from Zambia. The country has also been confirmed as the source

of 6.5 tonnes of ivory shipped from South Africa and seized in Singapore in 2002. The same route has allegedly been used 19 times before, involving 123.5 tonnes of ivory between 1994 and 2002, possibly also originating from Zambia.¹⁰

Monday, February 05, 2007

China and its influence on the illegal trade in ivory

China was identified in the 2005 CITES Secretariat Technical Mission Report as the single most important influence on the increasing trend in illegal trade in ivory since 1995 (SC53 Doc. 20.1 Annex). Evidence and intelligence indicates that citizens of China based in Africa are engaged in illegal trade (SC 54 Doc.26.1 Rev.

1). The table in Annex 1 shows that since CoP13, 6.2 tonnes of illegal ivory was seized in China and Hong Kong (with a further 5.2 tonnes seized in Taiwan). A further one tonne was seized in Zimbabwe (partly from government owned stockpiles), reported to be destined for China, while Chinese dealers were reportedly caught in Zimbabwe with another 7 tonnes; China is also reported to be a destination for illegal ivory being smuggled through South Africa.

Saturday, February 10, 2007

Arrests made in record Japan ivory haul...

Saturday, 10 February 2007, 1:05 pm

Press Release: CITES

9 February 07

Arrests have been made in the record-breaking elephant ivory seizure case of this past August in Osaka, Japan. The confiscated ivory totalled nearly three tons, costing the lives of hundreds of endangered African elephants. Two suspects have just been taken into custody for their alleged violation of the international trade ban on ivory.

While claims have previously been made by the CITES (Convention on the International Trade of Endangered Species) Secretariat that Japan no longer has significant involvement in the ivory trade industry, this 2.8 ton seizure clearly disproves such statements. "IFAW encourages the strictest penalties for those convicted in this crime. The poaching of elephants has spiralled out of control in recent years and international law must be strictly enforced," said Rebecca Keeble, IFAW Asia Pacific Campaigns Officer.

Given that the seizure took place in August 2006, the official reporting, which occurred in October, raises major concerns about the forthrightness of Japanese authorities. The failure to promptly disclose these events occurred at a time that was all too convenient for Japan, just up for their consideration to become a trading partner by CITES for ivory stockpiles. With the seizure under wraps, Japan was approved as a trading partner.

“This behaviour cannot be ignored, and the trading partner status of Japan must be reconsidered by CITES standing committee,” said Ms Keeble.

Fuelled by a growing demand for ivory in Asian regions, the wholesale price of ivory in Japan and China has skyrocketed in recent years, going from \$100/kg in the late 1990’s to the current staggering \$750/kg.

The ivory found in this shipment is enough to create approximately 80,000 “hankos”, which is equivalent to roughly 40% percent of Japan’s annual consumption. Hankos are traditionally used by the Japanese to seal letters, and are representative of a certain status within society. Between March 2005 and August 2006, over 26 tons of ivory has been seized, the highest ever in such a period since the 1989 CITES ban went into effect (which was later resanctioned). This single seizure has been identified as the largest ivory seizure ever in Japan.

28 February 2007

African carnage — 1 year’s seized ivory likely came from 23,000 elephants

African elephants are being slaughtered for their ivory at a rate unprecedented since an international convention banning ivory trade took effect in 1989, a University of Washington biologist says.

The problem is so serious that the giant creatures might be on the path to extinction unless western nations reinstate strong enforcement efforts that all but halted black-market ivory trade in the four years immediately after the ban was enacted, said Samuel Wasser, director of the UW Center for Conservation Biology. He is the lead author of a paper detailing the problem published the week of Feb. 26 in the online edition of the Proceedings of the National Academy of Sciences, and he argues the continued loss of elephants will have serious consequences.

“Elephants are majestic animals and are not trivial to the ecosystem. They are a keystone species and taking them out significantly alters the habitat,” he said. “It has ripple effects on lots of different species.”

For the year ending in August 2006, authorities seized more than 23,400 kilograms, or nearly 24 tons, of contraband ivory, Wasser said. But the paper notes it is commonly assumed that customs agents typically detect only about 10 percent of contraband, so the actual amount of poached ivory probably is closer to 234,000 kilograms. That means more than 23,000 elephants, or about 5 percent of Africa’s total population, likely were killed for that amount of ivory.

China’s burgeoning economy is a major force driving the black-market ivory trade, escalating prices and attracting organized crime, Wasser said. In 1989 a kilogram of high-quality ivory sold for \$100 on the black market. That rose to \$200 in 2004 but by last year had ballooned to \$750 per kilogram.

“If it really is organized crime that’s driving this, then the only

hope we have of stopping it is to stop the ivory at the source, to not let it into the international market. Because once it's in the international market, the trade is very hard to stop," Wasser said.

He and colleagues at the UW are working with other scientists and law enforcement agencies, primarily Interpol, to track the source of poached ivory. In June 2002 authorities in Singapore seized a 20-foot container packed with 6.5 tons of contraband ivory bound for the Far East from Malawi. It was the second-largest seizure of contraband ivory on record, the largest since the 1989 ban took effect, and represented ivory from 3,000 to 6,500 poached elephants. Authorities assumed the ivory had been collected from many different places, especially from forest elephants, but the assumption proved to be incorrect.

Over several years, Wasser and his colleagues have collected genetic information from a variety of populations by sampling tissue and dung from known populations, then compiled the information into a DNA-based map showing genetic differences between elephant populations. Using that information, the scientists grouped the tusks by common characteristics and then sampled randomly from those groups. They examined 67 tusks from the 532 seized in Singapore and showed that the ivory came from elephants on Africa's broad savannahs, not in forests. Further testing showed the ivory came from a small area of southern Africa, most likely centered on Zambia. Law enforcement agencies have identified many participants in the poaching, yet not one person has been prosecuted, Wasser said.

The tusks in the seized shipment weighed an average of 11

kilograms apiece, more than twice the weight normally seen in the market, indicating they came from a large number of older elephants. The shipment also contained 42,000 hankos, small blocks of solid ivory used to make signature stamps, or chops, that are widely used in the Far East, particularly in China and Japan.

Wasser noted that shortly before the seizure, Zambia had petitioned for permission to sell its ivory stockpiles internationally, stockpiles that were supposed to have existed before the international ban took effect in 1989. But the application said only 135 elephants were known to have been killed illegally in Zambia in the previous 10 years, far fewer than would have had to be slaughtered to produce the ivory in just the single seizure in 2002.

The paper's co-authors are Matthew Stephens, formerly of the UW and now at the University of Chicago; Celia Mailand and Rebecca Booth of the UW; Benezeth Mutayoba of the Sokoine University of Agriculture in Tanzania; Emily Kisamo of the Lusaka Agreement Task Force in Kenya; and Bill Clark of the Interpol Working Group on Wildlife Crime and the Israel Nature and Parks Authority. The work was funded by the U.S. Fish and Wildlife Service African Elephant Conservation Fund, the International Fund for Animal Welfare, the Gordon and Betty Moore Foundation and the Center for Conservation Biology.

The authors wonder how a poor nation such as Zambia, with only slight international assistance, can fend off organized criminals fueled by the booming Far East economy, and they

argue that Western nations must resume efforts to halt ivory trafficking. They note that western nations contributed heavily to enforcement efforts when the international ban took effect in 1989, and in the next four years poaching was virtually eliminated. But the success apparently left a sense that the problem was solved and the nations withdrew their funding.

Wasser and colleagues want to see reinstatement of strong enforcement, and also want to see education programs established to teach people in Africa to better manage their wildlife and persuade people in Asia not to use ivory, much of which is obtained illegally.

“If people really realized what is happening they would be ashamed to be part of the crisis,” he said. “We don’t want to spend our time catching criminals, we want to stop the crime from happening. That’s the most effective enforcement you can do.”

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For more information, contact Wasser at (206) 543-1669 or wassers@u.washington.edu

Wednesday, February 28, 2007

More on Zambia elephant sport hunting...

At a meeting between the Zambia Wildlife Authority (ZAWA) and safari hunting operators on 23 February, 2007, ZAWA stated that they wished to make changes to the Statutory Instrument No. 40 of 2005 (The Zambian Wildlife (Elephant) (Sport Hunting) Regulations, 2005) so that parts of elephant - other than their tusks, could be exported. I pointed out that the Natural Resources Consultative Forum - supported at the time by the hunting industry, had advised that elephant should not be hunted in Zambia for a variety of reasons, and that this advice had been ignored in 2005 (9 killed) and in 2006 (15 killed), and now in 2007 it was expected that much of the quota of 20 animals would be killed. The Director-General, who had previously given his word to me that no elephant hunting permits would be issued without stakeholder consultations, said that more than 20 elephant a year needed to be killed so as to provide income for communities, and that the 100 or so animals shot to protect crops should be sport hunted so as to provide additional benefits. Doubtless this will require the Statutory Instrument to be altered i.e. section (2) (a) "The hunting of elephants for sport shall not include the hunting of elephant for purposes of controlling problem elephants."

Some operators - whom had previously supported the hunting ban, requested that they be allowed to hunt elephant in their areas, asking that CITES agree to increased offtakes, and that they be allowed to bring clients in as soon as crop raiding occurred. The fact that much of the crop raiding is carried out by non trophy bull elephant, and that it takes place in the

rains when much of Zambia is impassable, escaped the meeting, as is the escalating wave of elephant poaching currently taking place in the country.

Thursday, March 01, 2007

U.N. Conservation Body Says Africans Split over Ivory Trade

February 28, 2007 — By Bradley S. Klapper, Associated Press

GENEVA — African countries are divided over banning or controlling international ivory trading, but need to reach a common position if they are to ensure the survival of the continent's elephants, a U.N. panel said Wednesday.

David Morgan, chief scientific officer at CITES, said African countries have filed three ivory proposals before the U.N.-sponsored conservation body's conference this June in The Hague, Netherlands, where 169 nations will debate new bans and quotas for trade in endangered species.

"This demonstrates the divisions that still exist between African countries on the way to go forward for the conservation of African elephants," Morgan told reporters in Geneva, where the body responsible for monitoring the 1973 U.N. Convention on International Trade in Endangered Species has its headquarters. "As long as Africa is divided, the chances of success are not so high. We really need an African position on elephants."

Signatories of the convention debate new rules every three years. The meeting in June will debate nearly 40 new proposals for protecting wildlife species including pink coral, Latin American rosewood and cedar, Brazilian lobsters, and bobcats and leopards.

Trade in ivory, which comes from elephants in southern African herds, was banned by the body in 1989. Over the last decade, CITES has twice permitted one-off sales from the tusks of animals that died of natural causes or were subject to emergency culling in Botswana, Namibia, South Africa and Zimbabwe.

These countries and Tanzania are now asking for the right to resume controlled sales. Kenya and Mali, on the other hand, are seeking a 20-year ban on all trade in raw or worked ivory.

Conservationists argue that any ivory trading threatens elephant populations by creating commercial incentives for poachers. Advocates of the sales say that trading in ivory from well-managed herds can benefit local populations and help pay for conservation efforts.

But some African countries have been hugely successful in managing their elephant populations, leading to the new problem of how to manage growth that is spilling out of national parks.

On Wednesday, South Africa's environment minister proposed contraception and some culling to slow his country's elephant boom. While Marthinus van Schalkwyk stressed there would be no mass slaughter, the suggested measures highlighted South

Africa's difficulty in maintaining 20,000 elephants without disrupting delicate biodiversity at its wildlife reserves.

Botswana, which has by far the biggest elephant population with an estimated 165,000, is the only country seeking a specific quota for ivory at the CITES meeting. It is asking that countries allow it to make a one-off sale of 40 metric tons (44.8 tons) and export a further eight metric tons (nine tons) of ivory per year.

2 March 2007

More on the Singapore ivory and a secret resignations??

The first big test of Wasser's system took place in the port of Singapore in 2005. Acting on a tip, customs agents opened a set of shipping crates and found a stunningly large cache of stolen ivory.

"Six and a half tons of ivory," Wasser says. "It was the largest seizure since the ban and actually the largest ever in history."

Wasser says it is possible that 6,000 elephants were killed to fill the seized crates. But smuggling experts couldn't [track] down the site of the mass slaughter. The crates had come from Zambia but Zambian officials swore that poaching was extremely rare inside their borders. They claimed that only 135 elephants had been killed in their borders in the last 10 years, Wasser says.

Wasser traced the DNA fingerprints of those tusks and proved the Zambian officials wrong.

"We can actually pinpoint based on the combinations of genes

falling together,” Wasser says, “where the ivory came from, and that turned out to be Zambia.”

The chief of the Zambian wildlife department was so embarrassed by Wasser’s findings that he quit his job. Wasser’s work has not yet led to arrests, but there are signs that it is forcing some big changes.

Several countries are now getting tough on ivory poachers, says a co-author of the paper, smuggling expert William Clark of Interpol. One of the most recent busts took place in Zambia, where an Asian businessman was caught buying tusks.

“He pleaded guilty and he was sentenced to five years hard labor,” Clark says. “That’s a serious punishment for someone from an industrialized Asian country — going to a Zambian prison.”

Friday, March 02, 2007

Using DNA to track the origin of the largest ivory seizure since the 1989 trade ban

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B.C. designed research; S.K.W. and B.M. performed research; C.M., R.B., and M.S. analyzed data; and S.K.W., B.C., and M.S. wrote the paper. The authors declare no conflict of interest. This article is a PNAS direct submission. Freely available online through the PNAS open access option. Abbreviations: CITES, Convention on International Trade in Endangered Species of Wild Fauna and Flora; MCMC, Markov Chain Monte Carlo.

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The illegal ivory trade recently intensified to the highest levels ever

reported. Policing this trafficking has been hampered by the inability to reliably determine geographic origin of contraband

ivory. Ivory can be smuggled across multiple international

borders

and along numerous trade routes, making poaching hotspots and

potential trade routes difficult to identify. This fluidity also makes

it difficult to refute a country's denial of poaching problems. We

extend an innovative DNA assignment method to determine the

geographic origin(s) of large elephant ivory seizures. A Voronoi

tessellation method is used that utilizes genetic similarities across

tusks to simultaneously infer the origin of multiple samples that

could have one or more common origin(s). We show that this joint

analysis performs better than sample-by-sample methods in assigning

sample clusters of known origin. The joint method is then used to infer the geographic origin of the largest ivory seizure since

the 1989 ivory trade ban. Wildlife authorities initially suspected

that this ivory came from multiple locations across forest and savanna Africa. However, we show that the ivory was entirely from savanna elephants, most probably originating from a narrow

east-to-west band of southern Africa, centered on Zambia. These

findings enabled law enforcement to focus their investigation

to a

smaller area and fewer trade routes and led to changes within the

Zambian government to improve antipoaching efforts. Such outcomes

demonstrate the potential of genetic analyses to help combat the expanding wildlife trade by identifying origin(s) of

large seizures of contraband ivory. Broader applications to wildlife

trade are discussed.

The illegal trade in elephant ivory has once again escalated to the devastating levels that occurred before the 1989 Convention

on International Trade in Endangered Species of Wild Fauna and Flora (CITES) ivory trade ban (1–5). Between August 2005 and August 2006, there have been 12 major seizures

of African elephant ivory being shipped to the Far East, totaling

23,461 kg, plus 91 unweighed tusks. Most of this ivory was deemed to be from freshly killed elephants (B.C., unpublished observation). It is commonly assumed that customs intercepts 10% of all contraband (e.g., drugs, weapons, pirated compact discs). We conservatively assume that this percentage is also the

case for ivory; most enforcement agencies do not “target” ivory

as they do drugs or weapons, and technological advances (such

as drug scanners and detection dogs) do not help with interception

of contraband ivory. Thus, the above 23,461 kg should correspond to 234,610 kg of smuggled ivory from 23,000 elephants killed this past year. Knowing the origin of ivory in

such large seizures enhances understanding of where elephants

are being slaughtered and routes by which the contraband ivory

is smuggled. Law-enforcement efforts could be fruitfully focused

with such information. It also creates accountability that compels

nations to be more responsive to poaching in their country.

We previously described a method to infer the geographic origin of individual samples of African elephant DNA (6). Here, we extend the approach to multiple samples and apply this method

to infer the origin of the largest seizure of contraband ivory since

the 1989 ivory trade ban (the second largest seizure in the entire

history of the trade).

In late June 2002, an investigative team consisting of officers from the Zambia Wildlife Authority, the Lusaka Agreement Task Force, and the Anti-Corruption Bureau of Malawi uncovered

vital information concerning the shipment of a 20-ft

container packed with 6.5 tons of contraband elephant ivory in

Malawi, destined for the Far East. (Based on the above assumptions,

this would have resulted from poaching of between 3,000 and 6,500 elephants.) The container had been shipped via South

Africa to Singapore, where it was seized later that month. The

seizure contained 532 tusks of widely diverse sizes and weights.

The average weight of tusks was 11 kg, substantially larger than

the average tusk in the current ivory trade. The seizure also contained 42,120 “hankos,” believed to have been manufactured

in Malawi. Hankos are round ivory cylinders, 6.5 cm in length and 1.5–2 cm in diameter, cut from the solid portion of the tusk.

Some Asian communities carve their personal seal on the end of

these cylinders to be used as a prestigious stamp (7). The hankos

alone in this shipment were worth an estimated \$8.4 million (U.S.), and represented 20% of Japan’s annual hanko trade (B.C., unpublished observation). The enormous size of this consignment indicates the existence of an elaborate network in

the Far East that is capable, with a single delivery, to receive and

launder tens of thousands of hankos and hundreds of tusks

into
existing legal markets.

Investigative work revealed that the ivory had been carried from Zambia into Malawi in small lots, before shipping, but it was unknown whether the ivory came from Zambian elephants.

Our analysis tested two broad competing hypotheses for the origin of the seized ivory:

Hypothesis 1. The ivory originated from within, or in close proximity to, Zambia and/or Malawi, the original shipping locale. This hypothesis would require minimal preshipment transport (smuggling), but the size of the seizure would suggest that poaching intensity in this region was substantially greater than previously believed or acknowledged.

Hypothesis 2. The ivory originated from numerous locations across forest and savanna Africa, with stockpiles smuggled into Malawi before shipping. This hypothesis, which suggests the existence of a relatively sophisticated and widespread organizational network, was supported by several factors, including the large volume of the shipment, the considerable mean and variation in tusk size, and extensive poaching in the nearby Democratic Republic of Congo and Selous Game Reserve in Tanzania.

Results

We selected 67 of the 532 tusks for DNA analysis, using a stratified sampling scheme aimed at maximizing the chances of

acquiring tusks from multiple locations (see Materials and Methods).

Amplification success varied greatly across samples; a total of 13 tusks had all 16 loci amplify successfully, and 23 tusks had

at least 14 loci amplify successfully, whereas 18 tusks had no loci

amplify successfully. In total, 37 tusks (55%) amplified at seven

or more loci and were included in the subsequent assignment analysis [the cutoff of seven loci being chosen for consistency with the way the reference database was assembled (6)].

Among

these 37 samples, the average number of successful loci was 13.5.

Hankos were excluded from these analyses because initial attempts

to amplify DNA from hankos were unsuccessful. Hanko samples are derived from the core of the tusk and were subsequently

found to require a decalcification step before their extraction; analyses of the hankos are ongoing.

DNA obtained from the tusks was compared with a reference database of DNA samples of known geographic origin. The reference data were from Wasser et al. (6), augmented with

samples from Zambia, Malawi, and Southern Tanzania. The combined samples provided an updated reference database of

525 samples (see Materials and Methods). Initial comparison of

alleles obtained from each tusk against reference allele frequency

distributions for forest vs. savanna elephants suggested that all of the tusks were most likely derived from savanna elephants [likelihood ratios in favor of savanna origin, computed

as in Wasser et al. (6), ranged from 2.5×10^4 to 9.1×10^{10}].

We developed a statistical assignment method to infer the most likely savanna locations of the sampled tusks. Existing assignment methods estimate the likely source of each tusk independently, assuming the tusks were independently and uniformly sampled from some set of possible sources. This assumption is problematic here because it implies that the tusks

likely originated from a wide range of locations, essentially ignoring the possibility that they came from a restricted region

(hypothesis 1). Our approach (see Materials and Methods) extends

the smoothed continuous assignment method for individual DNA samples from Wasser et al. (6) to analyze multiple tusks simultaneously, allowing that they may have arisen either from

a wide range of locations or from one (or a few) narrow geographic region(s).

Fig. 1 A–D illustrates the improved performance that can be achieved by analyzing multiple samples simultaneously rather

than one sample at a time. Specifically, the figure compares results from our approach, which jointly analyzes multiple samples, with results from sample-by-sample analysis using the

method described in ref. 6. We applied both methods to groups

of samples known to originate from Malawi (n 18) (Fig. 1A), Zambia (n 29) (Fig. 1B), and the Selous Game Reserve in Southern Tanzania (n 12) (Fig. 1C), with each analysis constituting a random sample of half of the samples available from its respective origin, and to a group of samples from numerous locations scattered throughout savanna Africa (n 37, chosen to match the number of tusks analyzed from the

Singapore seizure) (Fig. 1D). The remaining halves of samples from Zambia, Malawi, and Selous contributed to the reference

samples for these analyses. When applied to a batch of samples

originating from a limited geographical region (Fig. 1 A–C), our

joint analysis method is able to recognize this fact and produces

estimated locations of origin that are both accurate and compact.

In contrast, estimates from independent analysis of each sample,

although centered on approximately the correct location, are

considerably more diffuse and tend to (wrongly) suggest that the

samples came from a relatively wide geographic region. Conversely,

when applied to samples that actually originated from a wide geographic region (Fig. 1D), our joint analysis method is

also able to deduce this from the data and produces estimated locations of origin that are very similar to those from the sample-by-sample analysis.

We applied the new joint analysis method to 37 tusks acquired from the Singapore seizure. The results (Fig. 2 Left) suggest that

the tusks originated from a relatively restricted part of southern

Africa, concentrated near Zambia, lending support to hypothesis

1. The tusks were genotyped on the same platform and at the same time as the reference samples from Malawi, Selous, and Zambia and at a different time and platform than the majority of the other reference samples from East and Savanna Africa. We therefore checked to determine whether our results were not

unduly affected by unidentified systematic differences between

the way different reference samples were treated, by reanalyzing

the tusk DNA without the additional reference samples from Zambia, Malawi, and Selous. The results (Fig. 2 Right) were similar to those obtained with the additional reference

samples,

with estimated tusk origins being slightly more diffuse and centered slightly farther south.

Discussion

Using DNA, it is possible to determine, with near 100% accuracy,

whether an individual sample originated from a savanna or forest elephant (6). The DNA from all of the tusks that we examined from the Singapore seizure pointed to a savanna origin

for these samples. This simple inference alone immediately rules

out many countries that are habitat for forest elephants (Loxodonta

cyclotis); it also lends some support to the hypothesis that the tusks may have originated from a restricted geographic region rather than from a pool of many stockpiles from across the

continent. More sophisticated analytic methods, able to accurately

determine the likely geographic origin of DNA samples on a finer scale, point to a relatively narrow band of Southern Africa, centered on Zambia, as the likely source of tusks in this

seizure. The estimated locations of origin for the tusks spread east and west from Zambia and may include regions of Mozambique

and savanna Angola from which no reference samples are yet available. Reference samples from these locations could increase the precision of these estimates and help to confirm

or

rule out these countries as possible contributors to the seizure.

The 37 tusks analyzed here represent a subset of tusks that produced the most complete genotype data. Although visual inspection revealed no obvious systematic differences between

these tusks and others that failed to yield such complete data (see

Materials and Methods), it is difficult to entirely rule out the possibility that the seizure could contain some tusks of different

origin that failed to produce good genotype data.

These caveats notwithstanding, the analysis of available DNA data from these samples has greatly facilitated law-enforcement

efforts. As described in hypotheses 1 and 2, authorities strongly

suspected that this ivory had multiple origins, including forest habitat. Our results caused law enforcement to substantially narrow the area of origin and the trade routes being investigated.

These results also had a number of consequences for Zambia. The seizure immediately followed Zambia's application to CITES for a one-off sale of their ivory stockpiles at COP12 (Conference of the Parties). That application maintained that only 135 elephants were known to have been illegally killed in

Zambia during the previous 10 years, woefully shy of the 3,000–6,500 elephants we estimate to have been killed in Zambia

surrounding the seizure, let alone during that entire 10-year period. Subsequent to being informed of our findings, the Zambian government replaced its director of wildlife and began imposing significantly harsher sentences for convicted ivory traffickers in its courts. However, one still has to wonder whether this will be enough.

Virtually no one has been prosecuted for this case. Moreover, just 3 years after the Singapore seizure, when we were in the thick

of our DNA analyses, another 6 tons of ivory was seized in the

Philippines en route from Zambia. (That ivory was subsequently

stolen from the warehouse that Philippine customs had contracted

to hold the contraband.) This begs the question: How can a poor country like Zambia, with only token international assistance, have the physical capacity to act effectively against Wildlife trade represents a serious and growing area of organized crime that can irreparably damage a country's ecosystems

and economy and has demonstrable links to other serious crime. The illegal ivory market exemplifies this. Elephants

are a keystone species, whose loss significantly alters natural habitat. The ivory trade has corresponded with massive

declines in elephant numbers (50% continent-wide and up to

90% in some areas), including areas where habitat loss (the other

most likely cause of decline) has remained unchanged (8–11).

Moreover, the illegal trade this year has seen its largest increases

ever, based on marked increases in seizures without any commensurate

increases in the capacities of the seizing agencies

(B.C., unpublished observation). Much of this increase in trade

is being driven by wholesale prices of high-quality ivory in China

and Japan (12), which have risen from \$100 per kilogram in the

late 1990s to \$200 per kilogram by 2004 to a now staggering \$750

per kilogram (B.C., unpublished observation). This disproportionately

large 3.5-fold rise in the past 2 years has raised concern that commodity speculators may be buying up much of the ivory.

Certainly, these trends suggest that the market is being heavily stimulated, adding to current fears that China's growing demand

for illegal ivory could jeopardize elephants throughout Africa and Asia (5,).

Given that syndicated ivory crime has reached such international

scale, we suggest that the most effective way to combat this trade is to prevent the ivory from ever entering the interna-

tional

market. Genetically tracking the origin of large ivory seizures can

help by identifying poaching hotspots, focusing urgently needed

policing of elephant poaching and associated trafficking in contraband ivory. This approach places emphasis on saving elephants before they are killed. By identifying common patterns

among large seizures, such as homogeneity of origin and proximity

to original shipping locale, our methods could also highlight likely smuggling routes (e.g., major roads, train routes, or nearby ports) and suggest how illegal ivory is being moved to global markets outside Africa. These effects should also increase

tusk seizure rates, further helping to stop the trade before it leaves Africa. Strategic changes in these smuggling patterns over

time could also be detected, as could changes in the quantity and

distribution of ivory from specific locales in the world's major ivory markets. Monitoring such changes, coincident with CITES

trade decisions, could provide critically needed tools to determine

whether sanctioned sales influence poaching rates across the continent.

Although our methods can enhance the effectiveness of law enforcement in wildlife trade, what is really needed is to

combine

this with a major reinfusion of law-enforcement aid at the scale that

coincided with the 1989 ivory ban. For this reinfusion to occur,

industrialized nations need to be reeducated about the seriousness

of the poaching problem to encourage their governments to once

again provide this needed law-enforcement support. The United

Nations has declared many of Africa's natural resources to be "World Heritage," and the rest of the world needs to help protect

this shared heritage. To ensure that such aid is not endless, law-enforcement aid needs to be coupled with education aimed at

reducing demand in the Far East and at engendering respect for

natural resources in Africa. Improved management is also needed

in Africa to restore the historical abilities of elephants to selfregulate

their population sizes and reduce elephant/human conflict.

Ironically, stopping poaching may help reduce such conflict, if

elephants can once again be made to feel safe enough to remain in

protected areas (13). Stopping poaching will also prevent loss of

tourism in wildlife-rich countries, along with the dispropor-

tionately

large amounts of foreign currency it generates.

The international community virtually stopped ivory poaching once (14), and it can stop it again. The enhanced lawenforcement

effort that coincided with the 1989 ban dramatically suppressed the illegal ivory trade. However, believing that the

problem was solved, western aid was largely withdrawn by 1993.

Law enforcement rapidly declined in poor African countries, and

poaching began to steadily increase all over again (14). A more

comprehensive approach is needed this time, one that combines

law enforcement with DNA analyses, education, and improved

management. We have to act now, before it is too late. We hope

that the results of this study will encourage such timely conservation

efforts, thereby helping to curb a criminal trade that is once again imperiling elephants.

We also believe that these techniques can prove useful for other species that are substantially represented in the wildlife trade. The ability to acquire DNA from feces, coupled with new

methods that markedly enhance fecal sampling rates over

large

remote areas (15), makes this approach highly feasible for a diverse array of at-risk species.

Friday, March 09, 2007

TRAFFIC clarify the elephant sport hunting issue...

From a very early date, CITES has allowed trade in hunting trophies of

species listed in App. I (see Resolution Conf. 2.11 (Rev.). This is

based upon the belief that in some cases hunting can enhance the

survival of a species. For example, white rhino in South Africa, even

when they were on App. I were hunted and the species has made a recovery

and is now listed in App. II. This reasoning behind the acceptance of

sport hunted trophies from App. I species is obviously contentious, but

it has a longstanding history within CITES.

African elephants, since their inclusion in App. I in 1989, have continued to be sport hunted since that time. Indeed, Tanzania, who led

the fight to have all populations included in App. I, arguing

that they

suffered uncontrollable poaching and had nearly lost all of their older

males with large tusks. No sooner had the gavel come down on their

successful bid to put all elephant populations in App. I, the Tanzanians

then led a fight to ensure that it's quota for 100 sport hunted elephants was left in tact. They achieved both results at the same

meeting!

Thus, Zambia is a beneficiary of these developments. The process for

establishing quotas for African elephant trophies is found in the

section entitled 'Regarding quotas for and trade in raw ivory' in

Resolution Conf. 10.10 (Rev. CoP12). If Zambia is going to increase

their quota it will be under this procedure. You will see that under

paragraph d) the CITES Secretariat has some oversight responsibilities

and can, if there is cause for concern, not communicate the quota to the

Parties.

I therefore think that if civil society in Zambia wishes to question

the Zambian quota the best way forward is to submit relevant

information

and assessment to the CITES Secretariat to form the basis of concern and

further investigation.

I hope this clarifies the procedure. You should be able to access the

relevant CITES Resolutions on their website at www.cites.org

Tom Milliken

Thursday, March 15, 2007

Zambia tourism industry upholds elephant sport hunting position...

At a meeting on the 15 March 2007, the Tourism Council of Zambia (TCZ) upheld its previous resolution that all sport elephant hunting be banned in Zambia; one of its members, the Professional Hunters Association of Zambia, lending full support to the TCZ position. Despite this, and with a similar stand having been taken by the Natural Resources Consultative Forum of Zambia - a forum established by Government to advise it on the environment and natural resources, the Zambia Wildlife Authority and its parent body, the Ministry of Tourism, Environment and Natural Resources, oncemore made available 20 elephant for sport hunting in 2007; a quota it now intends increasing by offering the sport hunting of crop raiding elephant - something not allowed in the Statutory Instrument on Elephant

Sport Hunting, which specifically excludes crop raiders from sport hunting. Recently the Zambian Government requested that the US Fish and Wildlife Service allow the import to the United States of sport hunted ivory and other elephant trophies.

Zambia is currently in the throes of a massive assault on its elephant population, the continuation of a 34 year unchecked kill which, between 1994-2004 alone, saw 130 tonnes of ivory being handled by a single syndicate on its route through Malawi to the Far East. Recently, DNA analysis carried out by the University of Washington reveals that six tonnes of this syndicates ivory was taken mainly from Zambia, with the Zambezi and Luangwa Valleys being the main source - the area where the sport hunting permits are given effect. Recently ivory poachers, comprising officers of the Zambia Wildlife Authority and villagers have been apprehended or are under investigation for elephant poaching within a safari hunting concession in the Luangwa. Recently elephant, with their tusks and trunks removed, have been seen floating in the Luangwa and Kafue rivers.

This support for a ban to be placed on elephant sport hunting, and the evidence of the current crisis, makes clear that the Kenya/Mali position at the forthcoming CITES COP meeting in June will be carried, with many in conservation realizing that the sale of the South African, Namibian and Botswana ivory stocks to a corrupted and unregulated Far East market will place Africa's elephant in total jeopardy.

Saturday, March 17, 2007

DRAFT STATEMENT ON E.S.H BY THE S.L.C.S

DRAFT STATEMENT ON ELEPHANT SPORT HUNTING BY THE SOUTH LUANGWA CONSERVATION SOCIETY

The purpose of this document is a reaction to the recent proposals made by the

Zambian Wildlife Authority (ZAWA), to open up Elephant Sport Hunting (ESH) in

the country, reversing a ban that was placed on this activity in 1982. This statement

will seek to

- Prove that this decision is not based on sound wildlife management

principles.

- Suggest alternative methods of

- o Promoting elephant conservation.

- o Reducing Human/Elephant Conflict (HEC) and increasing the

benefits of elephant ownership to the local community.

- o Increasing revenue from the wildlife estate.

The Bush Telegraph

- [EIA Elephant poaching report. October, 2002 \(contains full details of ivory which came from the Luangwa valley\)](#)
- [Zambia Elephant Hunting Meeting. Jan, 2006](#)

Friday, March 30, 2007

Elephant killed near tourists in Zambia...

It was reported by a tourist lodge manager that two elephant were killed within a hundred yards of tourists in Zambia's Lower Zambezi National Park. Zambia Wildlife guards arrived, sprayed the area with gunfire and picked up two tusks which the poaching gang had been carrying

30 March 2007

Zambia's raiding elephant.... by Peter Nyalugwe



Peter Nyalugwe
270

In our Nyalugwe chiefdom in the Eastern Province of Zambia, our people suffer from animal attacks on people and from crop damage. Complaints being made are not attended to by the Zambia Wildlife Authority (ZAWA) wildlife officers and village scouts of our Community Resource Board. Elephants, wildpigs, baboons are the most notorious animals to crop damage. One day a baboon walked away with a 25 kg bag of mielie meal to the bush thinking that was maize whilst chasing the other flock of the mammals. This happened at the Kasolo streams in my brother's (Chief Nyalugwe) chiefdom. I witnessed this incident. During the 2006 and 2007 farming season none of the villagers had tasted a mango fruit because of the very notorious animals. Elephants again terrorized villagers from their granaries in search of food. There are two big bull which have brought havoc to the Nyalugwe community i.e. starting from the villges called Chamilala, Kasansamula, Nkondasoka, Kasolo gardens, Nylaugwe Palace, Kautukilo, Mzenje, Mankomba, Chilanga Gardens.

The community around the Nyalugwe Palace never sleep in their house, when the sun sets and a partial darkness i.e. around 1800 hrs the very elephants arrive then they sleep. This time the breating of drums and all sorts of irregular noise prevails i.e. chasing them away. Meanwhile ZAWA office of Nyimba sector have brought some bags of chilly for making buffer fences which another process of chasing them away from the community. A named resident of Mankhomba village was attacked (Astone Daka) around 0400 hrs whilst trying to sleep in his house thinking that the elephants have gone away which

resulted in drama situation of him and the wife came out in adam suit. The very animals abruptly damaged his house due to the maize smell in their house. The couple were assisted with their neighbours to dress themselves. Another incident happened at Miss Lineli Mumba of the next village named Mzenje was equally the same. On the same day of 18 March 2007. This matter was reported to ZAWA Nyimba sector but no action has taken place.

There is also the increase in the killing of elephant for ivory. From observations, this is caused by poverty, corruption, availability of illegal weapons and lack of enforcement resources. To this regard you will found a village scout going for patrol without a uniform , boots, and a bag. Carrying their rations . This has made no different with civilians or villagers. They carry with them weapons for controlling the situation. I appeal to the responsible authoritites to motivate scouts with full kit as proper officers on duty.

Meanwhile the office of the Vice President thorough the District Copmmissioner jof Nyimba district has assisted the community with some relief food i.e maize and wheat which being distributed by ADRA. Remember ZAWA doesn't compensate affected victims, even though it is their animals which damage our land and property.

An elephant bull was killed near the Chilinga reserve a few days ago by five villagers. ZAWA recovered some meat but the ivories have gone.

Saturday, March 31, 2007

Zambia's Elephant Sport Hunting Regulations

Tuesday, April 03, 2007

Zimbabwe: States to Hold Preparatory Meeting Ahead of Cites

The Herald (Harare)

April 2, 2007

Posted to the web April 2, 2007

Harare

ELEPHANT range states from southern Africa are holding a preparatory meeting on the Convention on International Trade in Endangered Species in Botswana next week. Botswana, South Africa, Namibia, Malawi, Zambia and Zimbabwe are expected to come up with a common position ahead of the proposal by Kenya and Mali to ban all trade in elephant products. If adopted, the proposal would seriously affect hunting in Botswana, South Africa, Namibia and Zimbabwe. A Zimbabwean delegation headed by Secretary for Environment and Tourism Mrs Margaret Sangarwe will present its submissions on the wildlife hunting situation in the country. "The main focus will be on elephant hunting and the effects this proposal will have on the sector if it sails through during the Cites meeting," Mrs Sangarwe said.

April 2007

More from the ele killings fields of Zambia...

Last week ten people were arrested at the Luangwa Bridge as they attempted to smuggle elephant meat and four tusks through to Lusaka on a lorry. Alerted by a Nyalugwe Community Resource Board member, in whose country the two elephant were poached, paramilitary arrested the group, delivered some impromptu corporal punishment, then released - for reasons unknown, the driver and the lorry, and sent the poachers to Nyimba town jail. Two sporting rifles (.375 and 30.06), a shotgun and a muzzle loader were confiscated. The poaching group are from the hamlet of Lukwipa, forty miles East of the Luangwa bridge, a roadside village notorious for its game meat market; two of the members are prominent citizens in the village, one a schoolmaster, the other the dispensary assistant. This continuing onslaught on our elephant is having the unfortunate effect of forcing them to take refuge around villages, attacking grain bins, huts and villagers.

Reports have also been received of an attack by poachers on personnel looking after a safari lodge at Mushika in the Lower Zambezi National Park; and in the adjoining Rufunsa Game Management Area a wildlife officer recently poached a kudu, calling in his friends on his cell phone.

Saturday, April 07, 2007

Another two elephant killed in West Petauke GMA of Zambia...

The Natural Resources Chairman of the Luembe Community Resource Board reports today that a gang of elephant poachers were arrested by the Nyimba ZAWA Unit a few days ago in the West Petauke Game Management Area, and two pairs of tusks and meat confiscated. Three more poachers are therefore in the Nyimba jail awaiting trial. Community investigations continue into the role of the Nyimba ZAWA Unit and ZAWA and village guards in the current wave of elephant slaughter. ZAWA HQ have yet to report on progress in this regard, although they promised to do so.

7 April 2007

Zambia Wildlife Authority Elephant Policy...

Elephant management strategies

The strategies recognize the elephant's economic potential at local and national levels in terms of creation of employment and income generation, through consumptive and non-consumptive uses. It should be noted therefore, that in this context, elephants have an incomparable economic potential than all the other species of wildlife currently being utilized in Zambia (save for the black rhino). It also has the potential to out compete several other land use options, given a level playing field.

In order for Government to realize maximum economic potential from the elephant, it is critical that species protection through effective management and cooperation with local communities are enhanced. This requires a succinct policy and subsidiary legislation to support management strategies. This initiative, therefore, constitutes the first effort to develop specific guidelines on how elephant will be managed in Zambia and is being issued for four main reasons as follows:

That the Government of the Republic of Zambia considers elephant as an economic asset in terms of non-consumptive and consumptive tourism, but has not been given due prominence in the past so that it can compete with other land use options; Proper management of the species is critical so that it realizes its full potential to generate significant income for the nation and local community in particular; Proper ivory management system will enable government to dispose of the ivory stockpile to raise forex for the nation and income for ZAWA and local communities who often lose their crops to elephants; As a keystone species in the environment and critical to the maintenance of biodiversity

The summation of the above issues and problems have raised national debate and present new challenges that must be addressed continuously.

Tuesday, April 17, 2007

Investing in elephant futures

(Originally published in The Observer some ten years ago)

Should Africa's elephants be harvested for their ivory, or should they be left to live their lives in peace? The question is nothing like so simple as at first it may seem. One issue that seems to have been overlooked in debates on the ethics of international trade in ivory is the basic biology of the elephant. Because of the rate at which elephants' tusks grow, it may make economic sense for dealers not to buy ivory today, but to invest in "elephant futures" and thus conserve the great beasts of Africa.

Everyone who loves animals would like the elephants to be left "in peace". But it is clear, first of all, that populations of elephants, left to themselves, swell and collapse like those of lemmings - albeit on a timescale of decades or centuries. When elephants had the entire continent to roam in, then fair enough: such space could absorb the enormous ecological shock of their peaks and troughs. But, if they are confined to national parks, as they are now, then they are bound to run into ecological disaster unless their numbers are regulated. So if we care about the elephants' long-term survival we have to be prepared to cull them. And if they have to be culled anyway, then why not take their tusks to pay local people to maintain the parks? Local people are important: and all wildlife is doomed - probably - unless local people acquiesce in its protection.

Others point out, again with justice, that if there is a legitimate trade in ivory based on elephants culled systematically (from parks) then an illegitimate trade could ride on its back: based

on poached elephants. Africa's elephants have declined from an estimated 1.2 million at the end of the 1970s to 600,000 by the end of the 1980s, and 80 percent of the ivory that has appeared on the market in the past decade has been poached. The only way to cut out the poaching is to eliminate the ivory trade altogether. It was this argument that recently prompted the Kenyan government to order a vast cache of tusks to be burnt. Some people just feel a general disgust for the trade. Dr John Leger, a South African conservationist, said: "Ivory belongs in the same league as ashtrays made from the hands of gorillas."

On purely rational grounds, it seems impossible to choose between the two strategies. Any decision seems bound to be based either on guesswork or on simple emotion; and although emotion is a *sine qua non*, it should not be the sole guide to action.

Yet there is a possible compromise. It derives from work at Dr John Beddington's Renewable Resources Assessment Department at Imperial College, London. For it could be in everybody's interests, when harvesting ivory, simply to let the animals die of old age and to take tusks only from animals that have died a natural death. It should pay the harvesters of ivory assiduously to protect tuskers throughout their lives, and to ensure that they live as long as possible. Then, when the animal finally dies (after a peaceful life), the financial reward would be enormous. Thus, the demands of commerce and of humanitarianism would be reconciled.

This notion is based on the biology of the elephant. Most of

an animal's physical attributes - its ears, its liver, and its brain - reach a certain size as it matures, and then stop growing. They may even shrink in old age. But the teeth of some animals continue to grow throughout life, and so it is with elephants' tusks.

Furthermore, the growth of elephants' tusks is exponential." Exponential" does not mean "fast", as the sub-editors of *The Economist* apparently suppose. It means that the rate of growth increases as time passes. Thus a 30-year old, and the 50-year old's might be twice as big as the 40-year old's. The bull that ran its biblical span of threescore years and ten should be marvellously endowed.

The argument also works the other way round. Suppose, for example, that you decide the first year to harvest a certain weight of ivory from a particular elephant population. You do this, sensibly enough, by killing the elephants with the largest tusks. But if you decide the following year to harvest the same amount again - having established a market in the first year to harvest the same amount again - having established a market in the first year - then you will find that you have to kill more elephants than you killed the first year, because those that are left have smaller tusks. The following year the position will be worse, because those that are left will have much smaller tusks. Such a harvesting policy - taking more and more animals, of younger and younger age, each year - sounds insane. Nevertheless, says Dr Beddington, this is precisely what has been happening among many African herds, which is why the decline is not only continuing, but accelerating.

Suppose now, though, that you are a Japanese dealer in ivory (it is, after all, the Japanese who account for most of the trade). You could simply arrange with your African contacts to go and kill elephants. But if you were astute, you would realise that if you waited a year, or five, or 10, you could harvest enormously more than if you struck immediately. It could pay you, in fact, not to buy ivory, but to buy futures in ivory. Of course you have to make a living in the meantime. But as the growth rate of the ivory is exponential, and the interest rate on borrowed money is not, it could well pay you, even in naive cash terms, to borrow money for the immediate protection of the elephants - provided only that you are guaranteed to take possession of the tusks eventually. And again, because the rate of growth of the ivory is exponential, this waiting strategy would become more and more attractive with each passing year. It would pay you, indeed, to keep it up until the friendly animal finally keeled over, a happy and fulfilled septuagenarian.

Such a strategy would raise new problems. Big old animals are obstructive: it would put an enormous strain on parks (and on fellow elephants), if all the old males were encouraged to stay on. But when they are old they are largely solitary; and it would not be inhumane to keep them apart corrals. The younger herd of the forest would then be regarded (by the commercial dealers) as seed corn for the future. Of course, the argument that a legitimate trade would open the door for an illegitimate trade would still apply. However, if the ivory trade was run on these rational lines, and if the price of ivory was maintained, there would be so much money in the business that it would profit the traders to pay today's poachers to act as guardians; and there is no finer gamekeeper than an erstwhile poacher.

John Beddington's general aim at Imperial is to "found workable technologies upon sound ecological principles". Here is one possibility.

Colin Tudge presents BBC radio's science programme, "Spectrum". He is writing a book on animal conservation, "Last Animals at the Zoo", to be published by Century Hutchinson.

Wednesday, April 25, 2007

Environmental Investigation Agency says...

Campaign Update: 05 April 2007

THE ELEPHANT DEBATE AT COP14: THE NEED TO THINK BIG

As the elephant debate heats up for COP14 and the one-off ivory sales loom, levels of illegal ivory trade continue to rise, prompting new calls for the adoption of an holistic approach to elephant conservation and ivory trade

In June 2007, the 14th meeting of the Conference of the Parties (COP14) to CITES (Conference on the International Trade in Endangered Species) takes place in The Hague, the Netherlands. The meeting promises to be wrought with contention over the ivory trade issue, as Botswana, Namibia and South Africa seek the final go-ahead to sell their ivory stockpiles to CITES-approved trading partners. In addition, all three countries have submitted new proposals in a bid to further relax current

restrictions on international trade in ivory and other elephant products.

At present, only Japan has been approved as a designated buyer, subject to the provision of a satisfactory progress report on the implementation of their domestic ivory trade controls at the next CITES Standing Committee meeting. This takes place immediately prior to COP. The only other outstanding condition of the ivory stockpile sales related to the submission of MIKE (Monitoring the Illegal Killing of Elephants) data from a number of Asian sites. This was reportedly submitted at the end of 2006, making it extremely likely that the sales will be given the go ahead at the forthcoming meeting.

China is also seeking approval as a designated buyer and, although the CITES Secretariat highly commended China's new domestic trade laws in 2005, they have so far refrained from recommending them as a trading partner. China is lobbying hard for this decision to be overturned, anxious not to be excluded from the imminent sales.

All this is taking place against a backdrop of a steady increase in global levels of illegal ivory trade. According to EIA's records, since the last COP in October 2004, over 32 tonnes of ivory has been seized in more than 150 incidents worldwide, representing in excess of 5,000 poached elephants. Of these, the vast majority have been intercepted en route to South East Asia, where market demand for ivory continues to flourish. A recent report by Professor Samuel Wasser of the University of Washington in Seattle states that between August 2005 and the same month in 2006, over 23 tonnes was seized alone.

Enforcement agencies typically put the percentage of ivory seized over that which goes undetected at between 10-20%, which means that the true number of elephant being poached is far greater.

A second emerging and equally alarming trend relates to the increase in the quantities of ivory being seized in individual incidents. Since 2005, there have been at least seven seizures of between 1.8 and 6 tonnes of ivory (listed below). Not only does this indicate the existence of significant black markets in South East Asia, including China and Japan, it also implies the presence of sophisticated and well-resourced criminal networks, responsible for procuring, trafficking and – in many cases - laundering the illegal ivory onto legal markets. Demand for ivory in South East Asia is increasing, with a kilogram reportedly now fetching up to USD \$750 in China. Clearly, ivory trafficking is a highly profitable business and, given the current low detection rates and lack of enforcement, the incentive to stop is virtually non-existent.

Large seizures since 2005

September 2005: 6,000kg of ivory seized in the Philippines on a shipping container reportedly originating from Zambia; the vessel had departed from Tanzania

May 2006: 1,800kg seized in China

May 2006: 3,900kg intercepted in Hong Kong SAR on board a ship from Cameroon

May 2006: 4,000kg confiscated in Zimbabwe, allegedly destined for China

August 2006: 2,800kg seized in Japan on board a ship from

Malaysia

July 2006: 3,060kg intercepted in Taiwan, originating from Tanzania

July 2006: 2,158kg confiscated in Taiwan, again originating from Tanzania

EIA believes that the forthcoming ivory sales only threaten to exacerbate the current negative situation. Botswana, Namibia and South Africa were granted permission to sell their ivory stockpiles (20, 10 and 30 tonnes respectively) in 2002 having demonstrated to the satisfaction of the CITES parties that their elephant populations are healthy and well protected. According to the data provided, elephant numbers in these countries have grown dramatically in recent years, so much so that Botswana and South Africa have recently mooted the possibility of reintroducing culling as a means to control population levels.

However, it is clear from the increasing reports of poaching and ivory seizures that the international illegal trade continues to pose a serious threat to elephants worldwide. This is particularly true of those occurring in countries other than Botswana, Namibia and South Africa, which are often poorly resourced and unable to provide the necessary levels of protection. For example, the forest elephants of Central and Western Africa are currently being hit hard by poaching, as once remote areas of habitat are progressively opened up to logging and road-building activities. The limited availability of data makes the full impact of this trend difficult to quantify, but a new report by Steven Blake et al (available at www.biologyosjournals.org/perlserv/?request=getdocument&doi=10.1371/journal.pbio.0050111) succinctly illus-

trates the precarious situation faced by such forest dwelling pachyderms.

The current situation suggests the need for a holistic, pan-African and long-term approach to elephant conservation and the ivory trade issue, rather than one which focuses on the status of distinct national populations (elephants are migratory animals so, apart from those living in fenced wildlife areas, frequently transgress international boundaries anyway). Such an approach is reflected in the proposal submitted by Kenya and Mali to COP14. This calls for a 20-year moratorium on all ivory trade in order to allow sufficient time to assess any impacts of the forthcoming sales, particularly in terms of poaching and illegal trade. Needless to say, their proposal will be vehemently opposed by the pro-trade lobby, and may even be perceived as too 'extreme' by some of the more moderate parties, including the EU. In addition, the CITES Secretariat has already stated that a 20-year ban would be impossible to guarantee, as parties are permitted to submit amendments to proposals at any time.

Nonetheless, what is certain is that current international trade regulations and global enforcement capacity is not enough to deter illegal traders and prevent thousands of elephants from being killed every year to feed the increasing market demand for ivory. And this demand is only likely to be stimulated further by the forthcoming sales, placing an added strain on the already limited resources of those countries struggling hardest to protect their elephants from the poacher's gun.

EIA will be attending COP14 in June in order to lobby against any further relaxation of the ivory trade ban. Look out for

further updates on the website nearer the time.

Wednesday, May 02, 2007

SADC does not support ban on ivory trade

With environmental degradation threatening international peace, food security and over all economic development, southern African ministers met in a bid to thrash out remedial measures. Southern African Development Community (SADC) acting executive secretary Toao Caholo said in Gaborone that the region had no choice but to face the issues head on. Speaking at the first meeting of the SADC ad hoc committee of ministers responsible for the environment and sustainable development held at Boipuso Hall over the weekend, Caholo said there was pressure on the environment manifested in the form of land degradation, global, water contamination and other forms of environmental problems. He said 50 percent of the Gross Domestic Product (GDP) in the region was derived from primary products, which included fisheries, forestry, wildlife, mining and agriculture. He said these had sustained the region for generations but with an estimated 230 million people there had been a rise in demands and services. He said SADC proponents saw regional integration and cooperation on the environment and natural resources as part of a solution to the problems. He said they needed to collaborate in managing the environment and embrace the Transfrontier Conservation Areas (TFCAs) approach.

Delegates at the meeting unanimously urged SADC member

states to support the proposals from the region on sustainable utilisation of elephants and products during the upcoming Convention on the International Trade In Endangered Species (CITES) meeting. They called on the region to oppose the counter proposal of Kenya and Mali for a 20-year ban on trade in live elephants and elephant products. They said member states should oppose the proposal by Kenya to repeal the annual hunting quotas for black rhinos allocated to Namibia and South Africa during the previous CITES meeting. Ministers also endorsed the SADC Elephant Conservation and Management Strategy as a tool for supporting the conservation and utilisation of elephant populations.

Ministers and officials attending the meeting came from Angola, host country Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Zambia and Zimbabwe. The meeting was partly meant to monitor progress and provide direction on SADC's environmental and sustainable development issues.

Thursday, May 10, 2007

TRAFFIC RECOMMENDATIONS ON PROPOSALS TO AMEND THE APPENDICES TO CITES AT THE 14TH MEETING OF THE CONFERENCE OF THE PARTIES (COP14)

CoP14 Prop. 4 [Botswana, Namibia] Maintenance of the populations of African Elephant *Loxodonta africana* of Botswana, Namibia, South Africa and Zimbabwe in Appendix, with the replacement of all existing annotations

with the following annotation:

“1) The establishment of annual export quotas for trade in raw ivory is determined in accordance with Resolution Conf. 10.10 (Rev. CoP12);

2) Trade in raw ivory is restricted to trading partners that have been certified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev.CoP12) concerning manufacturing and trade; and

3) The proceeds of the trade in raw ivory are to be used exclusively for elephant conservation and community development programmes.”

1 Recommendation

This Proposal seeks to replace the current annotation governing trade in specimens of the four African Elephant populations currently listed in Appendix II and seeks to establish annual commercial quotas for trade in raw ivory subject to certain conditions. However, the Proposal fails to address the guidelines in Resolution Conf. 11.21 (Rev. CoP13) which state: “for species

transferred from Appendix I to II subject to an annotation that specifies the types of specimen included in the Appendix, specimens that are not specifically included in the annotation shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly". As a result, it appears that the effect of this Proposal, if accepted, would be that other elephant specimens—including those currently

eligible for trade—would be regarded as specimens of species included in Appendix I. Amending the Proposal to resolve this apparent impact would constitute an expansion of the scope, something disallowed under the CoP Rules of Procedure.

It is premature to establish annual commercial export quotas for raw ivory, as called for in Resolution Conf. 10.10, since the MIKE (Monitoring Illegal Killing of Elephants – one of the CITES elephant monitoring systems) baseline has not yet been established. This was a key condition envisaged by the Parties when a one-off sale for specimens from three

elephant populations in Appendix II at CoP12 was agreed in 2002. Further analysis of ivory seizure data in ETIS (Elephant Trade Information System – the other CITES monitoring system) will, for the third time, demonstrate an increasing trend in illicit trade in ivory since the mid-1990s. This trend is most directly correlated to unregulated

domestic ivory markets and, so far, the CITES action plan to curtail such markets in Africa appears to have failed to achieve any significant positive results so far.

REJECT

CoP14 Prop. 5 [Botswana] Amendment of the annotation to the population of African Elephant *Loxodonta africana* of Botswana to read as follows:

"For the exclusive purpose of allowing in the case of the

population of Botswana:

- 1) trade in hunting trophies for non-commercial purposes;
- 2) trade in hides for commercial purposes;
- 3) trade in leather goods for commercial purposes;
- 4) trade in live animals for commercial purposes to appropriate and acceptable destinations (and as determined by the national legislation of the country of import);

- 5) trade annually in registered stocks of raw ivory (whole tusks and pieces of not more than 8 tonnes) of Botswana origin owned by the Government of Botswana for commercial purposes only with trading partners that have been certified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning manufacturing and trade; and

- 6) trade in registered stocks of raw ivory (whole tusks and pieces of not more than 40 tonnes) of Botswana origin owned by the Government for commercial purposes on a one-off sale immediately after the adoption of the Proposal. Botswana

will trade only with trading partners that have been certified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with the requirements of Resolution Conf. 10.10 (Rev. CoP12)

concerning manufacturing and trade.”

Recommendation

Botswana has at least a quarter of Africa's elephant population, and an impressive conservation record. This Proposal

does not seek to change the current inclusion of Botswana's elephant population in Appendix II with respect to hunting

trophies and trade in hides, but does seek to expand the scope of trade in leather goods and live animals to allow transactions for commercial purposes, introduce annual quotas for raw ivory (in line with the requirements of Resolution Conf. 10.10 (Rev. CoP12)) and provide for another one-off conditional sale of not more than 40 tonnes of stockpiled raw ivory. Trade in elephant hides and leather items is essentially a by-product of management action and sport hunting, and there is no evidence to suggest that such trade drives the illegal killing of elephants. There is therefore no reason to oppose trade in leather goods for commercial purposes. Trade in live animals is not a threat to the Botswana population, nor to the species as a whole, but there are wider conservation concerns which need to be taken into consideration. Given recent research developments on elephant genetics and taxonomy, including the possibility of recognizing two or more elephant species in Africa, the IUCN/SSC African Elephant Specialist Group has agreed guidelines for governing the

translocation of elephants within their historical range to prevent genetic mixing and achieve long-term genetic viability. Clarification is needed as to whether Botswana intends to follow such guidelines in future transactions of live animals.

The establishment of annual export quotas for raw ivory is premature before a MIKE baseline is established and whilst the ETIS analysis shows an escalating illegal ivory trade. However, an extension to the previously agreed conditional 2 one-off sale of a specified volume of recently stockpiled raw ivory from legal sources would not present a significant

risk provided such ivory was incorporated into the still-

pending one-off sale agreed at CoP12.

ACCEPT, if the proponent:

- withdraws the request for an annual quota of raw ivory;
- specifies that any trade in live animals will be carried out with due regard to available international conservation guidelines on translocation of African Elephants

- commits to undertaking the additional one-off sale of raw ivory in conjunction with the sale agreed at CoP12. CoP14 Prop. 6 [Kenya, Mali] Amendment of the annotation regarding the populations of African Elephant

Loxodonta africana of Botswana, Namibia and South Africa to:

a) include the following provision:

“No trade in raw or worked ivory shall be permitted for a period of 20 years except for:

1) raw ivory exported as hunting trophies for non-commercial purposes; and

2) ivory exported pursuant to the conditional sale of registered government-owned ivory stocks agreed at the 12th meeting of the Conference of the Parties”; and

b) remove the following provision:

“6) trade in individually marked and certified ekipas incorporated in finished jewellery for non-commercial purposes for Namibia.”

B. Amendment of the annotation regarding the population of Zimbabwe to read:

“For the exclusive purpose of allowing:

1) export of live animals to appropriate and acceptable destinations;

2) export of hides; and

3) export of leather goods for non-commercial purposes.

All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.

No trade in raw or worked ivory shall be permitted for a period of 20 years.

To ensure that where a) destinations for live animals are to be appropriate and acceptable and/or b) the purpose of the import is to be non-commercial, export permits and re-export certificates may be issued only after the issuing Management Authority has received, from the Management Authority of the State of import, a certification to the effect that: in case a), in analogy to Article III, paragraph 3 (b) of the Convention, the holding facility has been reviewed by the competent Scientific Authority, and the proposed recipient has been found to be suitably equipped to house and care for the animals; and/or in case b), in analogy to Article III, paragraph 3 (c), the Management Authority is satisfied that the specimens will not be used for primarily commercial purposes.”

Recommendation

This Proposal by Kenya and Mali aims to introduce a 20-year moratorium on trade in raw or worked ivory from the four countries whose elephant populations are currently listed in Appendix II, with exceptions for the CoP12-approved one off sale of raw ivory from Botswana, Namibia and South Africa (as well as hunting trophies from those three countries, but not Zimbabwe). The Proposal also aims to repeal part of the current annotation which permits Namibia to export ekipas (a type of traditional ivory carving) and Zimbabwe to export worked ivory products for non-commercial purposes. The Convention permits any Party to propose amendments to the Appendices, enabling Parties to respond to changing situations, hence

TRAFFIC considers it neither appropriate nor legally tenable to limit the rights of Parties to submit Proposals at subsequent meetings of the Conference of the Parties. Furthermore, the Proposal would result in more stringent conditions being applied to elephant populations that do not meet the conditions for inclusion in Appendix I than for those elephant populations that are presumably of higher conservation concern and listed in Appendix I.

REJECT

CoP14 Prop. 7 [United Republic of Tanzania] Transfer of the population of African Elephant *Loxodonta africana* of the United Republic of Tanzania from Appendix I to Appendix II with an annotation that reads as follows: "For the exclusive purpose of allowing:

1) trade in registered stocks of raw ivory in whole tusks and pieces;

2) trade in live specimens for non-commercial purposes to appropriate and acceptable destinations; and

3) trade in hunting trophies for non-commercial purposes."

Outcome: Proposal has been withdrawn

Saturday, May 12, 2007

Organized crime fuels illegal ivory surge in Africa

10 May 2007

Gland, Switzerland – Asian-run organized crime syndicates based in Africa are being implicated in the increase in illegal trade in elephant ivory, according to a new study by TRAFFIC,

the wildlife trade monitoring network of WWF and IUCN-The World Conservation Union.

The study identified the Democratic Republic of the Congo, Cameroon and Nigeria as the three nations most heavily implicated as the sources of ivory in this illegal trade.

TRAFFIC's report is based on an analysis of almost 12,400 ivory seizure cases from 82 countries recorded since 1989 in the Elephant Trade Information System (ETIS) — the world's largest database of elephant product seizure records.

"With myriad conflict zones, Central Africa is currently hemorrhaging ivory, and these three countries are major conduits for trafficking illicit ivory from the region to international markets, particularly in Asia," says Tom Milliken, Director of TRAFFIC's Africa programme and the principal author of the study.

The illicit trade is directly correlated to the presence of large-scale, poorly regulated domestic ivory markets in parts of Africa and Asia. These markets are in direct contravention of decisions adopted by Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), aimed at prohibiting unregulated domestic sale of ivory.

"Four years ago, CITES drew up an action plan for tackling these domestic ivory markets, but so far, it appears to have had little impact," says Milliken.

One exception is Ethiopia, which has effectively clamped down on its domestic ivory market by implementing the plan.

“Ethiopia has set a fine example for other countries to emulate,” says Dr Susan Lieberman, Director WWF’s Global Species Programme. “It shows what other countries could do if only they had the political will to do it.”

Markets in China create a high demand for illicit ivory, which arrives either directly or through ports such as Hong Kong, Macao and Taiwan. Japan and Thailand are also important final destinations, whereas the Philippines mainly acts as a transit country linked to the major importers. Together, these seven countries and territories account for 62 per cent of the ivory recovered in the 49 largest seizure cases recorded by ETIS.

World-wide, the number of ivory seizures averages 92 cases a month, or three per day. Large-scale ivory seizures (of 1 tonne or more) have increased both in number and in size in recent years — from 17 between 1989 and 1997 to 32 between 1998 and 2006.

“This demonstrates greater sophistication, organization and finance behind the illegal movement of ever larger volumes of ivory from Africa to Asia,” says Dr Lieberman. “This is clearly a negative consequence of the ongoing globalization of African markets and economies.”

There has been significant improvement in law enforcement efforts and policing of local markets in mainland China, but ETIS records show that Chinese citizens have been arrested, detained or absconded in at least 126 significant ivory seizure cases in 22 African elephant range states.

“It is imperative that China reaches out to the growing Chinese communities in Africa with a clear message that involvement in illegal ivory trade will not be tolerated,” adds Milliken.

END NOTES:

- The establishment of ETIS was mandated under CITES in 1997 to monitor illicit trade in ivory and to assess whether any limited resumption of ivory trade would have negative impacts on elephant populations. Since its inception, ETIS has received funding from the UK Department of Environment, Food and Rural Affairs (DEFRA), the United States Fish and Wildlife Service (USFWS), the World Wide Fund for Nature (WWF), the CITES Secretariat and the European Union.
- The analysis was carried out with the assistance of the Statistical Services Centre of the University of Reading, UK.
- The TRAFFIC report will be a formal agenda item at the upcoming meeting of CITES Parties in the Hague, Netherlands, from 3–15 June 2007.
- Between 1989 and 1997, all elephant populations were listed in Appendix I of CITES, which imposed a global ban on international commercial trade in elephant products. Subsequently, CITES Parties have twice approved limited, conditional one-off sales of ivory from four southern African countries (South Africa, Namibia, Botswana and Zimbabwe) whose elephant populations have been transferred to Appendix II.

For further information:

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12 May 2007

Zambia denies it has proposed sale of its ivory

Zambia Friday denied that it has submitted a proposal to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) for the sale of its ivory. Director general Lewis Saiwana of the Zambia Wildlife Authority (ZAWA) described as a misrepresentation the reports that it has submitted the proposal. He told a press briefing in Lusaka that his country has however supported the proposals by other countries in the region to benefit from the wildlife. He said Zambia's support is in line with the country's intention to offload its 28 tons of government-owned ivory stockpiles, which is in ZAWA custody.

Recently Namibia and Botswana submitted a proposal to the 14th conference of parties to CITES to take place next month requesting for an amendment to the conditional sales

to include other activities that will benefit conservation and rural livelihood. Saiwana said Zambian government's intention has nothing to do with the killing of elephants for the sake of obtaining ivory for sale. However, the ZAWA official said Zambia would place a notification to sale its ivory during the next CITES conference to be held in 2010.

Currently the country has a stockpile of 28 tons of ivory owned by the government and which came from elephants that either died naturally or were killed after they killed people, he said. The ZAWA director general said Zambia has a big role to play as the regional representative and as a party to the CITES. Saiwana said wildlife resources when used sustainably can add economic value of the nation and to the conservation efforts of the same wildlife resources. He said those countries with good management strategies should be rewarded and not punished for the weakness of others. Zambia has a population of 25,000 elephants, Zimbabwe about 100, 000, Botswana 108,000 elephants. "Southern Africa should be rewarded for the healthy populations of the African elephants coupled with good conservation ethics hence the outcry for a chance to accord an opportunity to benefit from the resources they are conserving," he said.

Source: Xinhua

Friday, June 15, 2007

AT LAST; GOOD NEWS OUT OF AFRICA!

GLOBAL IVORY TRADE SUSPENSION APPROVED

IS THE FUTURE SECURE FOR AFRICA'S BELEAGUED
PACHYDERMS?

THE HAGUE, The Netherlands, June 14, 2007 —/WORLD-WIRE/— Government delegates today approved a compromise document to deal with the highly contentious continent-wide debate over the future of elephant conservation and the international sale of elephant ivory. After two weeks of intense deliberations, closed-door meetings, and Ministerial interventions, Parties accepted a plan to allow sale of current ivory stockpiles from Botswana, Namibia, South Africa, and Zimbabwe, while instituting a moratorium on further ivory trade for a period not less than nine years following the sale.

“The message must be heard across the planet today—by ivory poachers and profiteers alike—that CITES decision-makers have tired of the divisive debate over elephant ivory,” said Will Travers, CEO of the Born Free Foundation and Chairman of the Species Survival Network. “Although we’re surely disappointed that the controversial stockpile sales have been allowed, we are thrilled that the Parties listened to the dozens of African elephant Range States, united under Kenya’s and Mali’s strong leadership, and have finally agreed to an ivory trade moratorium.”

The deal, struck in middle of the night Wednesday, opens a new chapter in the ongoing, decades-long ivory debate under

the Convention on International Trade in Endangered Species (CITES). The ivory trade ban, which achieved such significant improvements in the security of elephants in the early 1990's has been the subject of sustained, deliberate long-term erosion for the last decade. Travers, commenting on the discussions, said, "Negotiations have been protracted and relentless and, while both sides can claim success, the acid test will be the impact on Africa's most fragile elephant populations."

Notwithstanding the efforts of various African Elephant Range State Dialogue Meetings to reach consensus, the debate thus far has divided Africa with a small number of the most highly developed African elephant Range States strongly arguing for relaxations in the trade ban, and a large number of under-resourced African elephant Range States with vulnerable elephant populations arguing for sensible continent-wide conservation programs.

Parties have broadly agreed since 1997 to maintain the global prohibition on a continuous legal ivory trade, yet have relented under significant pressure to allow limited sales from verified ivory stockpiles. Members of the Species Survival Network, however, expressed continued concern over these stockpile sales, as it is hard to say exactly what the cumulative impact of the approved trade has been and will be on elephants.

Mary Rice of the Environmental Investigation Agency asked, "Will the stockpile sales approved at this COP be a green light to the poaching community and organized crime, or will the resting period truly deliver to Africa's elephants an era of stability and security and increased wildlife law enforcement?"

However, it remains unclear as to what the “resting period” will mean in reality over these nine years. The compromise document states there will be no consideration of proposals for trade from countries with elephant populations already on Appendix II of the Convention. This, therefore, only applies to Botswana, Namibia, South Africa and Zimbabwe. SSN wonders whether this means that any of the other 30 or more African countries with elephants can continue to apply to have their population downlisted to Appendix II and submit ivory trade proposals.

“Sadly,” Travers concluded, “I have a sinking feeling that we shall still be debating ivory trade proposals throughout the resting period—despite what I believe to be the intention of Parties that this should not be the case. However, we hope that the countries with elephants still on Appendix I will respect the spirit of the decision taken today by the Parties and resist the temptation to seek ivory trade.”

The SSN and its members nevertheless will continue their commitment to respond positively to the needs of African Elephant Range States and the elephant conservation challenges they face. It must be hoped that the resting period, so many have worked so hard to achieve, is full of elephant conservation action to the benefit of real conservation.

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Saturday, June 16, 2007

A Trojan Horse...

Happy Faces all around the Conference Center

The International Fund for Animal Welfare's Lynn Levine is on the ground at CITES in the Hague...she filed this story about the situation in committee with elephants yesterday...

June 14 - E-Day

At the end of the day yesterday, the African elephant range states met once again to try and hammer out an agreement. Later in the evening, a representative from Chad flew in and deliberations continued well into the night (some have heard up until the morning). From these meetings, a new proposal, jointly submitted by Chad and Zambia (!) incorporating a significant amount of the philosophy of the pro-conservation range states, emerged. The accord calls for a nine-year suspension of all trade in ivory. It also states that there will be no discussions on ivory trade until the nine-year period has ended. Another element that proponents of the original Kenya and Mali proposal were pushing for was cross-border cooperation among all range states plus an African Elephant Action Plan. The concession for gaining this suspension was the release of additional stockpiles from South Africa, Namibia, Zimbabwe and Botswana, but only ivory which was already part of the officially registered government stockpile by January 31, 2007.

The quantities are somewhat unclear: several African delegates have stated that these additional stockpiles total around 70 tonnes, but the Secretariat announced in its press conference earlier today that it was more than double. Such a higher number than expecting could be worrying, but everyone is still feeling positive that 1) all four of these countries wanting to dump their stockpiles must pass CITES scrutiny before the clock starts ticking on the nine years, so the resting period could actually be much more than just the stated nine years and 2) this is a great day for both the elephants and the African countries that support conservation efforts on their behalf.

Everyone here is not surprisingly, exhausted. Still, we're off to celebrate!

Lynn

Sunday, June 17, 2007

The CITES ivory quid pro quo...

While it is good news that official ivory trading was banned at CITES COP 14 for nine years, to hear that the quid pro quo for this was to allow Zimbabwe, Botswana, Namibia and South Africa to sell all their ivory registered before 31 January of this year, an amount unknown to CITES, is not good news; for it might, as was suggested at COP 14, be double the 70 tons which these countries had first applied to export. No one can control and regulate the ivory business in Japan and the flow of illegal ivory will join the legal. I predict that our hippo and elephant

populations will, in some areas, now face eradication in the short term. From the field in Zambia, I can report a massive assault on our elephant and hippo; and elephant sport hunting of 20 bulls a year is allowed here, recently accounting for a 72 pounder, an animal of massive value to our tourist industry. Government intend increasing this number, as well as allowing the annual 150 or so animals shot on crop protection to be taken instead by sport hunters. All efforts to stop this have failed.

The only way we are going to see matters improve is if conservation and development money goes directly to villagers who share the elephant range. In some of these areas are trusts and associations which can care for the funds and see that it is not stolen. We need to support village schools, clinics and conservation agriculture as a start to encourage villagers to the view that destroying their wildlife resources will only make them poorer and more dependent on food aid. We need to make a direct connection between the conservation of elephant and hippo and development assistance. We need to prosecute the poachers. We need villagers to take responsibility for their land and natural resources.

Inquiries on conservation trusts, which are responsibly managed, may be addressed to gamefields@zamnet.zm

Thursday, June 28, 2007

PR man for Zambia Ministry of Tourism issues statement of dubious ecological clarity...

Five Southern African Development Community (SADC) countries have struck a nine-year waiver deal for a one-off sale of ivory, ZANIS reported on Sunday. This follows successful negotiations for the sale of ivory at the just ended 14th Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in the Hague, Netherlands. Bwalya Nondo, spokesman for Zambia's Ministry of Tourism, Environment and Natural Resources, said in a statement that the decision to sell ivory was in view of the ecological need to strike a balance between animal conservation and protection of the environment. "Zambia's desire to offload ivory on the market is keeping with the need not to threaten the carrying capacity of the environment against a growing population of elephants," he said. He said international ivory trade was an important source of revenue to support conservation and promotion of rural livelihood. He explained that Zambia and other SADC countries where elephant populations have already run beyond the CITES qualification for conditional international ivory trade pressed hard to amend the current trade ban in endangered animals. Other SADC countries that joined Zambia in negotiating for the sale of ivory are Botswana, Namibia, South Africa and Zimbabwe. Zambia became a signatory to CITES in 1980.

Source: Xinhua

Friday, June 29, 2007

Nyilaugwe game scouts caught poaching in the Lower Zambezi National Park...

The Nyalugwe Community Resource Board reports that some of their scouts were recently apprehended poaching in the Zambezi National Park by ZAWA Wildlife Police Officers . When questioned they reportedly said they had been sent there to obtain meat by the ZAWA Sector i/c, Collins Chibeka, based in Nyimba. Recently Chibeka organized a poaching foray by ZAWA WPOs and village scouts in the West Petauke GMA (see www.zambiaeletimes.blogspot.com). He and other ZAWA WPOs and Luembe village scouts are being investigated for their part in the killing of elephant and the removal of meat and ivory.

29 june 2007

Ivory cache found in Nyimba, Zambia.

Nyimba Police informed me on 24 June that a few days previously, the Zambia Wildlife Investigations Unit had raided the house belonging to the former FDD member of Parliament for Nyimba, Mr Grey, and had confiscated 24 elephant tusks. A woman who had been trying to sell the tusks to a ZAWA officer, and who had recieved a downpayment of 7 million kwacha, was being held in custody. Mr Grey let it be known that another 1 ton of ivory was available for sale.

Monday, July 02, 2007

More ele plunder in West Petauke, Zambia.

A report received from my field workers an hour ago - relayed to the Chairman of the Luembe Community Resource Board, is that a fresh elephant carcass was discovered yesterday on the Ilinda stream (and they suggest that there are more dead ones to be discovered), the recent site of our uncovering of two poached impala in which the local ZAWA officials imprint resonates (www.zambiaconservation.blogspot.com). But hang on, enter, one, James Milanzi, the acting o/c Eastern Province, who is doing something about it. His troops are being deployed as I write this, and we are assisting, of course. Why is there this frenzy of killing? Look at the recent CITES agreement and at the disenfranchisement of the rural poor from legally derived benefits from natural resources. Surely, a matter of ownership under an honest and capable trust structure suggests the way forward. Are the donors and Government listening?

Friday, July 06, 2007

Encouraging news from Zambia for the elephant poaching war...

The news that Gerald Musoni has oncemore taken up the position of Chief Investigations Officer with the Zambia Wildlife Authority (ZAWA) lends encouragement for our efforts in combating elephant poaching - now running at epidemic levels. Perhaps he had something to do with the recent ivory bust in Nyimba involving the elder brother of the former Member of Parliament, Lloyd Grey.

Musomi was removed from ZAWA a few years ago, along with the present Director-General, Dr Lewis Saiwana (who went back to his farm for two years), by the hapless Hapenga Kabeta, the D-G at the time. As Saiwana represents about all of the institutional memory of ZAWA, and as Musomi was building up a reputation as a concerned and honest crime fighter, this was a grave error on Kabeta's part, as well as a severe misjudgement on the part of the ZAWA Board. Fortunately, the pair are oncemore united, reversing somewhat the recent spate of resignations and firings of senior personnel in the embattled organization. But they are going to need all the help they can get; time surely for the donors to fund the necessary technical supports for a much leaner and fully funded regulatory body. But this will require that Saiwana continue his innovative work in developing public private partnerships in the management of our National Parks - with Africa Parks leading the way, and that he address the very pressing problem of the poaching and fire situation within Game Management Areas by embracing the concept of land trusts in which the ownership of wildlife

is held on behalf of the villagers. Ownership is the key here; without it the tragedy of the commons will continue.

The tusk detective...by Emma Marris

Published online: 5 July 2007; | doi:10.1038/news070702-12

The tusk detective

Samuel Wasser is a conservation biologist at the University of Washington in Seattle, and an outspoken opponent of elephant poaching. He talks to Emma Marris about his genetic methods for tracing poached ivory.

Emma Marris

Q. Tell me about some of the ivory seizures you've worked on.

A. There was a seizure in 2002 in Singapore of 6,500 kilograms of ivory — 531 tusks, many of which were huge. The authorities knew that poachers were carrying tusks across Zambia and into Malawi. One day they got a tip it was on the move. They went on a truck and then travelled by ship to Singapore. Hong Kong authorities got to the dock just hours before they arrived. The strong smell suggested that at least some of the ivory was fresh.

The ivory was high quality and going to an infrastructure that could get it to wealthy buyers. This is not your small-time village poacher. Everyone thought the ivory had come from multiple locations. We showed it was all from Zambia.

In May 2006, we got another seizure, in Hong Kong. It was

3,900 kg. The tusks were found when officials x-rayed a container from Cameroon. We analysed the tusks and the pieces and found that they were all from elephants in southern Gabon and maybe a bit of the southern part of the Republic of Congo. Everyone thought the poachers were a bunch of little guys operating all over. That's not what seems to be happening here. This is highly organized.

Q. Has it always been this way?

A. Before 1989 there was a period of massive killing of elephants. The population went from 1.3 million to 600,000 in 10 years. That comes out to about 7% annual mortality. It was so bad that CITES — the Convention on International Trade in Endangered Species of Wild Flora and Fauna — banned the ivory trade, and the ban stopped poaching across the whole continent. It was probably the most effective international wildlife legislation in history.

The legislation was so effective that by 1993, western countries withdrew a lot of their aid for law enforcement. Meanwhile, people started to log the forests of central Africa, which created unprecedented access to its forest elephants, which are almost a different species and have desirable harder ivory with a pinkish hue. It was really easy for the poaching to get really bad really fast. Those elephants are getting creamed.

Q. Are things worse now than before 1989?

A. Between August 2005 and August 2006, 25,000 kilograms of ivory were seized. If you estimate that customs catches 10%

of what goes through, we are talking almost 37,000 elephants. So now we are at 7.8% annual mortality, higher than the 7% pre-ban.

Q. What's driving the trade?

A. You've got a dramatic increase in the price of high-quality ivory, from US\$200 a kilogram in 2004 to \$850 now. In China and Japan, the rising middle class has created a tremendous new demand for ivory carvings and signature stamps — hankos. Plus, the CITES rules against illegal trade just apply between nations. Once you get the ivory into the destination country, there are no laws or no enforcement. So it is a formula for disaster.

There is heavy involvement of organized crime. There may also be a strong connection between the ivory trade and gun-runners.

Q. How does determining the origin of ivory through DNA help?

A. When you identify the place of origin you show where the poaching hotspots are and how these guys are actually operating. They seem to be focusing on an area and working it hard. It also forces these countries to take responsibility for the poaching going on inside their borders, because right now few of them do.

Q. How does it work?

A. The secret is to pulverize the ivory without heating it up,

which denatures the DNA. We use a freezer mill. It submerges a tube containing a small piece of ivory and a magnet into liquid nitrogen. This freezes the ivory and makes it brittle. We rapidly switch the magnetic field back and forth, causing the magnet to act as a battering ram, smashing the ivory. It's fantastic. I got the idea from this marvellous Canadian dental forensics scientist named David Sweet.

We amplify and sequence the genes of interest in the standard way. The hardest part of the whole project is assembling the reference map of DNA from all over the continent. I am still working on that. Whenever I am at a meeting like this, I work the crowd to fill in any gaps we have in our map.

My genius collaborator Matthew Stephens, a professor of statistics at the University of Chicago, Illinois, developed a new statistical method to assign the ivory. Taking advantage of the fact that two populations close together are much more likely to share genes than are two farther apart, he could generate the probable gene frequencies for areas we don't have data for. That allowed us to ask "where in Africa did this tusk come from", as opposed to "which of our reference samples is this most like?"

Q. Have your studies made a difference?

A. In the Singapore seizure, practically nobody was prosecuted, including customs officials who stamped the shipment identifying the ivory as soapstone. They only prosecuted one guy in Singapore. There are so many wildlife officials and high-level government officials that are getting filthy rich on poaching. Organized crime can afford to bribe everyone.

Q. So what can be done?

A. We need a major infusion of law enforcement in Africa. What you are talking about is a bunch of Land Rovers, guns and ammunition and a little bit of a salary hike. We are not talking about a lot of money here. And legalized ivory trades aren't helping. We need to cool this market down.

Q. And if governments decide to cull certain elephant populations, what should they do with the ivory?

A. Burn it.

Wednesday, July 11, 2007

The killing of another elephant in West Petuake GMA...
by Japha Mbewe

I am here reporting the above mentioned.

It was on 3rd July when we received the above report from Martin who is the MBEZA SAFARIS driver. According to the report, the workers who were clearing the hunting road in Ilinda area as they were clearing the road, one of the ten poachers approached the workers and invited them to have the elephant meat which, these poachers had removed the Ivory from it these people saw the dead elephant and decided to inform Martin about the development, Martin without delay he rushed to the CRB Chairperson Mr. Ackson Lungu,

who immediately informed Zambia Wildlife Authority (ZAWA) Nyimba and your office. Martin also confirmed that there were also gun shots heard in Ilinda area.

After you had provided the ZAWA with the transport, they were deployed to the same area the same day. Two days later the Petauke ZAWA Officers were also deployed to the same area but via Luangwa Bridge route. These poachers had AK47 assaulted rifles. According to the ZAWA officers they confirmed that they had also the same information about these poachers and they said they suspected these poachers to have come from Lukwipa Lufunva area.

The Luembe Community Resource Board (C.R.B) meeting is to be held at 14th July to discuss, what would be the solution for those officers who were involved in poaching, because under the village scout the procedure is that if the village scout is involved in poaching he has to be fired from work with immediate effect, now the question will be what of the ZAWA Officers what will be the procedure for the ZAWA Officers who were involved in poaching.

So far, one Village Area Group (VAG) meeting was conducted and the community during their meeting supported the idea of writing a letter to the ZAWA and requiring them to remove and transfer these officers from our area.

Yours faithfully,

Japher Mbewe dip. pub. pros.

LUEMBE TRUST PUBLIC PROSECUTOR

C/O Luembe CRB

Nyimba, Zambia.

Wednesday, July 18, 2007

Zambia Ivory cache owners sentenced to 5 years hard labour...

In Nyimba today, two Zambian nationals, one of them, Reg Gray, the elder brother of the former M.P. Lloyd Gray, were sentenced to five years hard labour for being in possession of 24 elephant tusks. The district has for some time been in the grip of an elephant poaching gang.

Sunday, July 22, 2007

Lebanese in Zambia seized for unlawful possession of elephant tusks

A Lebanese has been arrested in Zambia for unlawful possession of 55 pieces of elephant tusks worth nearly 80,000 U.S. dollars and 58 rounds of ammunition, Times of Zambia reported Saturday.

The 65-year-old Lebanese was arrested in Kitwe, Copperbelt Province after a tip-off and then handed over to the Zambia Wildlife Authority for prosecution, Rosten Chulu, public relations and press liaison officer of the Drug Enforcement Commission, was quoted as saying.

Chulu warned Zambians and foreign nationals to stay away from such criminal activities.

Source: Xinhua

Tuesday, July 24, 2007

The Zambia Office of the President investigates elephant poaching in Nyimba district...

The Chairman of the soon to be registered Luembe Development and Caretaker Community Association (LDCCA) reports that officers of the Office of The President (OP) are carrying out an investigation of the role of ZAWA officers in the poaching of elephant and other wildlife in the district. LDCCA has been carrying out its own investigation for some time and has pinpointed the source of more ivory.

Sunday, August 05, 2007

Zambia Wildlife Authority crime syndicate being investigated...

News from Luembe, Nyimba district, is that Zambia Wildlife Authority officers from the Eastern Province headquarters at Mfuwe are currently in the area investigating the crime syndicate being operated by local ZAWA officers. This syndicate issues ammunition to ZAWA scouts and village scouts to poach animals for meat, and elephant and hippo for their ivory. As this syndicate has been in operation for many years it would be optimistic to hope for people being investigated, charged and imprisoned. However, there is little question that as a result of our work with the community over the last four years they now have some idea of their rights and obligations for the care of their land and its resources, and are now more

determined to deal with outsiders stealing their resources, especially government officials.

Sunday, August 12, 2007

ELEPHANT HUNTING...

I respond to Eugene Lapointe's article in BBC News weekly Green Room where the former head of the Convention on International Trade in Endangered Species (CITES) makes the case for hunting and why it can be a part of wildlife management policies, posing the question: "Are bans on hunting and trade the best way to conserve species?"

In so far as trade bans are concerned, Lapointe makes a general point, which requires further elucidation. In general prohibitions don't work, either because the prohibitors are embarked on some crusade without moral or practical merit, or because those being so prohibited from having access to something or other are convinced of their right to the prohibited entity, or are without moral scruple – or both. In the case of the ivory trade, those without scruple are the traders of the Far Eastern nations who require ivory for an ever growing market and who go to any lengths to obtain it. Therefore, if you allow the trade in ivory they will access what is available – and more by illegal means in order to satisfy demand, and if not available they will simply get hold of it by any means. There will therefore always exist a drive to satisfy demand, which means obtaining more than what is legally available; and if that legal harvest is 100 tons or no tons, the effect will be the same.

Hunting of elephant, provided it is sustainable, and provided it does not damage your photo-tourism industry, is an excellent way to conserve the species, but by allowing the trade in ivory, this laudable goal is made impossible.

Poor African countries have many pressing demands on public money - with conservation standing in the queue. But the needs of the African 'budget' goes way beyond that, concentrating as it does on the 'eternal scramble for Africa' harvesting of donors so as to cover the shortfall for conservation, for education, for other development needs, but also for prestige projects having little to do with achieving the Millenium Development Goals.

It would be ideal were African conservation self-supporting, but then the conservation department, like the traffic department, the ministry of immigration, and all the rest, becomes yet another cash cow growing an ever over-centralized bureaucracy of non civil servants fattening on their slumbers and establishing yet another taxation tier set to drive investors dilly.

Eugene says that southern Africa countries have followed the philosophy of sustainable use with elephant hunting, and that they do not shoot breeding animals; this is simply not true of them all. In Zambia, despite the advisory note to the contrary from the cross-sectoral Natural Resources Consultative Forum (of which the safari hunting fraternity is a member) which cited the total lack of supporting scientific evidence as the reason for not allowing hunting, the Zambia Government, through its statutory body, the Zambia Wildlife Authority (ZAWA), issued 20 bull elephant to safari operators – supposedly crop raiders - or so they told CITES. The animals - shot by those operators

with little regard for conservation, were certainly breeding animals, but they were also the icons supporting the tourism industry, supposedly the panacea, along with agriculture, for rescuing us from our poverty.

Sport hunting produces the only income in many areas it is true, so you could call it significant, but it is not enough to offer the necessary incentive to local people to stop supplying meat for the bushmeat trade and denuding their own lands of something which actually should belong to them but which has been expropriated by central government. Over the last five years, ZAWA's income has been sourced as follows: hunting 23%; donor grants 44%; National Parks 26%; and other, unspecified income 7%. However, very little of this is invested in conservation activities with between 7 – 18% only going on field operations. What investment there is comes from the private sector and the donors. In our hunting area, our hunting quota allows for maximum gross earnings of \$50 per km² – given what we spend on land use plans, training, anti-poaching support and food security studies. ZAWA earn \$10 km² from hunting, expending \$3 km² on scouts and retaining \$7 km² for their HQ costs. The Community Resource Board, which represents the community and has the unenviable unpaid task of paying village scouts, receive \$5 km² from ZAWA as their share of hunting but have costs of \$6.26 km² for their scouts alone, though they are supposed to spend income on community projects and the like; and over the last four years – including the purchase of the hunting company, we have invested \$200 km² – an amount we actually require annually if the biodiversity and the people are to prosper. But where is it to come from?

Eugene argues that because Kenya has banned hunting and the sale of ivory, that poaching is encouraged. Zambia's experience does not bear this out. As we speak elephant and hippo continue to be poached and our good Zambian poachers are doing the same in Zimbabwe, and doubtless in Angola where CITES is unknown and ivory sold without hindrance. While safari hunting was on the go in Zambia, between 1994 and 2002, 123.5 tons of illegal ivory went out from here via Lilongwe in Malawi to the Far East (confirmed by the Malawian Anti-Corruption Commission) – most of it probably coming from our Luangwa Valley.

It is true that elephant do wreak havoc in some areas on people, and we do need to provide income and supports to offset this, but having elephant hunted has little effect on this. We have always had animal depredations, and it will continue, hunting or no, for we have failed to deal with the problem of land tenure and wildlife ownership, and Government refuses to compensate villagers, even though under English common law – on which our law is based, and under customary law, it is allowed. And we suffer very little from elephant damage to natural vegetation where as a keystone species elephant can have an extremely beneficial effect on the ecology, something we are trying to expand upon with the development of transfrontier conservation areas.

We do need to foster sustainable use but much of its failure to take hold is not due to the protectionists abroad but due to African governments themselves being unwilling to devolve power to their rural people, to decentralize – in this being supported by the donors, paradoxically following the system

they inherited at independence. And Kenya, protectionist it may be, today stands out for its vigorous programme of game conservancies, something here we are trying to do but receiving no encouragement from Government, even though statutory and customary law is in place to support it.

18 November 2006

Zambia Wildlife Authority officers implicated in poaching

On Sunday 12 November 06, a matriarchal herd of elephant was attacked in Zambia's Luangwa Valley by an AK47 wielding poacher, accompanied by seven unarmed meat carriers; an adult female and a juvenile killed - possibly another killed, and one seen crossing the river with blood on its side. Twenty-three shots were heard at the nearby Malone safari camp - closed for the rainy season, between 8.00 and 11.00 a.m.. Later that afternoon, at 4.00 p.m. two Wildlife Police Officers of the Zambia Wildlife Authority appeared at Malone and requested transport from the camp-in-charge, David Chileka - also a police reservist, and were driven inland for some 30 km to where four other officers were waiting. Nearby lay two elephant carcasses, their tusks removed and much of their flesh, numerous pieces of clothing, bedding, food and pots lying nearby, evidence of the gang. Seeing some vultures in trees in the distance, Chileka was told that there was probably another dead elephant there. No attempt was made to verify this.

The six scouts, all armed similarly with AK47's, stated that the

camp in-charge, Benson Mwale, had heard shots at their nearby camp, Ndevu, had then sent someone on foot to another camp, Kalansha – some 15 km away, for reinforcements, then much later in the day, after guards from Kalansha had arrived on foot, the armed group of six walked in the direction of the shots, eventually coming on the gang of eight, who had then run away. Firing a few shots in the air, and showing no inclination to go in pursuit, the officers then settled down to cut off as much meat as possible, the officers-in-charge of the two anti-poaching camps, Mbo and Mwale, walking to the Malone camp to request transport. A full load of meat was then delivered to the river crossing point at the nearby Ndevu game camp (where early that morning a fisherman, Gandi, had seen the gang collecting water), the officers explaining that local villagers could not have the meat as it was needed in the nearby town of Nyimba, and that they were waiting for their boss. When the Nyimba officer-in-charge of ZAWA, a Mr Chibeka, came, he reportedly recovered one bag of meat, another nine having disappeared.

On Tuesday, 14 November, the two camp officers-in-charge were seen on the Ndevu-Nyimba road, both drunk, and later, on Thursday 16th seen drinking at 9.00 a.m. in a nearby village.

Two weeks earlier an elephant had been killed in the same area and the ivory removed. Two other cases of poaching, one of a buffalo by a village scout, another of an ex-scout found in full uniform and hunting a hippo with a muzzle loader, unaccompanied by a monitoring scout as is required, is being investigated.

These disturbing events, given that in 2005 ZAWA village

scouts had been caught poaching a buffalo, hippo and bushbuck, swapping some of the meat for village beer, suggest the collusion of ZAWA and village scouts in a meat and ivory poaching ring. Investigations are currently underway by the Chairman of the Community Resource Board, Mr Axon Lungu.

Conservationists continue to be alarmed at the well organized bushmeat and ivory trade in Zambia, it being recently revealed by the Malawi Anti-Corruption Commission that 23 tons of ivory had passed through Lilongwe on its way to the Far East over an eight year period. No arrests have been made.

12 August 2007

Out there in Old Africa...

The letter from the Luembe Community Resource Board of Nyimba district , Zambia, was quite straightforward. They needed funds to pay some volunteer teachers.

“As a Board, we strongly request for this help because we fell and accept that the government has failed to send teachers there. On this point , we ask you to to come to the aid of M’Shalira Basic School community found in the Game Management Area No. 17 to assist”.

As the rains threatened, and accompanied by Gordon Mace - a supposed agent based in Johannesburg, as well as the Chairman of the Board, Axon Lungu, we drove the six hours or so to my camp on the Luangwa river from the capital Lusaka, first

dropping off Axon at his family village some 12 km away. The river was low, my pontoon of a dozen 44 gallon drums and angle iron stranded, so we crossed in the banana boat, skirting a hippo on the way. That evening, lightning played continuously on the horizon. We would have to hurry.

In the morning, we made ready for the short trip to M'Shalira school, first being briefed by my staff and the village scout, Emmanuel (only there as I had needed his protective help for some Belgian volunteers I had brought out to carry out a food security assessment), on the poaching incident some four days previously where a gang had killed two elephant – possibly another, and had wounded two, all from the same matriarchal group. My suspicions were aroused, for government wildlife police officers and the village scouts working under them, though paid by the Board from funds generated by our company, Mbeza Safaris, had appeared at the camp and asked for transport to collect the meat.

An hour after leaving Malone camp, not another person or hut to be seen, we drew up to the maize grinding mill which my sons had repaired two months ago, deposited diesel for the engine, and cement for the laying of a concrete slab, being watched by the friendly villagers from a village unchanged from that of their forefathers. And when one of my men emptied a sack of empty tins and bottles I had rescued from our Malone camp garbage hole, they rushed forward to claim them. Such are the treasures of a people forgotten by the world.

We then drove the short distance up to M'Shalira Basic school: and basic it is. Close to the road, I found the headmaster, Mr

Daka, resting in his grass and pole Chitenje, the crumbling and cracked staff quarters standing close-by. We drove up to the school: six classrooms of mud brick and mud floors - one new classroom built of grass walls had been added on, and signs of flooding all around. Children beavered away inside at arithmetic, unsupervised, but as quiet as the surrounding bush.

"My only teacher is away in Petauke to get his pay. We have to go every month to collect it and it takes a week. As you see I am the only one here now," said Daka.

"When last were you visited by someone from the Department of Education?"

"Oh, they never come here. They can't drive. You can see."

"And the elephant, they give us a hard life here", he said, waving towards some mangled pawpaw trees nearby."

I thought of how an elephant can eat 4% of his body weight in a night of garden raiding.

Later I interviewed three volunteer teachers, one a member of the CRB whom I knew, the other the Village Area Group Chairman, part of the group of six with whom I was developing a landuse plan for the 1 million acre area. We settled on K250 000 each per month, the same sum I paid to keep the village scouts employed, unpaid by Government for seven months: \$50 each a month; it did not sound much but it would feed them and their families; the villagers after all earned about \$.30 cents a day – if that.

Daka showed me the book store-room, which seemed well stocked. Picking up a few work books, mud fell from between the pages. The termites were at work. Looking up at the

dividing wall I could see that the bricks would soon fall onto the books.

On the way back to the camp we saw a group in the distance, obviously out hunting. One of them was in the green uniform of a village scout, but it turns out that he had resigned a month ago. He is hunting with a muzzle loader for a hippo, and as required, has no monitoring scout to see that he kills and marks the animal off on his resident hunting permit. We take his name and details which I will pass on to Axon. Later I hear of another village scout who has shot a buffalo legally but had not marked it off, therefore facing a poaching charge. And word was that the Zambia Wildlife Authority had issued four buffalo to residents, when last year they had agreed not to do so, given their decimation by the bushmeat trade.

That night the full loom of the rains rents our world asunder, and the following morning, once across the river, we only extricate ourselves with the help of my cheerful gang who take it in turns to look after our camp during the rains. In the nearest line of villages we see a group of men gathered under the eaves of a hut, drinking; there among them are the two ZAWA officers in charge of the game camps. Meat for beer. Cheers.

Thursday, August 16, 2007

Zambia poaching mayhem unabated...

A few days ago, a visitor to the Nyalugwe Open Area, on a number of occasions heard numerous shots being fired across the Luangwa river in the Nyalugwe section of the West Petauke Game Management Area. It is presumed that this is the work of the ZAWA Wildlife Police Officers and the Nyalugwe Community Resource Board village scouts, who, together with other units working within the Nyimba sector, receive unlimited amounts of ammunition from the officer in charge, the notorious Mr Chibeka, who later drives in with a ZAWA vehicle to collect the meat. Peter Nyalugwe has gone to investigate.

And in Luembe, ZAWA and Luembe village scouts caught poaching by me, continue in their posts.

In Rufunsa GMA, south of West Petauke GMA, ten ZAWA Police Officers and village scouts have this year been suspended for poaching.

Zambia's wildlife is being decimated by the very people employed to protect it.

Saturday, August 25, 2007

Nyalugwe village scout found with tusks...

On 15 August 07, a Nyalugwe Community Resource Board village scout, Davy Zulu, paid for and controlled by the Zambia Wildlife Authority, but from hunting concession fee money obtained from Mbeza Safaris, was found in possession of a pair of tusks. He is shortly to appear in the Nyimba Magistrate's Court. Japha Mbewe, the Mbeza and Luembe Trust legal officer, is investigating.

Latest

On 22 August 2006, Zulu and his wife appeared in the Magistrates Court in Nyimba and were each sentenced to five years in prison. She apparently has a young child. Village scouts and their families are local people; that they are involved in such activities is the direct responsibility of their Zambia Wildlife Police Officer (ZAWA WPO) supervisors, one of whom is always placed in a village scout encampment. None of them, though most are involved in the poaching racket being run by the ZAWA office in Nyimba, has so far been brought to court, let alone sentenced. And word has it that the organizer of much of this, the notorious Goodson Chibeka - officer in charge at Nyimba, is now merely being transferred to Mfuwe. A disgrace, but very much a local tradition when remembering that some years ago, the then officer in charge was found with a lot of ivory and merely transferred to the provincial ZAWA HQ at Mfuwe.

25 August 2007

A follow up on the Nyalugwe poaching syndicate...

Peter Nyalugwe

Mbeza Safaris Liaison Officer

Ten days ago a report was made to the MD of Mbeza Safaris, Mr Ian Manning, by the owners of the game ranch in Nyalugwe on the Nyimba/Luangwa rivers, that across the river, in the West Petauke Hunting Block, many rounds were fired. They said that law and order had broken down. Mr Manning said, that he had paid out money for anti-poaching (paying \$21, 000 for this in 2005), but that it was the 12 village scouts and three ZAWA Wildlife Police Officers – who his company paid concession fees to support, which were directed by Wildlife Act of 1998 to protect the wildlife resource so that safari hunting could be done.

Mr Manning then instructed me to go to Nyalugwe and to report on the situation.

19 August, 07

I met the Community Resource Board (CRB) Chairperson for Nyalugwe and he briefed me how the CRB is being disorganized. If he calls a meetings the members do not gather as they were elected due to financial and food problems for them to attend.

a) I asked him what's the way forward? He said he suspected that my absence as Secretary of the CRB left a gap for I worked with the previous CRB nicely and able to submit returns to South Luangwa Management Unit (SLAMU) and Chilanga (ZAWA HQ) head office respectively

b) No bank statement has been received from the CRB

account in Petauke.

c) The analysis book is with the Community Liaison Officer (Nkhoma) in Nyimba for auditing

d) The Nyalugwe village scouts have not been paid since the last payment in march 2007

e) The community also complains over the hiked prices of the citizens game license hunting fees for 2007 which they say will now encourage them to poach. A poor villager can he afford to buy the animals. We doubt.

20 August, 07

Met the camp-in-charge, Whyson Daka. I reported about the many shots which had been heard in the hunting block. Daka mentioned that the shootings were the combined force of the ZAWA Wildlife Police Officers (WPOs) to chase away the elephants from crop raiding in the GMA residents fields. I asked him further about who were patrolling and he had no answer. For ammunitions I asked him how are issued at the camp. He said there is a field data form which they fill in when going out for patrols and where they have used them on what purpose and finally for the returns space. These ammunitions are being kept by the camp-in-charge. This was the answer given by the camp-in-charge. Ths same Daka left for Nyimba to hand over an old man called Zuwua Ibale from Fundo village, caught with snares and game meat on the Lunsefwa river. He had been beaten and had a very swollen eye.

21 August, 07

Met one of the village scouts at Kasolo camp and told me about a suspect who was caught with an illegal muzzle loader at Nyalugwe village hanging in his verandah. The man is Yesaya

Lungu who appeared in court last Friday 17, 2007. I haven't heard the ruling. ZAWA also within the same week on 19 August, caught three men selling game meat on the Great East road at Saulo village.

The quota setting meeting on 26 July 07 heard complaints that the monitoring officers (village scouts) sent by ZAWA to check on hunters coming to hunt in Nyalugwe from other parts of Zambia (urban dwellers) were corrupting these same officers – and shooting more animals than on license. As most village scouts cannot read or write they cannot do the job very well.

The negative point of it is they have the immunity on the ZAWA Wildlife Act No 12 of 1998 section 118 part xiii which whatever they can practice will be protected. I don't know what proper evidence can we take.

COMMENTS OF IAN MANNING

Clearly Daka was aware that ZAWA personnel and CRB scouts were engaged in their normal activity of killing animals and preparing it for collection by the Nyimba ZAWA office. Why did he not go and investigate the presence of such a large gang in the area? Because they were his own staff. And once again village scouts are unpaid and therefore help themselves under the eager ZAWA meat syndicate. And what of the rural poor? Well they now have increased hunting license fees, are refused game harvesting rights as is allowed under the Wildlife Act of 1998, are assaulted and hauled off to a prison unfit for decent people who simply are trying to survive, and have to stand by and watch while the Government officials kill the very

animals living on their own traditional land, animals they are supposed to protect. And what can Mbeza do, the company whom Chief Nyalugwe, with the help of Asian businessmen, tried to have removed from his area simply because it had seen to it that no more customary land was stolen from the community and sold off for 99 years. Not much. Jealousy is poison.

JAMES MILANZU, I/C SLAMU RESPONDS

Hi,

Thanks for the information. ZAWA-SLAMU is equally concerned of these activities. For own information we are now sending patrols from Mfuwe and combine with scouts from there. We also had a combined team from Mfuwe and Lower Zambezi where several arrests have been made. The Saulo village arrests were from Mfuwe. It is costly but we have a mandate to protect wildlife in that area. We are making several changes in leadership like transferring those incharge, some WPOs from Mfuwe and increased investigative operations from Mfuwe and Chilanga. A lot of information has been gathered and we will continue to help until the sector is able to stand on its own again.

On salaries we have sent names of all VS for their salaries for previous months and the remaining months in the year.

Again thanks for the info.

James

Saturday, September 01, 2007

Zambia Wildlife Official pays labourers with ele meat...

This documents is signed by 27 villagers who worked for the Luembe based Wildlife Police Officer cum poacher and thief, Benson Mwale, in exchange for the elephant meat he had poached. He, and other fellow ZAWA poachers, have not been suspended, let alone prosecuted.

15 February 2008

Lakwisha says that Zambians who live on less than a dollar a day need to eat elephant meat, therefore the end justifies the means i.e. killing elephant. So, to the bushfolk's everyday burden of survival with very slender support services (primary health-care, basic education, clean water...) must be added that of being a criminal. But these are Zambian civil servants who are poaching, not villagers; and applications by the community for harvesting rights of game such as impala - despite it being their right under the Wildlife Act of 1998, have been refused. Where to now Lakwisha?

Monday, October 15, 2007

Elephant anarchy descends on Nyalugwe chiefdom

Peter Nyalugwe of the Nyalugwe Chiefdom in eastern Zambia reports as follows:

“The incident of elephants killing last week on unknown date but this month of October 2007. A group of 45 poachers invaded the Nyalugwe hunting block and open area. A report reached me that three elephants were shot from afar in the open area and died near the Chilinga villages where they were found dead

The community rushed to skin out the meat where the three carcasses were. While they were skinning a mob of poachers came and asked about the village scout, Abiya Daka, his whereabouts. Instead the one they were talking to was the same scout. When they left one of the poachers knew him and came back to him but they found him gone into hiding. Abiya Daka was left out for the Nyamaluma training course. The rest of the village scouts are at Nyamaluma in Mfuwe for training.

Meanwhile all the villagers have meat in their homes. The cause of this trouble of poaching is due to hiked hunting licenses and the absence of the village scouts who were taken away for training. The same mob is planning to burn the Kasolo Wildlife Camp which is 5 km away from the Chief's palace.

However investigations must take place immediately and about the ivories we don't know the one who got them.

Thursday, November 01, 2007

Machine-gun wielding elephant poaching gang invades Zambian chiefdom...

In an all too common occurrence, a large gang of poachers, obviously forewarned, have taken advantage of the withdrawal for training of eight out of twelve Zambia Wildlife Authority (ZAWA) and village scouts from the Nyalugwe chiefdom in Zambia's southern Luangwa Valley, to poach elephant, buffalo and hippo. Ominously, one of a number of camouflaged men carried a light machine gun and a belt of ammunition across his shoulders. Are rogue elements of the army involved here?

On 13 October, a Nyalugwe villager, Yesai Lungu, phoned Peter Nyalugwe to report that three elephant had been killed, one falling dead in the Chilinga reserve, the other on the privately owned Piamanzi ranch, the other in the West Petauke hunting block – the latter's tusks being removed by the poachers. Villagers report widespread killing of elephant with only a few of the carcasses being found.

On 18 October, Peter Nyalugwe visited his country, interviewed a fisherman, Langizulu, who reported coming on the machine-gun toting gang of poachers – none of whom he recognized, while he was a kilometer or so from the carcass of a bull elephant busily being stripped by villagers under the supervision of Chief Nyalugwe. The poachers were obviously wary of trying to recover the ivory while the chief was there. In the Chilinga reserve, Peter came on a patrol of ZAWA, which

included the notorious Joseph Mbo, whom I had caught hunting earlier this year and who has merely been transferred for his many sins from his former camp, Kalansha, to Nyimba. Present also were Frank Mwaza, Chitambo, and Perry Daka. They had been sent by the regional headquarters at Mfuwe - from their base at Nyimba, as a result of a report Peter had sent through to me, and which I had forwarded. They stayed one week and left; another patrol from Mfuwe itself reportedly patrolled for a period in the Nyalugwe portion of the West Petauke hunting block. Of course, these patrols rarely stay for longer than a week, so the area remains protected by one ZAWA officer at Kasolo camp, one village scout and one ZAWA officer at Mulilanama camp, and in the remaining camp called Fundu, one ZAWA officer and 2 village scouts. What this means is that the area has been left to the poachers for a period of three months while eight of the twelve 'protectors' are given a refresher course many miles away. As this is a Norwegian Aid (NORAD) supported project, one wonders at the thinking.

And where, in the absence of ownership rights to wildlife being transferred to the community under a chiefdom trust arrangement, is all this to end? There is just not enough money coming in from hunting concessions to protect wildlife, even were it not shared with ZAWA and the community. Our Luembe Conservancy Trust in the chiefdom north of Nyalugwe, rather than receiving the support of ZAWA and the current UNDP/GEF 'Reclassification of Protected Areas Project' is left to its own devices, the hope being that it will simply wither and die away, for we are viewed as being people inciting villagers against the Government. Although an assessment of the NORAD project: 'Focus on environment in NORAD

and decentralised management of natural resources in rural development - a project case from Zambia” stated: “The most exiting finding from a political science point of view was the role of the community-programme in empowering the local people and the democratic effects this has.” <http://wo.uio.no/as/WebObjects/theses.woa/wa/these?WORKID=9450>

It seems that if you are a donor project going about community empowerment it is fine, but if you are an investor/advocacy conglomerate, you are considered to be inciting the community against Government, even a threat to state security.

Saturday, March 08, 2008

Is the prohibition of trade saving wildlife, or causing it to become extinct...

http://www.economist.com/displaystory.cfm?story_id=10807694

Sunday, August 03, 2008

Ivory Poaching At Critical Levels: Elephants On Path To Extinction By 2020?

<http://www.sciencedaily.com/releases/2008/07/080731140219.htm>

Zambia Forests

Sunday, October 15, 2006

NATIONAL FOREST NO. P54: WEST MVUVYE

NATIONAL FOREST NO. P54: WEST MVUVYE Government
Notices

168 of 1955

340 of 1960

Statutory Instrument

158 of 1975

NOTE-All bearings, which are referred to Grid North, and
all distances quoted in

this description must be understood as being approximate.

The area must likewise be regarded as an approximation.

Starting at the confluence of the Mvuvye and Mtirizi rivers,
the Boundary

follows the left bank of the latter upstream to its confluence with the Katuwa

Stream; thence up the left bank of the Katuwa to a forest beacon at its source;

thence on a bearing of 232 degrees for 5,577.84 metres; thence in a straight

line to Beacon NRP22 on Chipirinyuma Hill; thence on a bearing of 320 degrees

for 5,791.2 metres; thence on a bearing of 325 degrees to the source of the

Nyamadzi stream; thence down the right bank of this stream to a forest beacon

situated east of the source of the Kalambola Stream on a bearing of 108 degrees

from that source; thence to the source of the Kalambola Stream and continuing

down its right bank to its confluence with the Luangwa River; thence up the left

bank of the latter river to its confluence with the Mvuvye River; thence up the

left bank of the latter to a forest beacon at the foot of the Kambala Hill

ridge; thence in a general south-westerly direction along the top of this ridge

to a forest beacon on the Chimanga Stream; thence up the left bank of this

stream to a forest beacon at its source; thence south-eastwards in a straight

line to a forest beacon at the source of the Nyakamba Stream; thence down the

right bank of this stream to a forest beacon near its confluence

with the Lupezi

stream; thence south-eastwards in a straight line to the confluence of the

Mvuvye and Mtirizi rivers, the point of starting.

Included within the National Forest but not within the above described

boundaries are the eastern, southern and western slopes of the Chipirinyuma

Hill. The above described area, in extent 62,728.5 hectares approximately, is shown

bordered green upon a plan numbered FR102/1 deposited in the office of the

Surveyor-General, signed by him and dated 5th October, 1960.

15 October 2006

Luembe headmen who confirm they received payments in return for their agreement to the alienation...

THE LIST OF HEADMEN WHO RECEIVED
K50,000^{EACH} TO SUPPORT CHIEF LUEMBE ON THE
SATURDAY 24TH JUNE 2006 MEETING, TO SELL
THE PORTION OF LAND NEXT TO ZAEED PATEL

1.	JANUARY ZUKU	HEADMAN	JANUARY.
2.	ALICK LUNGU	"	KAPINI
3.	AFUNIKA ZULU	"	KAMBE.
4.	STEVEN NKHUSA	"	MMNAMPHETE.
* 5.	WAYSON LUNGU	"	WILSON.
6.	ROBSON MUMBA	"	KATEYA.
7.	JOSEPH DAKA	"	CIWINGENI
* 8.	EVERINE SAKALA	"	JAMES.
9.	MOSES ZULU	"	CHINDULA.
10.	DABIE MUSAIZA	"	MILION
11.	KILION NGULUBE	"	NGAMBWA.
12.	VAINES TEMBO	"	MUAMBA.
13.	CENJELANI NGULUBE	"	KAVIENI
* 14.	ANDWELL NGULUBE	"	LUPINDA.
* 15.	GOODWIN PHIRI	"	RUBEN
16.	ELIZABETH TEMBO	"	KATANTHA.
17.		"	CHITUKULA
18.		"	SAWA
19.	BRAYSON	"	NDEMA.
20.	BRAYSON TEMBO	"	JEKE.

Headmen who received money...

Snr. Chief Luembe alienates West Mvuvye NF

PAGE FIVE OF MINUTES

Snr. Chief Luembe alienates West Mvuvye NF

PAGE FOUR OF MINUTES

Snr. Chief Luembe alienates West Mvuvye NF

PAGE THREE OF MINUTES

Snr. Chief Luembe alienates Mvuvye West NF

PAGE 2 OF MINUTES

Senior Chief Luembe moves to alienate more of the West
Mvuvye National Forest

PAGE 1 OF MINUTES

15 October 2006

Perfidious alienations...Phase 1

Phase 1 of the alienation - under a 99 year lease, to Zaeed Patel, son of Gulam Patel, of part of the West Mvuvye National Forest No. 54 in Nyimba/Petauke district is now complete. This portion of what was historically part of the Mwape traditional lands was 'sold' to Patel by Chieftainess Mwape, without the full agreement of her headmen, but with the agreement of the Nyimba District Council, and a lease issued in a short time by the Ministry of Lands, despite this being a National Forest. The Forestry Department has advised me that their hands are tied as the lease was issued by an official in the office of the Commissioner of Lands.

Prior to this, as documentation earlier in the blog attests, her brother, Senior Chief Luembe, had agreed - as a co-director of the Luembe Trust, to seek a Joint Forest Management agreement with the Forestry Department, and to enter into a separate agreement with his sister in order for her chieftdom and its people to benefit from the appropriate development of the forest based on a landuse plan agreed to by the Forestry Department.

Phase 2: the alienation of what was once part of Luembe's country is now under way, as posted documentation will reveal. As a result of this, and other misdemeanours, the Luembe Headmen and people of Luembe are oncemore seeking to have the present chief impeached.

15 October 2006

An early intimation...

The Luembe Conservancy Trust

P.O. Box 31333,

Longacres, Lusaka

Tel: 1 28 22 44

gamefields@zamnet.zm

CONFIDENTIAL

The Secretary

Nyimba District Council

Nyimba

Dear Sir,

Re Alienation of land by Chieftainess Mwape to a Mr Zaeed Patel

I was recently meeting with the senior members of the Nyalugwe Community Resource Board who informed me that they had just heard from a Mr Thomas Mwengwe that he had just facilitated the agreement of Chieftainess Mwape and her headmen to the alienation of a large area of land lying in favour of a Zaeed Patel between the Mvuvye and Nyamadzi streams on the east bank of the Luangwa river.

As I have been advising the Mwape family concerning their desire to redress the actions of the late Chieftainess in alienating the Kaundi country bordering on Sandwe GMA, by returning the land to customary control under the newly appointed

Chieftainess, I am dumbfounded that the Chieftainess has taken such an inconsidered action in recommending that the land be alienated to Patel for a 99 year renewable lease, effectively removing the land from her community in perpetuity. As you know our Trust has been in negotiation with the Forestry Department concerning a public private partnership in the sustainable use of the West Mvuvye National Forest (No.54), and we have been waiting for a meeting between Mwape and Senior Chief Luembe to agree to the scheme going ahead. Mwape had been drawn in to the scheme in order to give her people an opportunity to improve their livelihoods through the investment which would follow. This is the very area which she has now made an attempt to alienate.

I wish therefore to draw your attention to the following:

- The West Mvuvye is a gazetted National Forest and is therefore not under customary control. Her actions, and any resulting agreement is therefore illegal.

- Given the history of alienations in Nyimba District (Luembe, Nyalugwe and Mwape) it is incumbent on the Council not to sign off on any large alienations, though in this case they have no power to do so, it being a National Forest, confirmed by the Provincial Forestry Officer, Mr Chendaoko

- The Trust has the Council as a trustee, and therefore the Council is aware of the current efforts to bring investment and development to the region. The exchange of land in perpetuity for salaula, vehicles and grinding mills would represent a shameful abrogation of customary authority and Council responsibilities

- Part of the West Mvuvye was once customary land, but it is no longer, being converted - with the agreement of the chiefdoms, to the highest status of protection

- East Mvuvye may soon be de-gazetted and returned to customary land, but this should not be done for West Mvuvye.

Yours sincerely,
I.P.A. Manning
Co-Director

c.c. Lazarus Mulowa
c.c Senior Chief Luembe
c.c Chairman Luembe Community Resource Board
c.c Mr Chendaoko, Forestry Department.

15 October 2006

West Mvuvye and the Luembe Trust

SENIOR CHIEF LUEMBE, DIRECTOR THE LUEMBE CON-
SERVANCY TRUST COMPANY

(Limited guarantee company under registration)

Senior Chief Luembe. Private Bag 3, Nyimba

P.O. Box 31333, Longacres, Lusaka, Zambia.

Telephone: (260) 1 25 60 22

gamefields@zamnet.zm

www.projectsafrika.com

MVUVYE WEST NATIONAL FOREST

Memorandum of Understanding

The Mwape Customary Authority

1 PARTIES

This document proposes an agreement between Senior Chief Luembe acting on behalf of The Luembe Conservancy Trust Company Limited – a trust established to sustainably manage the natural resources of the Luembe, and the Mwape Customary Authority

2 PURPOSE

The Trust is in negotiation with the Department of Forestry to enter into a joint management agreement with them for the sustainable utilization of the West Mvuvye National Forest. This agreement would give sole user rights for natural resources – under certain conditions, to the Trust, with the responsibility for biodiversity protection and sustained utilization of the timber resources. To this end, while negotiations are in progress, the Trust wishes to enter into an agreement with the Mwape Customary Authority to share revenue and benefits on the basis of the traditional divisions of the national forest i.e. as existed before the national forest was alienated from both Luembe and Mwape.

2.1 Background

Under the Lands Act of 1995, Government (GRZ) confirmed the responsibility of the customary authority for land held under customary tenure – and two further acts, 1) the Wildlife Act of 1998 prescribes the election of Community Resource Boards (CRBs) AND provides as one of its main missions: ‘to facilitate the active participation of local communities in the

management of the wildlife estate', and, 2) the Forestry Act No. 7 of 1999, which though yet to be enacted is already advancing its de-centralization and community ownership provisions. Making use of such mechanisms, and greatly expanding them, a Chipuna conservancy partnership (three-legged stool) of customary authority, NGO and investor/manager is being established in the Luembe area of Luangwa Valley. This conservancy approach is directly in line with the Zambia Wildlife Authority's (ZAWA) Draft Policy on Private Wildlife Estates and Other Novel Use of Wildlife (May 2003), presently being circulated for comment, which emphasizes strategic partnerships between itself, the communities and the private sector in developing the community wildlife estate. However, wildlife is only one of the natural resources involved and it is now necessary to introduce a co-management agreement with Forestry Department as an integral part of the holistically managed conservancy, and in addition, to forge similar agreements with Ministries responsible for other resources.

1.2 Chipuna Conservancy Development

A Chipuna Conservancy Development provides the essential structure for rural development of investment, land and community partners, as well as the necessary expertise to carry out scientifically directed integrated development. Crucially, the Chipuna relies on investment - as apposed to donor involvement, and uses land - rather than takes ownership of it.

Under the Lands Act, and that provided by customary law, Senior Chief Luembe and his 353 headmen (the Luembe Customary Authority (LCA)) have therefore allocated 'rights to use and occupation of land under customary tenure' of all the land

under its control (excluding land for settlement and agricultural development) to the Luembe Conservancy Trust Company, a non-profit trust whose Subscribers are the LCA, The Nyimba District Council, The Luembe Community Resource Board (LCRB), ProjectsAfrica and Gamefields Limited (five organizations), with ProjectsAfrica responsible for facilitating community projects, and Gamefields Limited the principal investment facilitator and manager of the conservancy. Income will be received into a Luembe Trust Fund from rentals and levies paid by Gamefields.

2.4 Purpose of this agreement

- That the West Mvuvye National Forest become part of the Luembe Conservancy overseen by the Luembe Trust, the basis of this being a co-management agreement (public private partnership) with the Forestry Department

- That the Luembe Trust and the Forestry Department jointly provide a management plan in which eco-tourism and logging for value-added community run co-operatives and businesses takes place

- That the appropriate management and use of the Forest take place under the general supervision of the Luembe Trust and the Forestry Department.

- That, through this specific agreement, Luembe and Mwape agree to share revenue on the basis of the original traditional lands under their control

2.5 The Principles

The parties to abide by the following principles in the development of a contract:

- The Forestry Department to take on the Luembe Trust as its exclusive partner in the management of the Mvuvye, agreeing not to issue logging licenses or any other rights of access to any other person or organization
 - That the Luembe Trust agree to conserve all the resources and to follow a management plan mutually to be agreed upon
 - The Luembe Trust to oversee the equitable sharing of benefits between the Mwape and Luembe communities

3. MUTUAL INTEREST OF THE PARTIES

To ensure the conservation of the Mvuvye, and the sustained use of its forest for the benefit of local communities; and by so doing, to avoid and deter any further invasion and settlement of the forest, as well as the illegal use of its resources.

4 AGENCY RESPONSIBILITIES

4.1 General

To jointly ensure the conservation of the Mvuvye Forest

4.2 Luembe Trust Company and Gamefields Limited

The Luembe Trust would have responsibility for seeing that an agreed management plan for the area is implemented, and for the performance of its management contractor, Gamefields Limited

4.3 Forestry Department

The FD would be responsible for full assistance and advice on the controlled exploitation of the forest for the benefit of the local economy

4.4 Prohibitions

- The FD to give exclusive use of the forest to the Luembe Trust
- The Luembe Trust to assume, with the FD, full responsibility for its management

5 SHARED CONCERNS

The Parties share a common concern for the preservation of the forest and the avoidance of any further illegal settlement or occupation for subsistence agriculture. They also wish to see the forest be of long-term benefit to the local community through appropriate tourism development, forest utilization and the production of products from such utilization

6 SUBSTANCE OF AGREEMENT

The cooperating agencies agree to share information of mutual concern and interest regarding the Mvuvye National Forest

7 EXPECTED OUTCOMES

- The protection of a national asset
 - The scientifically managed sustained use of its timber and eco-tourism potential

- The protection of its biodiversity
- A stable and increasing source of income for the Mwape and Luembe communities
- A well managed area based on sound conservation principles
- Support to GRZ policies of devolution, as well the Forestry Department's progressive policies around co-management of national and local forests

8 STANDING COMMITTEE

To facilitate the implementation of this agreement, the cooperating agencies each agree to designate a liaison officer to serve on a standing committee that will meet as needed. Matters for consideration by the standing committee are to include a review of each agency's participation in this agreement, an assessment of the agreement's effectiveness, and modifications that might be necessary. As appropriate, the committee will address urgent issues and specific cases of serious non-compliance.

9 LIAISON OFFICERS/CONTACT PERSON

For Luembe Trust Company Limited:

Senior Chief Luembe
Private Bag 3
Nyimba

Whiteson Njobvu

Chairman
Nyimba District Council
Tel:06 374061

Ian Manning CBiol
Director
PO Box 31333
Longacres, Lusaka.
1 25 60 22
gamefields@zamnet.zm

For Mwape Customary Authority
Chieftainess Mwape
Private Bag,
Petauke.

For Forestry Department
Bwalya Chendaoka
Provincial Forestry Officer
P.O. Box 510095
Chipata

10 ACCEPTANCE AND APPROVAL OF AUTHORIZING OFFICIALS

For Luembe Trust and Luembe Customary Authority:

Signature: _____
Name: Senior Chief Luembe

Date: _____ at _____

For Mwape Customary Authority
Chieftainess Mwape

Signature: _____

Name:

Date: _____ at _____

15 October 2006

West Mvuvye...

COPY OF E-MAIL BEING SENT

21 October 2003

TO:

Bwalya Chendaoka

Provincial Forestry Officer (Eastern Province)

Chipata,

Dear Mr Chendaoka,

re WEST MVUVYE NATIONAL FOREST #54

I am glad I was able to speak to you in person today, and to learn that our application is timely given the recent lifting of a ban on forest utilization and your office now receiving applications for logging.

It is essential that the Luembe Trust is able to secure rights to the forest which will safeguard the biodiversity and allow for the greater conservation controls necessary. Although our immediate wish is to protect the area and develop its eco-tourism potential, we would also - working under a joint-management agreement with the Forestry Department, wish to utilize sustainable timber resources so as to provide the basis for a local industry for the community. Essentially, this would be done through the Luembe Natural Resources Committee soon to be registered as a Society with the Registrar of Societies, as part of the Conservancy Trust. It is essential, therefore, that no permits are issued which might threaten the integrity of the Conservancy and the income to the development fund for the area. Moneys received from the fund would be used for both Luembe and Mwape, according to traditional territorial rights in existence. We therefore wish to enter into an agreement for a concessionary use of the forest as a whole - bearing in mind that a large part of it to the west of the Luembe-Mwape road is being populated.

I shall endeavour to obtain a signature or letter to this effect from the Chairman of the Nyimba District Council (Councillor Whiteson Njobvu), and one from Senior Chief Luembe - although the latter might take a little longer.

I would appreciate a copy of draft guidelines which you and your committee have drawn up on co-management agreements. As I have helped ZAWA with guidelines on PPP national policy having to do with similar arrangements for national parks, you might find it useful.

I greatly look forward to meeting with you shortly.
Sincerely,

Ian Manning CBiol
Trustee

LUEMBE CONSERVANCY TRUST COMPANY LIMITED
(Company limited by guarantee presently under registration
by Registrar of Companies)

15 October 2006

West Mvuvye National Forest No. 54 Alienation

THE LUEMBE CONSERVANCY TRUST COMPANY LIMITED

Private Bag 3, Nyimba
Telephone: 06 374061 (Secretary: Nyimba District Council)
Lewis Construction Building, Kabelenga Road, Lusaka.
gamefields@zamnet.zm

Bwalya Chendaoka PFO
Provincial Forestry Officer (Eastern Province)
Forestry Department
P.O. Box 510095,
Chipata,

Dear Mr Chendaoko,
re WEST MVUVYE NATIONAL FOREST #54

This letter is to confirm the e-mail (see below) now being sent to you in respect of the above national Forest Reserve by our fellow trustee, Mr Ian Manning of Gamefields Ltd.

It is essential that the Luembe Trust is able to secure rights to the forest which will safeguard the biodiversity and allow for the greater conservation controls necessary. Although our immediate wish is to protect the area and develop its eco-tourism potential, we would also - working under a joint-management agreement with the Forestry Department, wish to utilize sustainable timber resources so as to provide the basis for a local industry for the community. Essentially, this would be done through the Luembe Natural Resources Committee soon to be registered as a Society with the Registrar of Societies, as part of the Conservancy Trust. It is essential, therefore, that no permits are issued which might threaten the integrity of the Conservancy and the income to the development fund for the area. Moneys received from the fund would be used for both Luembe and Mwape, according to traditional territorial rights in existence. We therefore wish to enter into an agreement for a concessionary use of the forest as a whole - bearing in mind that a large part of it to the west of the Luembe-Mwape road is being populated.

We greatly look forward to an early reply.
Sincerely,

Senior Chief Luembe: CO DIRECTOR:.....

Chairman of Nyimba District Council: TRUSTEE.....
.....

15 October 2006

JOINT FORESTRY MANAGEMENT POLICY ADVISORY NOTE

POLICY ADVISORY NOTE FROM THE NATURAL RE-
SOURCES CONSULTATIVE FORUM

TO THE PERMANENT SECRETARY, MINISTRY OF
TOURISM, ENVIRONMENT AND NATURAL RESOURCES
ON JOINT FORESTRY MANAGEMENT IN ZAMBIA

20TH JUNE 2005

1.0 INTRODUCTION

The Provincial Forestry Action Programme (PFAP II) has been supporting the Forestry Department (FD) of the Ministry of Tourism, Environment and Natural Resources (MTENR) to pilot joint forest management (JFM) in seven districts in Zambia.

The legislation and policy documents that form the base for piloting Joint Forest Management activities in Zambia are the Forestry Policy of 1998, the Forests Act of 1999,

and the local forests (Control and Management) Regulations, Statutory Instrument No. 52 of 1999, all of which pre-date the commencement of JFM activities in Zambia. The legislation was thus largely drawn on the basis of experiences from other countries and assumptions on how these would apply to the Zambian situation.

The pilot is a learning process intended to establish collaborative management regimes in six forest reserves and one Open Area. For the past 18 months, the Programme has stalled due to the lack of an adequate legal framework to enable some aspects of JFM to be implemented. In the process of piloting JFM it has become clear that the legislative foundation for JFM contains a number of gaps and shortcomings that need to be addressed. This is because the Forests Act of 1999 which provides the legal framework for JFM is not yet in force. In particular, the issue of how communities may be empowered to collect licence revenue on behalf of government, and of how the benefits arising from JFM can be shared between the Government (FD) and the local communities remains to be addressed and tested in the field.

A number of other pertinent legal issues further remain to be addressed, mainly linked to the non-commencement of the Forests Act No.7 of 1999.

2.0 BRIEF TECHNICAL ANALYSIS

The Forests Act of 1999 must be brought into force through the passing of a commencement order under the hand of the Minister of Tourism, Environment and Natural Resources specifying an exact date of commencement.

The commencement of the Act will transform the forestry sector in the following manner:

- a. Creation of the Zambia Forestry Commission to replace the Forestry Department
- b. Transfer of user, control and management rights to participating communities and stakeholders through joint forestry management
- c. Sharing of costs and benefits of forestry management with participating stakeholders
- d. Progressive change in the role of the Forestry Commission

This change has not only administrative and financial implications, but also legal ones. The Forests Act lays down two key legal requirements – the issue of a commencement order to bring the Act into force and the need to comply with the transitional process elucidated within the Act from the commencement date of the Act.

The establishment of the Zambia Forestry Commission to replace the Forestry Department is critical to the implementation of the Act and therefore the Commission should be created within a reasonably short time from the commencement date. This means that before the commencement order is issued, the MTENR must be satisfied that the transition process (administrative arrangements and finances) has reached an advanced stage that will facilitate the establishment of the Commission at least within a month or two. This is because the implementation of the provisions of the Act is dependant on the Commission being in place within the shortest possible period.

The transitional provisions set out in the First Schedule of the Act have financial implications and relate to the following:

- Transfer of staff (all or some)
 - Transfer of rights, obligations, assets from Forestry Department/Government to Commission
 - Legal proceedings for and against Forestry Department/-Government to subsist against the Commission

Under paragraph 10 of the Schedule, the Minister has power to transfer all or some of the officers from the Forestry Department to the Commission. This will mean the termination of staff contracts and settlement of terminal benefits for those that will not be transferred.

The transfer of assets and liabilities will include the transfer of any affairs, property, rights and obligations of the Forestry Department, as well as any legal proceedings, deed, bond or agreement entered into by Government in respect of the Forestry Department.

It is important to note therefore that financial, legal and administrative implications affect the setting of the date of commencement of the Act. The cost of restructuring the forestry sector in accordance with the 1999 Act has been estimated at K75 billion. To date, only about K30 billion had been set aside by Government for the purpose. Some activities leading to the creation of the Commission are being undertaken in accordance with the recommendations of the Forest Support Program. But six years from the time the Act was enacted, it is still not certain when the Commission will be established or

when the Act will be activated by the MTENR.

There are two main problems that have been created by the delay to issue a commencement order:

- An enabling policy framework for participatory forestry management (Forestry policy of 1998) is in place but it is supported by outdated legislation in force whose main theme is State control and ownership (Forests Act of 1973, Cap 199). This has affected the implementation of JFM some of whose aspects relating to participatory management and cost and benefit sharing among stakeholders require a comprehensive and substantive legislative framework. Principles of effective collaborative forest management and real community empowerment cannot be realised in such an environment.
- During the piloting of JFM, legal problems that have been identified require the amendment of some of the substantive provisions of the Forests Act of 1999. These amendments can only be effected once the Act is in force.

3.0 RECOMMENDATIONS

3.1 OPTION ONE

The best option available is to continue piloting JFM using the 1973 Forests Act, Cap 199 of the laws of Zambia.

Section 2 of the Forests Act of 1999 defines JFM -

...‘the participation of stakeholders in the sustainable management of forest resources and the sharing of benefits derived therefrom.’

The 1973 Act does not mention or refer directly to the concept of ‘participatory’, ‘collaborative’ or ‘joint forestry management’. At the time it was enacted, the government policy objective was to vest the ownership, control and management of all trees and forest produce on Zambian land in the State, this power being exercised on behalf of Government by the Chief Conservator of Forests. However, the Act envisioned the transfer or assignment of the ownership, control and management of specified forest areas to another person or authority and the delegation of the exercise of the powers conferred on the Chief Conservator of Forests to another person or authority in addition to forest officers.

1. Transfer of Ownership

Under section 3:

“...the ownership of all trees standing on, and all forest produce derived from the State Lands, Customary areas, National Forests and Local Forests is vested in the President on behalf of the Republic, until lawfully transferred or assigned under this Act or any other written law.”

Unfortunately, the Act does not have an enabling provision for the transfer of ownership of forests. Under the Lands Act of 1995, a person may acquire land but not natural resources, oil, mineral resources on it. They are vested in the State and

the State reserves right of re-entry. (See Land Acquisition Act, Mines and Minerals Act)

2. Transfer of control and management

Under section 22:

“...the Minister may, by statutory instrument, assign the control and management of any local forest to any other person or authority, subject to such conditions as he may think fit.”

Section 30 states -

“... in the case of any State lands or customary area lying in the area of a local authority, the Minister may assign the control and management of licensed felling, cutting, taking and removal of major forest produce in or from such land to the local authority subject to such conditions, if any as he may think fit.”

3. Delegated Authority

Sections 22 and 30 confer delegated authority on other person or authority.

3.1.1 Limitations of the 1973 Statutory Provisions

Section 22 does not apply to open areas and plantations. More importantly, certain aspects of the JFM process cannot be implemented in its entirety especially those relating to sharing of costs and benefits in form of cash between Government (Forestry Department) and the local communities. Thirdly, the

interpretation of the words 'control' and 'management' must fall within the context and overall scope of the Forests Act of 1973. Although the Minister has wide discretionary powers under the empowering provisions, these are limited by the scope of the Act. The methods of control of harvesting and managing forest resources permissible within the Act include:

- Licensing – Part VII of the Act
 - Policing – Part XI and section 7 (honorary forest officers)
 - Marking of forest produce – section 48
 - Prevention of fire – section 67

The extent of the management role to be assigned can be translated using the current operations and administrative functions/role conferred upon the Forestry Department. These include -

- Forest planning
 - Restoration
 - Monitoring
 - Reporting
 - Forest development to sustain and increase forest cover (section 21 – purpose of local forest)
 - Conservation (section 21)

In the case of benefits, in local forests, section 20 is instructive. It allows the enjoyment of rights, interests, easements and profits admissible through an established procedure within the Act, as long as these are not inconsistent with objectives and scope of the Act. These must be provided for in the declaratory orders/instruments under the hand of the President. Other

benefits are free access to forest produce and access and user rights. Using this interpretation, for purposes of JFM, local communities, for instance may within a statutory instrument issued under section 22, be assigned the tabulated means and measures of control and management. However, the Act cannot be used to allow the sharing of monetary benefits between the Forestry Department and local communities, or indeed any other stakeholder.

Under section 32, the Minister has power to set and prescribe different fees for forest produce and licence fees. This provision could be used to the advantage of the local communities under JFM by enabling them to pay for reduced fees for forest produce and licences.

3.1.2 Recommendations

In view of the above explanation, it is recommended that the MTENR take the following steps as an immediate short-term solution prior to the commencement of the 1999 Act:

- Effect amendments to SI No. 52 of 1999 to include aspects of JFM as far as is possible within the context of the Forests Act of 1973. It is important that the Ministry appreciate that this should be provisional only because it is vital for JFM to be implemented under the 1999 Act. The issue of a commencement order should still be a matter of priority for the Ministry to effectively implement JFM as espoused under the 1998 Forestry Policy.

- Issue Gazette Notices to declare the current piloted areas as JFMAs

- Prepare amendments to the Forests Act of 1999 based on lessons learnt, that could be effected once the Act is in force.

3.2 OPTION TWO

In the absence of the above recommendation, the MTENR's option is to continue piloting without a supporting legal framework until the necessary funds for the creation of the Commission are raised and the commencement order issued. The consequences are that under such an arrangement, control and management of forests cannot legally be imparted to local communities because the law demands that the assignment of the control and management must be done by statutory instrument under the hand of the Minister of Tourism, Environment and Natural Resources according to such terms and conditions as the Minister deems fit.

3.3 JUSTIFICATION FOR CHANGES

Option one is justified on the basis that the backing by legislation will guarantee the security, tenure and certainty of legal claims, interests and rights for the local communities.

4.0 BUDGET IMPLICATIONS OF THE RECOMMENDATIONS

There are no budget implications for the proposed recommendations.

AS OF 15 OCTOBER 2006, NO RESPONSE HAS BEEN

RECEIVED BY THE NRCF FROM THE CO-CHAIRMAN OF THE NRCF, THE PERMANENT SECRETARY OF THE MINISTRY OF TOURISM, ENVIRONMENT AND NATURAL RESOURCES.

15 October 2006

ZAMBIA DRAFT NATIONAL POLICY ON ENVIRONMENT (2005): FORESTS

FORESTRY...

The Current Environmental Situation

It has become widely recognised that Zambia's wealth of natural and cultural resources are in danger of further widespread depletion and degradation, sometimes irreversibly as in the case of misuse of some soils. Concern for this worsening environmental situation prompted the need to create a National Policy on Environment. Recent studies (October-December 2004) carried out in all the provinces by the Ministry of Tourism Environment and Natural Resources' Policy Development Secretariat, the provincial and the National Situational Analysis Reports MTENR/UNDP 2005, confirmed the worsening environmental situation and that in relation to the economic sectors the following issues of prime importance should provide the baseline for formulation of the National Policy on Environment:

Forest Sector Current Situation

- Widespread forest clearance and degradation.
- Forest degradation leading to reduced biodiversity.
- Failure of local assessment and implementation of forest laws to prevent over harvesting.
- Unplanned clearance for farmland.
- Far too much uncontrolled annual burning.
- Destructive methods of harvesting.
- Unsustainable charcoal production requiring greater management inputs and awareness raising.
- Fuel-wood demand increased and alternative energy not given sufficient attention at all levels.
- As a consequence of inadequate forest management there is widespread loss of productivity, erosion, siltation, reduction in stream flow and other negative impacts verging in many places upon desertification.
- Poor management of forest cover is probably contributing to climate change.

Private Sector and Community Participation

Strategies

- Train and re-orient extension officers in all line ministries and NGOs to facilitate community participation in natural resource management.
- Return a significant portion of the benefits from sustainable utilization of natural resources on public and customary lands to the local authorities, local communities and chiefs whose collaboration is needed to conserve the resources.
- Integrate local representatives into the decision-making process in order to empower local communities in the management of natural resources.
- Provide incentives to the private sector to encourage their involvement in natural resource management.
- Mobilise private sector resources to achieve environmental objectives through attractive pricing policy, contracts, leases and concessions.
- Facilitate and empower chiefs and local authorities to monitor environment

and natural resources management in their areas of jurisdiction

Conservation of Biological Diversity and Biosafety

Strategies

- Identify valuable areas of biodiversity, particularly outside protected areas, and in consultation with local communities, explore means of protecting such areas, including gazetting as protected areas, purchase of land-use rights or of conservation easements, especially where critical areas are concerned.
- Ensure that programmes undertaken by the Departments of Forestry, Fisheries, and ZAWA under the Zambia Wildlife Act 1998, to protect biodiversity involve and provide benefits to local communities so that they are motivated to conserve the resources and use them in a sustainable manner.
- In view of the extensive importance of biodiversity to the Nation, promulgate a separate Biodiversity Act to support existing legislation.
- Promote eco-tourism as a means of conserving natural resources and biodiversity and of earning income, particularly for local communities.
- Provide a mechanism for fair distribution of costs and benefits deriving from protected areas between central and local governments and local communities, bearing in mind costs as well as revenue.
- Foster public support and encourage private investment in biodiversity conservation through public awareness campaigns and appropriate incentive schemes.
- Establish and develop biodiversity networks, both national and international for information exchange and consultation.
- Promote and strengthen activities of the national gene bank and SADC regional Plant Genetic Resources Centre at Mount Makulu, NISIR.
- Provide alternative income generating activities as a means of assisting the conservation of biodiversity.
- Extend

the scope and capacity of the Pilot Environmental Fund for community-based environmental projects currently managed by the Ministry of Tourism, Environment and Natural Resources to incorporate biodiversity conservation, nature-based tourism and new livelihood enterprises. • Adhere or conform to international biodiversity treaty obligations through systematic introduction of requisite enabling legislation that are relevant to Zambia's situation.

Key Economic Sector Measures

The Ministry of Tourism, Environment and Natural Resources should establish the requisite partners in environmental care and management to see that a time bound Action Programme for implementation is developed and agreed. This will include legal, fiscal and institutional arrangements as well as a wide range of activities focusing on environmental care and sound environmental management spelt out in the National Policy on Environment and within the sphere of the economic development programmes for each of the different sectors. Partners in implementation will include government ministries, government departments and line agencies, the provincial and district administrations, statutory boards and para-statal organisations, nongovernmental organisations, the chiefs as traditional rulers, people's organisations, the private sector and the general public.

The Forest Sector

a) Objective

To manage the Nation's natural forest resources in a sustainable manner to maximize benefit to the Nation and especially forest dependent communities retaining their ecological in-

tegrity.

b) Guiding Principles

- Deforestation is a major factor in soil erosion, siltation of lakes, rivers, dams and other water bodies, loss of biodiversity and climate change.
- The involvement of the private sector, NGOs and local communities in forestry is critical to improved management, conservation and sustainable utilization.
- Promotion of private plantation and homestead forestry should be encouraged.
- Community-based participation in the management of Forest Reserves, Protected Forest Areas and forests on customary lands shall be promoted.
- Local communities that participate in the management of indigenous forest resources shall receive financial and other benefits from their sustainable utilization.
- Inventorying and monitoring should be an integral part of sustainable forestry management.
- Sustainable forest resource management and control of deforestation should best be enhanced on the basis of appropriate research, production forestry development and extension.
- Appropriate subsidiary legislation and regulations at the district level are essential to effective implementation of forest policy.

c) Strategies

- Provide an enabling framework for promoting the participation of local communities, NGOs and the private sector in forest conservation and Joint Forest Management.
- Establish appropriate incentives that should promote the effective contribution of Zambia's forest resources and on-farm trees to the alleviation of poverty, sustainable economic development and environmental protection.
- Provide economic incentives and the necessary legal framework and technology to encourage and facilitate rural communities to introduce alternative sources of energy to gradually reduce reliance upon fuel wood and

charcoal. • Take direct measures to control charcoal production and organise sustainable practices which include rehabilitation of seriously degraded woodland. • Promote development and dissemination of agro-forestry practices. • Promote dissemination of indigenous knowledge about the medicinal and other properties of Zambia's indigenous forest resources and where possible assist in marketing such knowledge for the benefit of the custodians of the knowledge. • Introduce marketing and pricing policy reforms that provide industrial fuel wood users with incentives to invest in tree planting and woodland management. • Ensure the sustainable utilization of forest resources by practicing conservation in the use of forest products, improving specifically the efficiency of fuel wood conservation, recycling paper through incentives and regulations and substituting fuel wood with alternatives such as paraffin, solar energy, biogas, electricity and coal where feasible. • Promote and support the conservation and protection of forest ecosystems and the growing of trees by individuals, companies, estates, local communities and authorities, including the integration of forests and trees into farming systems, soil conservation activities and land-use systems. • Involve local communities in afforestation and rehabilitation of bare, fragile or erosion-prone areas. • Have particular regard to protection and rehabilitation of evergreen riparian mushitu woodland, especially along upper river drainage lines. Assist communities to set up appropriate management institutions to control the use of forestry resources on customary land on a sustainable basis. • Promote forest conservation measures for civil works, including minimal tree destruction when constructing roads, prohibiting encroachment of protected areas. • Provide alternative income generating activities that should reduce pressure

on forestry products such as the commercial use of Nontimber Forest Products. • Establish a forum where interested parties in forestry issues can share ideas. • Conduct well designed research programmes or adapt exogenous technologies to local conditions in order to generate usable technologies for the sustained management of planted and natural forest resources. • Revise and update the Forest Act in order to strengthen it in line with the National Forestry Policy and to promote participatory forest management and sustainable utilization of forest resources having particular regard for private sector and participation of women in all aspects of forest resource management.

• Continue the conservation and management of gazetted forestry reserves and prohibit encroachment into Protected Forest Areas.

Fighting for their own stomachs

Fighting corruption in most African countries is just a sham. It is just one of those schemes to deviate people from the actual problem. Those commissions end up eating huge sums of taxpayers money for their inquiries have never had any results. They pay allegiance to the appointee. They themselves are corrupt. They are instead fighting for their own stomachs. Ayamba Takang, Yaounde Cameroon

Magna Carta and all that...

There is much talk in Zambian civil society of the necessity for dealing with civil service corruption and apathy. The Forestry Department, once one of the finest in Africa, its roots laid in the soil of an England of 1066 and the creation by William the Conqueror of game and forest reserves – in 1215 embraced in Magna Carta, appears intent on continuing its degradation: local and national forests encroached, watersheds pillaged, illegal logging countenanced, complaints of the sale on 99 year leasehold to speculators ignored, community leaders who object, fobbed off.

One ray of hope is the appointment of Integrity Officers in the Department of Lands, Immigration and ZRA. The man at the Ministry of Lands - is already being very helpful:

Pola Kimena (0977 828 752) pkimena@hotmail.com

Tuesday, October 17, 2006

The World Rainforest Movement reports...

The major environmental problem reportedly faced by Zambia is deforestation. A case study carried out by the European Forest Institute in 2000 gives figures: the annual rate of deforestation ranges from 250,000 to 900,000 hectares representing 0.5 to 2.0 % of the country's forest area.

Apart from other social and environmental impacts, the consequences of this process are felt on water supplies, since forests regulate much of the catchment area of the Zambezi river and are essential during the annual seven month long dry season.

The problem has reached a point where even the government has acknowledged the risk that forests may be wiped out if it does not put in place measures to stop deforestation. The Minister of Tourism and Natural Resources, Levison Mumba, said recently that the timber industry was a profitable business, but that it did not contribute to the country's gross domestic product because of lack of transparency by the stakeholders involved. He also suspected of tax evasion by the sector as well as illegal logging in forest reserves.

The government has recognised that the timber industry creates jobs, but the export of raw logs from the country deliver no benefit to the nation. The country must move away from the idea of importing furniture from other countries when it has the ability to make high-class furniture, said the Minister, who also expressed the need to support local firms that turn timber into finished goods and to look at the legislation regarding the export of unprocessed timber in order to protect the local market.

The Minister appears to be moving in the right direction in the sense of linking forest conservation and use with social benefits derived from the development of a local timber processing industry. What he may not be aware of is that these sensible ideas may prove difficult to implement within the free trade policies imposed by the industrialized world through the World

Trade Organization, which may define them as “barriers to trade”, thus declaring them illegal.

Source: WRM’s bulletin N° 60, July 2002.

17 October 2006

Merrily, Merrily, A Logging We Will Go!...

Chinese logging in Jumbe, Eastern Province

Mrs Mbewe, the Chairperson of the MMD in Chipata, has—with Chinese partnership, and through her company Macram Mining Enterprises, applied formally for a pit saw licence to cut a min of 40 trees and a max of 60 trees in Jumbe district a month, proposing to take out a total of 18,000 hardwood trees. At least 150 trees had been cut before formal issue of any licenses, which should disqualify Macram immediately from any logging. Despite calls to the Forestry Department and the Environmental Council of Zambia to stop the activity, it continued due to the inaction of some junior officers: a junior ECZ officer had failed to report the matter to his superiors, who have now dispatched a team to investigate, and a similar junior lethargy had affected the Forestry Department ranks, though - now that he knows about it, the Principal Extension Officer, Mr Wiseman Sangulube has promised he will follow the matter up and pursue prosecution for illegal cutting and for taking the trees into Malawi without papers.

Saturday, November 18, 2006

The Luembe Community Resource Board complain to the Department of Forestry

Last week, Axon Lungu, Chairman of the Luembe Community Resource Board and trustee of the Luembe Conservancy Trust, which represent the community on wildlife and natural resource matters, visited the Department of Forestry in Lusaka to complain of the corruption which has occurred with regard to the alienation of part of the West Mvuvye National Forest to a businessman, of the failure of forestry to take action, and of the ongoing attempts of Chief Luembe, Baldry and Younger - with the connivance of Forestry officials, to make use of that part of the forest presently not alienated. He was unable to see the director, saw a more junior officer who promised to give him an answer in the forthcoming week.

18 November 2006

West Mvuvye National forest news...

Two weeks ago, Senior Chief Luembe, accompanied by ex-Councillor Whiteson Njobvu, Messrs Balrdy and Younger, and two investors, came into the West Petauke GMA and passed the Malone camp of Mbeza Safaris stating that they had not been allowed to pass through the Nyamadzi Game Ranch by

Derrick van Staden in order to visit the West Mvuvye National Forest, and would visit it from the opposit bank. On the return of the party, the chief informed Maloone staff that the investors wished to employ cooks and drivers.

Wednesday, November 29, 2006

West Mvuvye National Forest No. 54 Illegal Alienation

The Chairman of the Luembe Community Resource Board reports that Messrs Tom Younger and Andrew Baldry visited Snr Chief Luembe again recently in order to obtain more land, and were unsuccessful. It appears that the pair have obtained a renewable 99 year statutory lease on that portion of the National Forest which formerly was Luembe customary land. In order for National Forest to be sold, it needs to be de-gazetted with Parliament's approval. This has not been done. Apparently the local community have received a 20% share in the scheme - through an Association. This illegal alienation, as well as the illegal alienation of that part of the National Forest formerly part of the Chief Mwape customary area has been reported to the Commission for Investigations, to the National Movement Against Corruption (NAMAC) and shortly as a petition to Parliament by the Chairman of the CRB and by the Headman's Association of Luembe. The Luembe Conservancy Trust, which applied for a Joint Forest Management Agreement with the Forestry Department in order to develop a participatory conservation and development scheme two years ago, has to date received

no reply to its application, clearly now having been overtaken by current events. Despite numerous contacts with Forestry - particularly its regional representative, Bwalya Chendaoka, they appear to be taking no action.

Senior Chief Luembe is now the subject of an application for an Interim Injunction in the High Court for Zambia under the Chiefs Act (Cap 287 of the Laws of Zambia) restraining the respondent Francis Kalunga Njobvu from acting as Chief Luembe. the plaintiff is Devallias Phiri Besa. Recently the head of the Yendwa clan, Senior Chief Mboroma visited Luembe and travelled to Mwape for a meeting of the Nyendwa chiefs to discuss the issue.

Thursday, November 30, 2006

The Chairman of the Luembe Headmen's Association says ...

Today the Chairman of the Luembe Headmen's Association, Patson Lungu, said in Lusaka that he would shortly call a meeting of all the headmen in the Luembe Chiefdom to discuss the illegal alienation of the Mvuvye National Forest No. 54 to so-called investors by Senior Chief Luembe - one, Francis Kalunga Njobvu, whom the community wish to remove and have replaced by Devalias Phiri Besa. Lungu said that he would hold another meeting with the Zambia Anti-Corruption Committee, and, after the Headmen's meeting, would petition Parliament to undo the illegal alienation by corrupt elements

within the Nyimba District Council, the Forestry Department and the Ministry of Lands. He expects shortly to be joined by Mr Axon Lungu, Chairman of the Luembe Community Resource Board, a Board empowered under the Wildlife Act of 1998.

Wednesday, December 06, 2006

Attorney-General cancels National Forest lease...

Mr Sangalube, Chief Forest Extension Officer in the Forestry Department, reported to Axon Lungu, Chairman of the Luembe Community Resource Board, that the Attorney-General of Zambia had cancelled the 99 year leasehold tenure on the traditional Mwape customary area part of the West Mvuvye National Forest which had been fraudently awarded to Mr Zaheer Patel by the Ministry of Lands, a notoriously dishonest Ministry, where files, like black rhino, go missing.

The remaining part of the forest has been alienated to a Mr Tom Younger and a Mr Andrew Baldry, to the Senior Chief Luembe, and a small share held by the community. The Department of Forestry will shortly be cancelling title on this area. Only a few days ago, Chief Luembe and his Kapasos (messengers) entered the area to obtain bushmeat - an illegal activity. A court action to be held in Kabwe to remove the present chief from office will shortly be held.

Sunday, January 14, 2007

Zambia Minister orders arresting illegal land dealers

A Zambian minister has issued an order to arrest the illegal land dealers, Zambia Daily Mail reported on Saturday.

Home Affairs Minister Ronnie Shikapwasha Friday told Inspector- General of Police Ephraim Mateyo to investigate and arrest criminals illegally allocating land in Lusaka and other cities in the name of political parties.

“One area that requires your immediate professional action is the illegal allocation of land in Lusaka and other cities. With immediate effect, you shall deal very hard ... and I mean very hard with these criminals who are illegally selling and allocating land,” said the minister.

“You must go out and arrest these criminals, including their leaders, who are working behind scenes at the Lusaka City Council and the Ministry of Lands. You must work very closely with the Anti-Corruption Commission and other investigative agencies to remove these criminals from society,” he said.

He made the order in Lusaka at Lilayi Police College at the parade of 30 cadet assistant superintendents and 591 recruit constables.

He said there are too many complaints of illegal squatters on other people’s land that has title.

“These are also criminals, even those who have constructed illegally,” he said.

The minister said he wants the police to arrest those “whether they are MMD (ruling party), PF (opposition party), UDA (opposition party), UPND (opposition party) or ULP (opposition

party) cadres or whatever party. They are criminals because they have broken the law and, therefore arrest them and bring them before the courts of law.”

Thursday, February 08, 2007

Forestry Department's closed doors....

There is much talk in Zambian civil society of the necessity for dealing with civil service corruption and apathy. The Forestry Department, once one of the finest in Africa, its roots laid in the soil of an England of 1066 and the creation by William the Conqueror of game and forest reserves – in 1215 embraced in Magna Carta, appears intent on continuing its degradation: local and national forests encroached, watersheds pillaged, illegal logging countenanced, complaints of the sale on 99 year leasehold to speculators ignored, community leaders who object, fobbed off.

On 8 February, I once more accompanied a member of the community who are objecting to the alienation to a businessman of the West Mvuvye National Forest No. 54 by the Nyimba District Council and the Ministry of Lands – an illegal action as state land may not be sold, to find that the Director, Anna Masinje again refused to see us, and the Chief Extension Officer, Sangalube, who had only two weeks previously promised to take action, would not even venture forth from his desk to greet us. As in other parts of government civil society critics and

whistleblowers are not very welcome.

Of course, the Forestry Department, in common with all of the Zambian Government, receive substantial funding from donors. In the case of Forestry, the Fins have long been prominent; at present funding the Provincial Forestry Action Programme Phase 2, which involves establishing collaborative management regimes in forest reserves. Perhaps the Fins don't know of the illegal alienations, of the attempts for three years by our community trust to enter into a joint forest management agreement with the Forestry Department and having the land sold from under us, of the failure of the Forestry officers to investigate this and other complaints, of the illegal logging by the Chinese in Eastern Province...the list goes on.

My community colleague cannot, unfortunately, hang on in Lusaka; his money is running out, and he needs to return to his village to see if there is anything left there from the massive flooding of the Luangwa river. His family will be huddled in the trees, his crops washed away, the school flooded, but he will come again, and with help stay a little longer, perhaps make a nuisance of himself, learning a little of what is needed to help his people out of dire poverty.

Friday, March 02, 2007

Dark deeds in the Ministry of Lands...

Why I fired Nyirongo - Levy

By KASUBA MULENGA (Zambia Daily Mail 1 March 07)

PRESIDENT Mwanawasa has suspended Commissioner of Lands Frighton Sichone less than 24 hours after Minister of Lands, Reverend Gladys Nyirongo, was sacked for engaging in corrupt practices involving land allocation.

The suspension of Mr Sichone was to pave way for investigations by the Drug Enforcement Commission (DEC) into the alleged corrupt practices bordering on money laundering. Mr Mwanawasa made the disclosures at State House yesterday when he swore-in the new Minister of Lands, Mr Bradford Machila, permanent secretary in the Office of the Vice-President, Dr Austin Sichinga, Citizens Economic Empowerment Commissioners, Industrial Relations Court deputy chairman, Mwiinde Siavwapa and two senior private secretaries at State House, Rabson Chilufya and Alfred Sakala.

“Rev Nyirongo gave out land to herself, two plots to her husband, two other plots to her son and two more plots to her daughter.

So, I felt that the matter should be investigated,” Mr Mwanawasa said. “I have asked the Drug Enforcement Commission to investigate the matter. And because of rampant corruption at the Ministry of Lands, which is now stinking, I directed the Inspector-General of Police last night to seal off the premises,” he added. He said the ministry’s premises would remain closed

until investigations were completed.

The President also said that Rev Nyirongo illegally gave out 25,000 hectares in Mpika to a foreigner, contrary to his directive that any piece of land exceeding 1,000 hectares should not be given out without consulting him. He said he disapproved the allocation of the huge tract of land to a foreigner, but Rev Nyirongo went ahead with the process of issuing title deeds.

Mr Mwanawasa said also said he took into consideration Rev Nyirongo's allegations against Mr Sichone and that was why he decided to suspend him to pave way for investigations. He has since asked the new minister to quickly identify an officer who would take over from Mr Sichone.

Permanent Secretary in the Office of the Vice-President, Bernard Namachila, has been transferred to the Ministry of Lands. The President said he suspended Ms Mukuka Zimba, as permanent secretary in the same ministry after reports of her alleged involvement in corrupt practices although he was of the view that she would be cleared so that she could take back her position. However, due to reasons only known by herself, Rev Nyirongo continued piling up allegations against Ms Zimba so that he made it difficult for her to return.

Mr Mwanawasa said even after he appointed Mr Sichone to act as permanent secretary, Rev Nyirongo got furious and started making several allegations against him. "Many people at the ministry have amassed wealth through corrupt practices and they have been reporting each other. The minister reported the

Commissioner of Lands but other people within the ministry also reported her. All I can say is that there is no order among thieves," he said.

The President was also disappointed that Rev. Nyirongo approached Minister of Home Affairs, Ronnie Shikapwasha, DEC commissioner, Ryan Chitoba, and Anti-Corruption Commission director-general, Nixon Banda, over her allegations against Mr Sichone. He wondered why of all the people, Rev. Nyirongo also sought audience with First Lady, Maureen Mwanawasa over the same matter and what role Lieutenant-General Shikapwasha could play in the corruption allegations at the ministry. Mr Mwanawasa appealed to workers at the ministry to report any corrupt practice to Secretary to the Cabinet, Joshua Kanganja, or his private secretary for legal affairs so that investigations could be instituted. He said there were two other ministries where corruption had become rampant among officers. "Sooner, rather than later, the road will be yours. You will not only lose your jobs, but the law will also visit you," he said.

Mr Mwanawasa also said he had worked with only one senior private secretary at State House for a long time and he had always been looking for the right people to help. The President said he had finally appointed the people he trusted but that if they thought they would be at State House to make money, they would go faster than they went there. Meanwhile, Mr Machila said in an interview that he would ensure that he addressed President Mwanawasa's task to clean the ministry without delay. He said the task was a challenge, which he needed to do diligently and aggressively.

Saturday, March 03, 2007

The pot calls the kettle black...

Corruption threatens African democracy, economy

Geraldine Fraser Moleketi, the public administration minister

South African Broadcasting News February 28, 2007, 18:30

The anti-corruption conference says democracy, economic development and poverty eradication are under threat because of widespread corruption in Africa, but the developed world is also to blame. This emerged at the start of a three day anti-corruption conference held in Johannesburg today where more than 300 delegates from across Africa are discussing strategies in the fight against corruption. The conference has been hosted by the department of public service and administration in conjunction with the AU and the UN Economic Commission for Africa.

The aim is for African governments, businesses and civil society to come up with possible solutions and adopt an African position on corruption ahead of the Global Forum on corruption in April. The delegates also agreed that corruption is one of the main reasons for rampant poverty, civil wars and under-development in the continent. But it is also true that multi-nationals and the developed world are also to blame.

Geraldine Fraser Moleketi, the public administration minister, says: "I think it will not be inappropriate for us to say that whether you look at the oil industry, arms industry, the minerals

and various other resources, we have seen developed countries or agencies play a role which is negative and one example that has come this morning has been the Lesotho highlands water scheme.”

Conference ends on Friday

According to Gladys Nyirongo, the land minister of Zambia, corruption in her country is more rife in the distribution of land. Nyirongo says: “You can be given land today, and the following day is being passed to another person, so that is where really I need to be very aggressive and very strong, because you will have a lot of friends, but you create a lot of enemies.”

The conference will run until Friday when officials will announce a way forward and the type of National Integrity Systems to be used in their anti-corruption drive. At least 40 countries are signatories of the AU convention on preventing and combating corruption.

9 March 2007

The Rev. Nyirongo...

9 March 2007

Chiefs Nyalugwe, Kopa...the story goes on

That Amanita was allocated 10,000 ha. of land by Senior Chief Kopa and Chief Luchembe is further evidence of the failure of some chiefs to embrace a Landsafe Trust, whereby customary land is leased out under 'usufruct' and not 99 year renewable leasehold which results in the permanent removal of the land from the community.

Amanita tried to obtain land in Chief Nyalugwe's country but was blocked by the community, with encouragement from myself - and I was assured by the then Minister of Lands, Judith Kapijimpanga, that she would not allow it through were it to land on her desk. However as we are trying to usher in investment to customary areas, we encouraged Nyalugwe to rent land under usufruct to Amanita; something not attractive to Nyalugwe or Amanita - the chief wanting cash in his pocket, and presumably Amanita wanting the security of a western-style land tenure arrangement.

In 2003, I presented the Landsafe programme for investment to Kopa, his CRB and senior advisors. This would have created a Trust in which investors and donor funds would go into a trust fund and be applied to community development - based on a participatory land use plan. Kopa never did anything. When Kopa sat on the House of Chiefs he must have received a copy of the Landsafe programme which I had distributed to them all through Chief Chiawa. This later resulted in the Chiefs' representative to the stakeholder workshop for the 5th national Development Plan saying that they accepted the concept of

“Chiefs”Trusts’.

What was mentioned (but not placed on the blog) in the article, was President Mwanawasa’s statement that no more than 250 ha. may be given out in customary areas. Clearly the Commissioner of Land was acting outside of the law; as he has done in awarding some 10,000 ha. of the Mvuvye National Forest on 99 year lease to a businessman. Despite numerous attempts by myself and the community to have the Forestry Department do something about this, we have so far failed, Forestry now even refuse to see us. There are other long standing issues of land corruption which has been reported but nothing is being done about it.

An unfortunate part of the Amanita attempt to buy land from Nyalugwe, was that Nyalugwe then tried to have myself and Ross Michelson (who bought land from Nyalugwe some time ago) deported; succeeding, for the moment, with Michelson.

Thursday, April 12, 2007

Zambia’s West Mvuvye National Forest No. 54 corruption

News - as yet unconfirmed, that the southern portion of the West Mvuvye National Forest has now been alienated on a 99 year renewable lease to investors brought in by Messrs Younger and Baldry, joining the already alienated northern portion of this protected area, awarded on a similar lease to Mr Z. Patel,

is deplorable news. However, a call from the Chairman of the Luembe Headman's Association saying that he has heard that the Minister of Tourism, Environment and Natural Resources has de-gazetted this National Forest, suggests that matters may have taken a turn for the worse at a Ministry whose Forestry Department refuses to see community members living around the Forest who object to the alienations, nor respond to Luembe Conservancy Trust trustees who had two years ago applied for a joint forest management agreement with the Forestry Department in respect of the Forest in question.

This corruption has been widely reported: to the Commission for Investigations, the Anti-Corruption Commission, to The Post newspaper...but nothing has been said or done about it.

Any land over 250 ha may not be alienated on 99 year leasehold to any individual or company without the express permission of the Minister of Lands.

The peoples' land is being stolen by corrupt chiefs, fast-buck merchants and civil servants who serve only their own family and clan interests. And we appear powerless to stop it.

13 April 2007

Six accountants in Zambian Land Ministry suspended

Six accountants in Zambian Land Ministry have been suspended for alleged improper use of public funds and missing receipt books, Zambia Daily Mail reported Friday. Several

others at the ministry have been written charge letters to exculpate themselves, failure to which they will also be suspended, according to the newspaper.

Permanent secretary of the ministry Bernard Namachila said here Thursday that he had decided to suspend the accountants and reprimand others in line with the government crusade to clean up the rot in the ministry.

He said he had asked the accountant in Kabwe who could not properly account for over 19 million kwacha (over 4,500 U.S. dollars) to exculpate himself, failure to which he too would be suspended. The suspension of the officers has resulted in a shortage of accounting staff and he has since requested the Finance Ministry of the country to provide support staff for the Land Ministry. Principal accountant Muketukwa Nalumino told the Parliamentary Public Accounting Committee (PAC) that when the accountant at the head quarters was asked about the missing receipt books, he said they were given to an officer who had since retired and could not be traced.

"But when we traced the retired officer, he denied having gotten the said books. This is when the accountant again told us that the books were given to a cashier who was very sick and not reporting for work. The cashier also refused. That is when the officer was suspended," Nalumino said. The PAC also heard that out of 24 cheques worth 343 million kwacha, four were forged. The matter has since been reported to the police who are currently investigating, she said. PAC chairperson Charles Milupi took Nalumino and other senior officers in the ministry to task for having sat on the information until it was raised. "The committee has difficulties in believing what you are telling us because it has taken about three years for you to bring up the matter. There seems to be a casual attitude by the ministry

on following up cases of misuse of funds,” Milupi said.

Last month Zambian President Levy Mwanawasa sacked deputy Land Minister for alleged corrupt involvement in the allocation of land only less than three weeks after the Land Minister was fired for the similar reason.

On Feb. 28, Mwanawasa with immediate effect terminated the appointment of Gladys Nyirongo as land minister after the revelation of corruption scandals surrounding several high officials in the ministry.

Xinhua...

Saturday, April 14, 2007

Zambia's Forestry Department in Nyimba does not know and won't listen

The Chairman of the Luembe Headman's Association reports that the Forestry Officer in Nyimba, the district officer in charge of West Mvuvye National Forest, appears to know nothing of the sale of the Forest to private investors on 99 year leasehold. This despite the fact he has received letters of complaint from the Chairman of the Luembe Community Resource Board to that effect. Is the Forestry Department the next Government Department to be temporarily closed down by the President so as to allow it to be investigated for corruption?

The only result so far appears to be the surveillance put in place

by agents of the Office of the President (cars: ABH 3491 and ABH 3260) on the residence of I.P.A. Manning, Director of the Luembe Conservancy Trust, the Trust which has had a two year wait for approval of its Joint Forestry Management project with the Forestry Department, and which is working to expunge corruption from the area. The case of the Vice-President of the Patriotic Front, Dr Guy Scott and Manning versus Mr Chipoya, Principal Private Secretary to the President in the Office of the President, who, while the President was absent from Zambia, charged the two - and others, with planning to sabotage the ruling party and of planning the destruction of the maize stocks of Zambia, will shortly appear in court. Could this surveillance be part of the grand design?

Wednesday, April 25, 2007

The latest on West Mvuvye National Forest...

I met with Tom Younger yesterday in order to clarify issues around the West Mvuvye, the M'nyamadzi game ranch and the West Petauke GMA in the southern Luangwa valley. I was assured that the forest was in fact a local forest, that he had made the necessary application - with the agreement of Senior Chief Luembe and the Nyimba District Council, for a 14 year provisionary lease and that this had, after an interview, been personally granted to his Royal Luembe Trust by the State President of Zambia. It would seem clear therefore that at some time since the Luembe Conservancy Trust's application two years ago to the Department of Forestry for a Joint Forest Management Agreement in respect of the Mvuvye (requiring

the agreement of Chief's Mwape and Luembe and the Council), this forest was de-gazetted from a national to a local forest - the latter having no protection from alienation other than by the intervention of the President. No one informed myself or our Trust of this. This begs the question as to why Mr Sangalube of the Forestry Department personally assured me and community representatives some two months ago that the alienation of this forest was not allowed as it was a National Forest, and that the portion of the forest alienated on 99 year lease to Mr Z. Patel would be terminated by the Attorney-General as it was illegal. Since that time, Sangalube and the Director of Forestry have refused us an interview. The present chief, Francis Kalunga, faces a court hearing in June concerning his fitness and legitimacy to remain in office. Should he be removed, the new chief and his advisors would have to satisfy themselves as to the legitimacy of the M'nyamadzi lease, and the process whereby the forest was de-gazetted without the community's knowledge.

These issues apart, the Luembe Conservancy Trust was established to provide the necessary guidance in respect of natural resource management for Luembe as a whole, and to attract appropriate investment once projects had been identified through the participatory rural appraisal process and the production of a landuse plan - presently in progress. Although I do not like the way they have gone about obtaining the land, Younger assures me of their good conservation intentions. Their Trust provides a 20% shareholding for the community and an as yet undisclosed shareholding for Senior Chief Luembe. We discussed the issue of the West Petauke Hunting Block concession across the river from the Mvuvye, an

area long under a poaching assault, and currently being ravaged by elephant poaching gangs in which some ZAWA members are participants. This concession was obtained by a foreign investor and myself as the first investment made under the Luembe Trust umbrella.

Clearly, in order to bring development to the area under an holistic development plan - bearing in mind that hunting safaris alone do not provide the income necessary to protect the biodiversity or to enable local people to achieve the Millennium Development Goals, it will be necessary to form close working relationships with all stakeholders in the West Petauke ecosystem. This we are endeavouring to do with Younger as his investors wish to invest in all or part of the concession as well.

Friday, June 15, 2007

Silence in the forest...

The West Mvuvye National Forest alienation issue still smoulders. The latest is that some members of the divided Royal Nyendwa clan - the section who have the interests of the community at heart (Kathryn and Gerald Mulowa), tell me that the Ministry of Lands told them that the area has not been de-gazetted, and that the Forestry Department has belatedly sent someone down to Investigate. This still leaves the matter wreathed in smoke; and Messrs Tom Younger and Andrew Baldry et al have failed to produce evidence of ownership of the Luembe section of the forest, although they apparently have

now bought the M'yamadzi game ranch which borders the forest to the south. Complaints/queries to the Anti-Corruption Commission and the Comission for Investigations have so far failed to elicit a response.

Tuesday, July 17, 2007

Luembe community public prosecutor investigates land alienations...

The Luembe community public prosecutor in the lower end of Zambia's Luangwa valley, Japha Mbewe, is very busy investigating a number of issues affecting the rights of his community: land alienations, the bushmeat trade, elephant poaching, the ivory trade, a poaching syndicate being run by Zambia Wildlife Authority officers, illicit ivory movements, the fencing off of community land without the necessary EIA being completed, illegal safari hunting, the impacts of elephant and other wildlife on village crops and property...

An interview he conducted today with the Nyimba Forestry Officer shed no light on the contining West Mvuvye National Forest saga. He local man in charge of forestry knows nothing of de-gazetting, of what happens at head office. Decentralization, where are you?

Friday, July 20, 2007

West Mvuvye National Forest and Baldry and Younger's Company...

The Baldry/Younger outfit, Royal Luembe Ltd, wholly owned by them - with no community shareholding, is according to Whiteson Njobvu of Luembe (a willing assistant in their plan to alienate the forest for commercial gain), "doing nothing". Njobvu says that the area is still a National Forest and Royal Luembe has yet to be given clearance to go forward with their plans. This makes Younger's assertion that the forest had been degazetted as a result of his application, and that the permission of the State President had been given in a private audience, puzzling. Meanwhile community members are continuing with their queries at the Ministry of Lands and other government offices.

Tuesday, July 31, 2007

Lease for Mwape section of West Mvuvye Forest cancelled...

The brother of Chieftainess Mwape, and Senior Chief Luembe, Gerald Mulowa tells me that the Surveyor-General of Zambia has now cancelled the 99 year renewable leasehold issued to Z. Patel for what once was Mwape customary land, and that Patel will shortly have to remove his developments. It remains to be seen whether this will happen, and whether the Anti-Corruption Commission are really doing anything about the case. Nothing has been heard from the Commission for

Investigations.

All efforts so far of the newly formed Luembe Community and Caretaker Association to deal similarly with the Luembe section of the West Mvuvye Forest, alienated to Royal Luembe Limited (Tom Younger and Andrew Baldry) have failed so far. The MMD Chairman (ruling party) for Nyimba, Whiteson Njobvu - an accomplice of Younger et al, told me that no alienation had taken place - contrary to what Younger told me. However, Njobvu did not make his appointment with me to discuss the issue and now has placed pressure on the Nyimba District Council not to make available to the Association, and to the Chairman of the Luembe Community Resource Board, the land number - required to trace the details at the Ministry of Lands. Rumour has it that Royal Luembe have purchased a major shareholding in the Mn'yamadzi game ranching company, a property which lies to the south of the West Mvuvye Forest, though nothing official has as yet been recorded of this transaction. Recent site of the safari hunting quotas issued once again for this unfenced property, reveal massive quotas, some species like hippo and crocodile which can only be shot in the adjoining West Petauke Hunting Block, whose boundaries include the Luangwa river. Complaints about this to all and sundry have had no response.

Friday, August 03, 2007

'Patel Farm' lease in West Mvuvye National Forest to be cancelled...

The letter from the Surveyor-General of the Minister of Lands clearly reveals that Patel will shortly lose his 99 year leasehold title to Farm 10442 as it 'has been discovered...' that almost all of it falls within the West Mvuvye National Forest No. 54, which I am very relieved to find, has not been de-gazetted - as reported by Tom Younger of Royal Luembe who claims to have some sort of title to the other portion of the forest, title supposedly sanctioned - according to him, by the State President. However, the documents given to me in March of 2005 by the present MMD party Chairman, Whiteson Njobvu, one of which (see below) clearly reveals the boundaries of the farm as falling within the Forest Reserve and carrying the official Chieftainess Mwape stamp, makes the following absolutely clear:

1. Chieftainess Mwape sold land to which she had no title, and which did not fall within her chiefdom.
2. The headmen who agreed to the sale of the land appear to have been duped, other headmen not being consulted.
3. The Mwape/Patel lawyer who drew up the document should hang his head in shame
4. The Nyimba District Council, a member of which sits on our Luembe Conservancy Trust, knew that the area was national forest, yet agreed to the alienation - despite my writing to them on the same, for reasons of personal gain
5. The land planning officer and the Nyimba Forestry Department officer should be investigated.
6. The Forestry Department HQ and the Provincial Office in Chipata connived in the process, refusing to see myself or

community members

6. The cadastral survey and the whole process of registration at Commissioner of Lands went through in record time and was clearly totally corrupt.

7. Complaints to the Anti-Corruption Commission and the Commission for Investigations have had no response - . However, Gerald Mulowa, Mwape's brother, reports they are following the matter up energetically.

8. It appears that it is the brother and sister of chiefs Mwape and Luembe to whom we can ascribe this victory. Somehow they managed to get the Surveyor-General to act. They report that the people of Mwape are unhappy with their chief, as are the people of Luembe.

9. The coloured map shows the boundaries of what is now a national and not a local forest. Looking at the Patel map it is clear that the part of the forest lying between the Mvuvye river and the Nyamadzi is the piece illegally alienated. South of Nyamadzi we have the other part of the forest now in the hands of Royal Luembe

GOVERNMENT SHOULD IMMEDIATELY HOLD AN INQUIRY INTO THE WHOLE SHODDY AFFAIR

Saturday, August 11, 2007

Report from the Luembe community...

I have just managed to find the file reference number for Royal Luembe Limited: ORS/102/83/95. This is the file at the Ministry of Lands.

On Monday, despite some unhelpful officials, Luembe community representatives will continue on the trail of the illegal Mvuvye alienations.

Fighting for their own stomachs

“Fighting corruption in most African countries is just a sham. It is just one of those schemes to deviate people from the actual problem. Those commissions end up eating huge sums of taxpayers money for their inquiries have never had any results. They pay allegiance to the appointee. They themselves are corrupt. They are instead fighting for their own stomachs.”
Ayamba Takang, Yaounde Cameroon

Magna Carta and all that...

There is much talk in Zambian civil society of the necessity for dealing with civil service corruption and apathy. The Forestry Department, once one of the finest in Africa, its roots laid in the soil of an England of 1066 and the creation by William the Conqueror of game and forest reserves – in 1215 embraced in Magna Carta, appears intent on continuing its degradation: local and national forests encroached, watersheds pillaged, illegal logging countenanced, complaints of the sale on 99 year leasehold to speculators ignored, community leaders who object, fobbed off.

One ray of hope is the appointment of Integrity Officers in the Department of Lands, Immigration and ZRA. The man at the

Ministry of Lands - is already being very helpful:

Pola Kimena (0977 828 752) pkimena@hotmail.com

Friday, August 17, 2007

More Zambia forest alienations...

The curious co-mingling of plans by Government for a Multi-facility Economic Zone (MFEZ) and Lusaka South Wildlife and Recreation Park in forest reserves 26 and 55, without full stakeholder consultation, and without the necessary EIA procedures - as is required under the Pollution and Control Act, is further evidence that it is politicians alone who chart our destiny. And this is the area long recognized as being essential to the health of Lusaka's water supplies, one inscribed in the National Water Plan. The Guardian Weekly exposes this all brilliantly. There are the usual players: the donor - seemingly unaware of its contradictory role; the Ministers - deciding what is best for us, contemptuously ignoring the opposition of the local member of Parliament; the foreign investors and their full saddle bags eager to cash in; the parastatal - on the lookout for income generation; the local hybrid - part conservationist, part self-serving opportunist, head well below the parapet and so out of the line of fire; and the splendidly emergent ZAMBIAN opposition to another Legacy.

Zambia forests face a new and massive threat...

Zambia, and ten other countries that still have large areas of intact forest may be left out of an emerging carbon market intended to promote rainforest conservation and combat climate change.

Conservation International report that a study published August 14 in the Public Library of Science Biology journal warns that the “high forest cover with low rates of deforestation” (HFLD) nations could become the most vulnerable targets for deforestation if the Kyoto Protocol and upcoming negotiations on carbon trading fail to include intact standing forest. The study by scientists from Conservation International (CI), the South African National Biodiversity Institute, and the University of California-Santa Barbara calls for the HFLD countries to receive “preventive credits” under any carbon trading mechanism to provide incentive for them to protect their intact tropical forest. Otherwise, the same market and economic forces that cause deforestation elsewhere will quickly descend on regions that so far have avoided significant loss, the authors say.

Cutting and burning tropical forests releases the atmospheric carbon they store, contributing significantly to global climate change. The HFLD countries contain 20 percent of Earth’s remaining tropical forest, including some of the richest ecosystems.

“Given the very large — and likely still underestimated — role of tropical deforestation in causing climate change, these forest-

rich countries should be at the forefront of worldwide efforts to sequester carbon, rather than being left out entirely,” said CI President Russell A. Mittermeier, an author of the study. “With this paper, we hope to highlight this critical issue and put it on the table for future negotiations.”

Until now, the Kyoto Protocol and subsequent discussions have focused on carbon credits for new or replanted forests that replace the carbon storage services of destroyed forests. New rules being discussed by the U.N. Framework Convention on Climate Change for implementation subsequent to Kyoto are likely to create a carbon market for countries that reduce their deforestation from levels of recent years. That would cover countries that have lost large portions of their original tropical forest, as well as those that still have more than half their forest cover but face current high rates of deforestation. In contrast, 11 HFLD countries with more than half their original forest intact and low rates of current deforestation would receive no credits for standing forests.

“The minute that you exclude those countries, their forests lose economic value in the global carbon market, leaving governments with little reason to protect them,” said study co-author Gustavo Fonseca of CI and Brazil’s Universidade Federal de Minas Gerais.

The HFLD countries are Panama, Colombia, Democratic Republic of Congo, Peru, Belize, Gabon, Guyana, Suriname, Bhutan and Zambia, along with French Guiana, which is a French territory. Three of them — Guyana, Suriname and French Guiana — comprise much of the Guayana Shield region of the northern Amazon that is the largest intact tract of tropical

forest on Earth. In addition, portions of other large non-HFLD countries are in the same situation. For example, although Brazil has four other major ecosystems, the Brazilian Amazon faces a similar circumstance as HFLD countries.

According to the study, preventive credits for HFLD countries at a conservative carbon price of U.S. \$10 per ton would be worth hundreds of millions of dollars a year, providing governments with significant economic incentive to protect tropical forests that store atmospheric carbon and supply essential natural benefits for local populations such as clean water, food, medicines and natural resources.

CI believes any carbon credit mechanism should include full representation, participation and consultation by indigenous and local communities of tropical forest regions to ensure that conservation and development programs proceed in accordance with their rights and traditional ways of life as stewards of the crucial ecosystems in which they live.

Along with Fonseca and Mittermeier, the study's other authors are Carlos Manuel Rodriguez and Lee Hannah of CI, Guy Midgley of the Kirstenbosch Research Center at the South African National Biodiversity Institute, and Jonah Busch of the Donald Bren School of Environmental Science and Management at UC-Santa Barbara.

Monday, September 03, 2007

Zambia's National Policy on Environment (draft May 2005)...still not ratified.

Zambia's Forest Sector : Its Current State

- Widespread forest clearance and degradation.
 - Forest degradation leading to reduced biodiversity.
 - Failure of local assessment and implementation of forest laws to
 - prevent over harvesting.
 - Unplanned clearance for farmland.
 - Far too much uncontrolled annual burning.
 - Destructive methods of harvesting.
 - Unsustainable charcoal production requiring greater management inputs and awareness raising.
 - Fuel-wood demand increased and alternative energy not given sufficient attention at all levels.
 - As a consequence of inadequate forest management there is widespread loss of productivity, erosion, siltation, reduction in stream flow and other negative impacts verging in many places upon desertification.
 - Poor management of forest cover is probably contributing to climate change.

Forestry and The National Policy on Environment

a) Objective

To manage the Nation's natural forest resources in a sustainable manner

to maximize benefit to the Nation and especially forest dependent

communities retaining their ecological integrity.

b) Guiding Principles

- Deforestation is a major factor in soil erosion, siltation of lakes,

rivers, dams and other water bodies, loss of biodiversity and climate change.

- The involvement of the private sector, NGOs and local communities in forestry is critical to improved management, conservation and sustainable utilization.

- Promotion of private plantation and homestead forestry should be encouraged.

- Community-based participation in the management of Forest

Reserves, Protected Forest Areas and forests on customary lands

shall be promoted.

- Local communities that participate in the management of indigenous forest resources shall receive financial and other benefits from their sustainable utilization.

- Inventorying and monitoring should be an integral part of sustainable forestry management.

- Sustainable forest resource management and control of deforestation should best be enhanced on the basis of appropriate

research, production forestry development and extension.

- Appropriate subsidiary legislation and regulations at the district level are essential to effective implementation of forest policy.

c) Strategies

- Provide an enabling framework for promoting the participation of

local communities, NGOs and the private sector in forest conservation and Joint Forest Management.

- Establish appropriate incentives that should promote the effective

contribution of Zambia's forest resources and on-farm trees to the

alleviation of poverty, sustainable economic development and

environmental protection.

- Provide economic incentives and the necessary legal framework

and technology to encourage and facilitate rural communities to

introduce alternative sources of energy to gradually reduce reliance upon fuel wood and charcoal.

- Take direct measures to control charcoal production and organise

sustainable practices which include rehabilitation of seriously degraded woodland.

- Promote development and dissemination of agro-forestry practices.

• Promote dissemination of indigenous knowledge about the medicinal and other properties of Zambia's indigenous forest resources and where possible assist in marketing such knowl-

edge

for the benefit of the custodians of the knowledge.

- Introduce marketing and pricing policy reforms that provide

industrial fuel wood users with incentives to invest in tree planting

and woodland management.

- Ensure the sustainable utilization of forest resources by practicing

conservation in the use of forest products, improving specifically

the efficiency of fuel wood conservation, recycling paper through

incentives and regulations and substituting fuel wood with alternatives such as paraffin, solar energy, biogas, electricity and

coal where feasible.

- Promote and support the conservation and protection of forest

ecosystems and the growing of trees by individuals, companies,

estates, local communities and authorities, including the integration

of forests and trees into farming systems, soil conservation activities and land-use systems.

- Involve local communities in afforestation and rehabilitation of bare,

fragile or erosion-prone areas.

- Have particular regard to protection and rehabilitation of evergreen

riparian mushitu woodland, especially along upper river

drainage

lines.

- Assist communities to set up appropriate management institutions

to control the use of forestry resources on customary land on a

sustainable basis.

- Promote forest conservation measures for civil works, including

minimal tree destruction when constructing roads, prohibiting

encroachment of protected areas.

- Provide alternative income generating activities that should reduce

pressure on forestry products such as the commercial use of Non-

timber Forest Products.

- Establish a forum where interested parties in forestry issues can

share ideas.

- Conduct well designed research programmes or adapt exogenous

technologies to local conditions in order to generate usable technologies for the sustained management of planted and natural

forest resources.

- Revise and update the Forest Act in order to strengthen it in line

with the National Forestry Policy and to promote participatory

forest management and sustainable utilization of forest

resources

having particular regard for private sector and participation of

women in all aspects of forest resource management.

- Continue the conservation and management of gazetted forestry

reserves and prohibit encroachment into Protected Forest Areas.

Sunday, September 23, 2007

Zambia's Surveyor-General not obeyed??

On 23 July 2007, the Surveyor-General of Zambia wrote to the Lands and Deeds office instructing that the 99 year lease given out to a businessman for the Mwape section of the West Mvuvye National Forest No. 54 be terminated forthwith. When one of the Mwape people inquired of the lady at the Lands and Deeds office why this had not been done, she replied that she had not written the letter as she had no secretary!!

Zambia's deforestation rate...

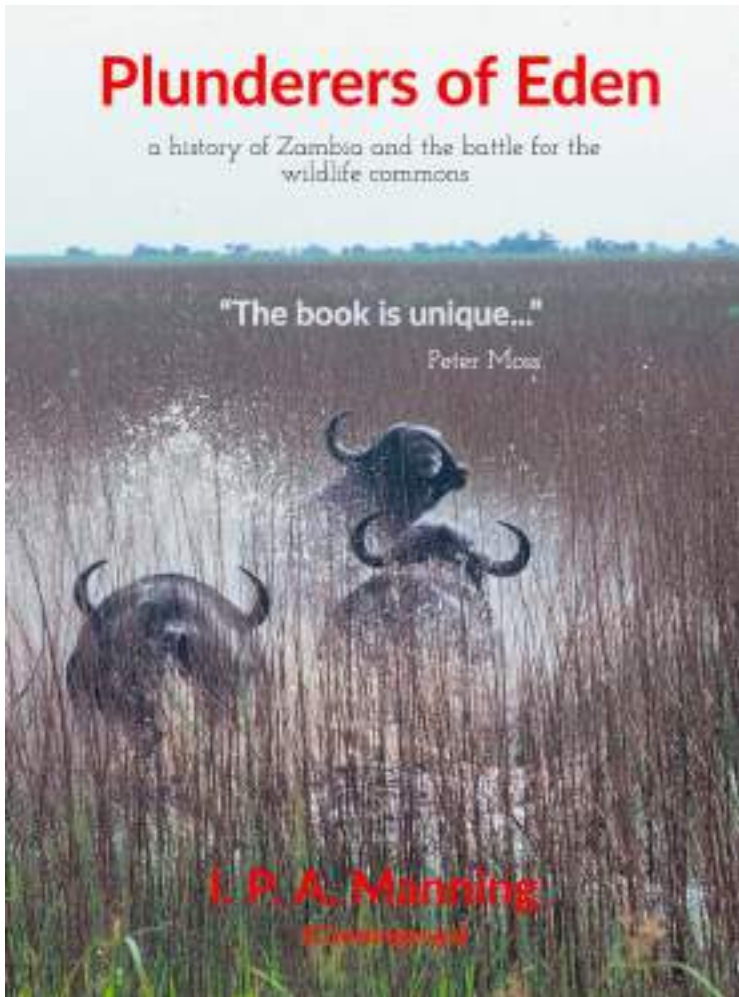
The FAO Forest Resources Assessment study for Zambia in 2005 concluded that the average annual deforestation rate for the country is 467,368 hectares, or 4673 km². What this means is that an area the size of the West Petauke Game Management Area is deforested every year.

13 km² a day!

The most recent figure I heard, emanating from a Finnish study, stated that over the last 9 years, 26% of our forest was lost.

* * *

NOTE my comments below taken from my book *Plunderers of Eden* (2018)



The problem with forestry and environmental issues, in general, is that they are subject to the phenomenon of epistemic knowledge, i.e. failures in the degree of validation of what is taken

as science and then becomes reported fact, or post-truth as it is more generally known. There is no validation of the forest degradation and destruction story, such as a 2011 FAO/GRZ report that 2,500–3,000 km² of land is deforested annually.[i] A seminal assessment by two academics in 2014 seeking ‘to enhance understanding of environmental science–policy interactions’ analyzed how environmental knowledge is applied to REDD+ in Zambia.[ii] They confirmed that ‘research over the past 50 years has not resulted in accurate estimates of forest cover and deforestation rates, nor have major deforestation drivers been convincingly documented. Estimates are difficult to compare due to inconsistent use of key terms, methodological pluralism and differences in social framing’. They go on to conclude:

“There is only limited empirical evidence on what constitutes the main causes of deforestation. This, however, has not prevented the establishment of a dominant deforestation discourse that has remained essentially constant since colonial times. This discourse holds that there is rapid deforestation and increasing degradation, caused by population growth and neo-Malthusian pressures that push small-scale farmers to clear forest for agricultural production and meeting energy needs. Based on our analysis of how knowledge of forest cover and deforestation are grounded and how such knowledge is circulated in the REDD+ policy process, we argue that the ZFD, the FAO, and associated professionals constitute an influential epistemic community, which can define, modify, and heavily influence the deforestation discourse and allied policy initiatives, such as the REDD+ policy process. Further, the ZFD and the FAO may also be considered boundary organizations that – through

promoting terminology and production of forest statistics, consultancy reports and formal policy documents – are able to circulate deforestation “facts” amongst actors in the policy process and across the boundaries of “science” and “politics”. Along the way, biophysical evidence becomes black boxed and increasingly difficult to separate from politics, e.g. when the origin and units of measure of deforestation estimates are blurred, or the National Forestry Policy draft specifies causes of deforestation as a matter of fact without referring to sources of evidence. *Further, the REDD+ policy process is characterised by largely ignoring biophysical evidence that does not support the deforestation discourse. ”*

[i] Vinya R, Syampungani S, Kasumu EC, Monde C, Kasubika R (2011) Preliminary study on the drivers of deforestation and potential for REDD+ in Zambia. Lusaka, Zambia: FAO/Zambian Ministry of Lands and Natural Resources.

[ii] Kamelarczyk, Kewin Bach Friis, and Carsten Smith-Hall. “REDD herring: Epistemic community control of the production, circulation and application of deforestation knowledge in Zambia.” *Forest Policy and Economics*. Elsevier, 12 June 2014.

Sunday, October 14, 2007

Victory at last in West Mvuvye National Forest...!!

The Lands and Deeds office has cancelled the 99 year lease obtained by Z. Patel for the Mwape section of the West Mvuvye National Forest; and the Royal Luembe Trust has withdrawn its application for the alienation of the Luembe section of the

same forest. The Luembe Conservancy Trust and the Trust soon to be formed in Mwape, will now be able to resume their attempts to manage the area for the benefit of the community and the forest itself. And we will continue to resist any attempts to de-gazette the forest.

Sunday, October 28, 2007

Zambia's Mwape and Luembe chiefdom villagers in uproar...

Members of the Nyendwa Royal Clan recently travelled to Mwape and Luembe to pave the way for 1), Senior Chief Luembe (their brother) to re-assume his responsibilities and signed commitments to the Luembe Conservancy Trust, and 2), to deal with Chieftainess Mwape (their sister) over her part in the illegal alienation of the northern portion of the West Mvuvye National Forest No. 54, as well as to discuss the proposed formation of the Mwape Community Trust - based on the Landsafe model pioneered by the Luembe Trust. Talks were held with Mwape headmen who complained that their area is not being well governed and that, in particular, they will not entertain the formation of any trust involving Chieftainess Mwape until such time as the people who had illegally acquired the forest have departed the area. They are particularly bitter about the fact that guards hired by Patel are barring them from access to thatching grass and loshi (binding bark).

And in Luembe, the Luembe Community Resource Board have met - along with representatives of the community, to

discuss the decision by the Minister of Home Affairs to deny their partners, Gamefields and Mbeza Safaris, self-employed permits for their three executive shareholders. The result of this is a signed petition addressed to the Minister of Home Affairs, copied to their District Commissioner, stating that they consider such action to be counter to their efforts to bring development to what is one of the poorest districts in Zambia.

Monday, February 25, 2008

An African Call for a Moratorium on Agrofuel Developments

February 23, 2008 Category: Agrofuel, Third World

The agrofuels 'revolution' is replacing millions of hectares of local agricultural systems, and the rural communities working in them, with large plantations

We, the undersigned members of African civil society organizations, as well as organizations from other parts of the world, do urgently call for a moratorium on new agrofuel developments on our continent. We need to protect our food security, forests, water, land rights, farmers and indigenous peoples from the aggressive march of agrofuel developments, which are devouring our land and resources at an unbelievable scale and speed.

We call for:

0. A moratorium on new agrofuel developments in Africa. Our governments urgently need to stop and think before delivering our continent to the fuel demand of foreign investors.

0. No agrofuel targets for Governments in Europe and the rest of the world.

0. An international moratorium on agrofuel exports, until the true social and environmental costs can be assessed, and disaster averted.

We have chosen to name this problem “agrofuels” instead of the more common term “biofuels” to make clear that we are talking about the large-scale growing of crops specifically to produce liquid fuels. We are not talking about the use of wood, dung or waste matter. Nor are we talking about small-scale production that is integrated into food production and used for household and local energy supplies. We wish to make clear that the agrofuels push is about large-scale fuel production on massive privatized plantations, driven by the fuel demands of export markets.

Africa is already feeling the impact of climate change, and our continent is likely to be the hardest hit by future changes in our weather systems. We must do all we can to both mitigate the problems and adapt to the coming changes. But the agrofuels push, rather than the seductive “carbon neutral” solution it claims to be, will exacerbate Africa’s climate and food security problems even more.

The agrofuels push in Africa is being termed the next “Green Gold Rush”. Investors are rushing to privatise our land for their plantations, while our governments willingly allocate millions of hectares from the 70% of Africa’s land that is still communally owned. “Jatropha” is being pushed as one of the new miracle crops for African small farmers to produce fuel. But the reality is that the gold rush is firmly controlled by giant transnational companies which are taking over Africa’s land at an incredible pace, and are bringing about disastrous socio-

economic and environmental impacts on our communities, food security, forests and water resources.

Some of the impacts that already have been observed in 2007 so far include:

0. Displacing farmers and food security in Tanzania

Thousands of Tanzanian farmers growing rice and maize are already being evicted from fertile areas of land with good access to water, for agrofuel sugar cane and jatropha plantations on newly privatised land. Villages are being cleared, but families have been given minimal compensation or opportunities for their loss of land, community and way of life. Evictions already taken place in Kisarawe District and the Usangu plains, and tens of thousands of hectares in Bagamoyo and Kilwa districts are being given to foreign investors. In addition, the government has identified millions more hectares in at least 10 other districts.

0. Deforestation for agrofuels in Uganda

In Uganda, plans to cut down thousands of hectares of the country's largest rainforest reserve, for a sugar plantation for ethanol have fortunately been cancelled, following civil protest on the issue. Such deforestation can threaten local water cycles, as Mabira Forest is a key water catchment area for Lake Victoria and the River Nile. Unfortunately, however, thousands of hectares of forest on Kalangala and Bugala Islands in Lake Victoria have already been cut down to make way for palm oil plantations.

0. Conservation Areas Threatened in Ethiopia

Millions of hectares in Ethiopia have been identified as suitable for agrofuel production, and many foreign companies have already been allocated land from farmland, forests and wilderness areas. Even protected areas are not safe from the

spread of agrofuels. One European investor has been granted 13,000 hectares of land in Oromia state – 87% of which is the Babile Elephant Sanctuary, a home to rare and endangered elephants.

0. A Bad Deal for Out-growers in Zambia

Privatized plantations are not the only model of large-scale agrofuel production in Africa. Some investors in Zambia are choosing to grow crops such as jatropha through huge numbers of out-growers, using contracts that last up to 30 years. These contracts serve to transfer control over production from the farmer to the company, through a system of loans, numerous extra charges and service payments, and prices determined by the company. Under such a system of dependence, farmers are likely to increase their indebtedness to the company, until they may be obliged to hand over their land altogether.

0. Fuel or food in West Africa?

In West Africa, the agrofuel craze is also gaining momentum. Jatropha is already being grown in Togo, Ghana, Senegal, Mali, Côte d'Ivoire and Niger. Senegal's president Abdoulaye Wade has enthused about an African "biofuels revolution" and placed fuel crops at the heart of an agriculture renewal programme in his country. In Ghana one company is planning to plant one million hectares of Jatropha with support of the government, while in Benin another company has obtained permission to plant a quarter of a million hectares of agrofuel crops. Farmers in Benin and in many other countries in the region have, on the average, no more than 1 hectare to grow their products and the agrofuels are expected to make a serious dent into their food production.

In other words: the agrofuels 'revolution' is geared to replace millions of hectares of local agricultural systems, and the rural

communities working in them, with large plantations. It is oriented to substitute biodiversity-based indigenous cropping, grazing and pasture farming systems by monocultures and genetically engineered agrofuel crops. In addition, the millions of hectares of what the agrofuel-pushers euphemistically call “wastelands” or “marginal soils”, are to be turned to ‘productive’ fuel production, conveniently forgetting that millions of people in local communities make a living from these fragile ecosystems. And where there are no indigenous farming systems to replace, one just takes the forests. In the drivers seat are the multinational corporations that manage these kinds of huge monocultures best and already control the international market for agrofuels.

In Africa, much of the drive for agrofuel developments comes from talk of achieving national energy security. However, in most countries there seems to be a failure to recognize that foreign companies are already controlling the direction of biofuel production, with an eye on targeting more lucrative export markets. Rising global oil prices will determine the price of liquid biofuels, and is likely to price fuel and feedstock out of the reach of the poor, and into export markets in the North. We simply do not believe that agrofuels offer a genuine solution for climate change or energy security. Scientific studies show that the production, processing and transport of agrofuels, uses more energy than is contained in the fuel product. Other studies show that the cutting down and burning of forests and peatlands to make way for agrofuel plantations, produces many times more carbon dioxide emissions per litre of agrofuel than the equivalent amount of fossil fuel. The current push for agrofuels exacerbate, rather than solve, the problem of climate change.

To address climate change, we don't need agrofuel plantations to produce fuel energy. Instead, we need to turn the industrial production system upside down. We need policies and strategies to reduce the consumption of energy and to prevent waste. Such policies and strategies already exist and are being fought for. In agriculture and food production, they mean orienting production towards local rather than international markets; they mean adopting strategies to keep people on the land, rather than throwing them off; they mean supporting sustained and sustainable approaches for bringing biodiversity back into agriculture, using and expanding on local knowledge; and they mean putting local communities back in the driving seat of rural development. Such policies and strategies imply the use and further development of agro-ecological technologies to maintain and improve soil fertility and organic matter and in the process to sequester carbon dioxide in the soil rather than expelling it into the atmosphere. Together, such measures would amount to a formidable step in the right direction in the fight against climate change.

Among Africa's many challenges, food security is one of the most serious. A full car tank of ethanol uses the same amount of grain that can feed a child for a year. We do not understand how our governments can willingly take our food, land and water to meet the fuel luxuries of the wealthy in the North, when we already face problems of food security and environmental destruction at home.

We can ill afford to lose our food, forests, land and water, if we are to meet the challenges of climate change and food insecurity. We therefore ask our African governments and those of the North to stop and think. We urgently call for a moratorium that can protect Africa from the many threats of

the new and dangerous Agrofuels stampede.

Please sign on to this Call by sending an email with your name, organization and country to: agrofuelsafrica@gmail.com

SIGNED BY:

From Africa:

1. Mahinou Senade Nestor, Synergie Paysanne, Benin2.
- Desalegn Tanga, Wolyta Soddo Pensioners3. Elbethel
- Tadesse, ABN Seed GETCO, Ethiopia4. Gebremehdin
- Birega, Africa Biodiversity Network, Ethiopia5. Melaku
- Werede, Scientific Advisor, Ethiopia6. Million Belay, MELCA,
- Ethiopia7. Sue Edwards, ISD, Ethiopia8. Tadesse Reta, Ejera
- Indigenous Seed Conservatory Association, Ethiopia9. Dr
- Tewolde Berhan Gebre Egziabher, Environmental Protection
- Agency, Ethiopia10. Tsion Yohannes, MELCA, Ethiopia11.
- Bakari Nyari, RAINS, Ghana12. Gilbert Iddi Seidu, University
- for Development Studies, Ghana13. Naa Thomas Tia
- Sulemana, RAINS, Ghana14. Salifu Yussif Abudulai, RAINS,
- Ghana15. Alice Mashinde, Appropriate Rural Development
- Agriculture Programme, Kenya16. Basilius Kagwi Ndirangu,
- Porini, Kenya17. Collins Ochieng Otieno, CREP Programme,
- Kenya18. Gathuru Mburu, Africa Biodiversity Network,
- Kenya19. Jackson Wafula, SMART Initiative, Kenya20. Paul
- Karanja, SACDEP, Kenya21. Regina Mutheca, SACDEP,
- Kenya22. Zachary Makanya, PELUM, Kenya23. Lamine Biaye,
- ASPSP, Senegal24. Elfrieda Pschorn-Strauss, GRAIN, South
- Africa25. Jabulani Bonginkosi Tembe, Kwa-Nganase Farmer
- Organisation, South Africa26. Katja Abbott, ABN, South
- Africa27. Lawrence Mkhali, Biowatch, South Africa28.
- Mphatheleni Makaulule, Mupo Foundation, South Africa29.
- Abdallah Ramadhani Mkindi, Envirocare, Tanzania30. Chacha
- Benedict Wambura, Foundation Help, Tanzania31. Peter

Kidimba, Ileje Rural Development Organisation, Tanzania³².
Renatha Abel Kimathi, NGAS, NI, Tanzania³³. Agnes Kirabo,
VEDCO, Uganda³⁴. Geoffrey Kayama, Harvest Help, Zambia

From other parts of the world:

35. Vanubia Martins, ASA, Brazil³⁶. Vijay Singh Negi, Beej
Bachad Andolan, India³⁷. Alex Thanthriarachi, Protection
of Indigenous Seeds, Sri Lanka³⁸. Henk Hobbelink, GRAIN,
Spain

Sri Lanka³⁸. Henk Hobbelink, GRAIN, Spain

Zambia Gamefields Investment Journal

Saturday, July 14, 2007

Gamefields Ltd start in Zambia in 2003...

Gamefields, once the telegraphic address of the Kenya Game Department, is the name I gave to a company registered in Gibraltar by the Manning family's partner, Khalid Altajir, with a branch in Zambia, having a simple mission: to do something about the complete disenfranchisement of rural communities and the alarming loss of their supporting biodiversity, by entering into partnerships with traditional authorities and government in the investment and management of both customary and protected areas, particularly through the development of tourism. I started the process at the World Summit on Sustainable Development in Johannesburg in 2002 at the request of a number of conservation NGOs by mounting an exhibition called "The Conservation Investment Fair' giving the opportunity for all and sundry to showcase their projects

and to find investment partners. This led to my decision to return to Zambia where I had long been active both in the Department of Wildlife and National Parks and in the safari hunting and tourism business, to assist my old department – now a statutory body called the Zambia Wildlife Authority, in further developing public private partnerships (PPPs) in National Parks – having assisted in the establishment of just such a partnership in the Kasanka National Park (formerly in my charge) in 1988. At the request of Judy Carr, the eldest daughter of the late Norman Carr, a former member of the Game Department and well known for his conservation work in Zambia – and a former employer of mine, I and the former M.P. for Mkushi, Rolf Shenton registered the Norman Carr Foundation. As President we recruited the founding President of Zambia, Kenneth Kaunda, whose son Panji had been one of the trustees – along with myself and Norman Carr, of the African Wildlife Trust twenty years before. One of its first jobs was to assist the current Director General of ZAWA, Dr Lewis Saiwana, in the development of PPP national policy for National Parks.

I then searched for a suitable chiefdom in which to develop a land investment model, one that would not alienate the land from its customary owners, but which would allow for a fruitful partnership to be developed between suitable investors and the villagers. I soon settled on the country of Senior Chief Luembe in the Nyimba district, a magnificent part of old Africa encompassing parts of the rift valleys of the Luangwa, Lukushahi and Luano.

In short time we had registered a non-profit trust (Luembe Conservancy Trust) with trustees drawn from the Nyimba

District Council, the Luembe Community Resource Board, the chief and myself (Gamefields) as trustees and co-directors, and Gamefields. This trust was based on a simple structure, initially called the Chipuna – named for the traditional three-legged African stool. The Chipuna seemed the way forward, providing as it does the necessary partners for development of local community, government and investor. I held wide-ranging discussions with all and sundry, but crucial to the development of the Landsafe idea was Rolf Shenton, a remarkably dedicated man whose efforts in conservation and development over nearly two decades in Zambia has no peer.

Chipuna, which we now call Landsafe – in deference to Zambian tribal sensitivities, is being attempted by Gamefields in Luembe, and in other areas by other trusts. The basis of Landsafe is of course a truly participatory landuse plan, one based on the desires and knowledge of villagers, admixed with the land and natural resources capability. The result of this process is the identification of a number of landuse and business development options, which then require investment partnerships. Critically, the use of land is then carried out under usufruct i.e. the lease of customary land, no ownership loss of community land taking place.

As Luembe makes up a greater part of the West Petauke Game Management Area (GMA), an area, which comprises some 1 million acres, home to about 2,000 of the poorest Zambians who live far from services and opportunities for advancement, it was clearly important that we pay particular attention to it. This area had been given out on a tender to Mbeza Safaris Limited for the conducting of hunting safaris on a ten year

lease until 2012. Owned by the Mehta brother, it was clear that they should be invited to join the Luembe Trust, for without their participation, they and ZAWA could easily block other development. Having declined to join us, we made an offer of purchase, which was accepted, and we kicked off with a few hunts in the 2005 season. This journal is a chronicle of what has since ensued...

Monday, July 16, 2007

AN OVERVIEW OF THE ZAMBIAN INVESTMENT CLIMATE FOR TOURISM, CONSERVATION AND RURAL DEVELOPMENT...

Address to the Zambia Business Forum Conference on the Zambia Development Agency Act of 2006, held in Lusaka on 19 June 2007.

At the World Economic Forum Summit on Africa in Cape Town last week one of the main questions posed was just how the private sector could be brought to the African investment and development party. There also came the usual clarion call for the imposition of the same standards of governance in Africa as elsewhere. As I am involved in tourism and rural development, and in efforts to attract investment into our rural areas – in particular protected areas, I am not happy to hear what a prospective investor in tourism said to me recently, “Zambia is such a great country that you have to risk half a million bucks to get a business going in what must be one of

the most inhospitable environments for such things, especially for newcomers”. Is this the common perception of our country, does this reflect reality, and if so will the Zambia Development Agency Act No. 11 of 2006, as presently framed, help rectify the situation?

The dissembling and examination of the ZDA Act in isolation will certainly not solve the Zambia investment problem – and there very obviously is a problem. We must take the holistic view. The Act is but one bird in a motley flock of bills, acts, statutory instruments and policy, many of which by stealth and the total absence of consultation swoop upon civil society, published or unpublished, contradictory or not. Investors, most of the people in this country after all, not just the Englishman in baggy tweeds, cigar clamped in jaw in his luxurious tourist lodge, or the Chinaman flogging fish in Kamwala market – where be his investment certificate I may ask, but also the villagers investing their labour to support their children in a world rather devoid of medicine or education, all are affected by such laws as the Lands Act, the Wildlife Act, the Immigration and Deportation Act, Customary law, the Citizens’ Economic Empowerment Act, the Environmental Protection and Pollution Control Act, the Labour Act and so on.

My experience as a small investor and corporate member of Business Action for Africa and dedicated supporter of its program against corruption, find that Zambia presents at times a forbidding investment landscape; perhaps explaining why in a country that 43 years ago at Independence had the same GDP as the Asian tigers – is now 75 times poorer, and still has about the same number of people employed in the formal sector as it

did at Independence.

This Act, which has taken the place of the repealed Investment Act, Privatization Act, Small Enterprise Development Act, Export Processing Zones Act and the Export Development Act, and which is the midwife of the quango, The Zambia Development Agency, attempts a number of things, articulating national investment objectives based on generally accepted international norms being one of them. However, it is clear that they are not the result of true consultation with civil society conducted in a transparent and participatory manner as they do not address the cultural and social wellsprings, needs and political utterances and aspirations of contemporary Zambian society. They will therefore remain an idealistic goal ever clamped on the horizon. In plain terms, the objectives should deal more directly with the common refrain of urban Zambians, "Zambia for the Zambians".

Government responsibility to foreign investors is poorly delineated, leaving the investor, should anything go wrong, at the mercy of the Arbitration Act, a process anyhow able to be avoided by a Government Executive in which power remains highly centralized, where foreign investors have on the whim of the powerful been in the recent past deported under special powers still in place, powers introduced under a state of emergency by the Chiluba regime. There therefore needs to be introduced an Ombudsman as well as a special committee of the judiciary, set apart from the Executive, to deal with matters affecting investors who are targeted by corrupt elements able to make use of the state security apparatus to serve their own ends. In my case, having served in the

Kaunda regime as a warden and biologist in the Department of National Parks and Wildlife with responsibility for empowering local communities in the ownership and sustainable use of the wildlife resources, and having returned here five years ago after a stint as Chief Technical Advisor to the South African Department of Environmental Affairs and Tourism in order to develop a suitable model so that investors could enter into smart partnerships with communities – but without alienating customary land, surely something having the highest development priority, I find that championing communities and safeguarding their land and that of protected state land from the corrupt, ignorant or rapacious, rather than receiving the thanks of Government, is strongly resented. Protecting customary land from alienation by corrupt chiefs and writing a weblog on illegal land alienations which criticizes Government, is sufficient to have one placed on the deportation list, have one's phones and email tapped, mail opened, be subject to sinister phone calls, and have vehicles of the Office of the President parked outside the house gate. As an angry Minister, objecting angrily to my criticism, said, "Zambia is not a democracy like Britain and America". The message is plain. Come here, but remain silent. But as the author Paul Theroux wrote in his essay, *Tarzan is an Expatriate*, "A person should not agree to work in a country that demands silence of him".

The issue of investor freedom of speech needs to be aired and debated, and provisions made for the protection of investors who follow the law, stay out of party politics, but, who because of their work and affiliations, their heritage, their social conscience, insist on certain standards of governance, and voice it. After all many of us come from countries which over the

years have provided 40% or so of Zambia's budget. This should deserve some respect.

The ZDA Act and the Immigration and Deportation Act appear to have arrived here from different planets. The now repealed Investment Act - under which most recent investors were ushered in, confirms that an investor who brings in a minimum of fifty thousand United States Dollars shall be entitled to a self employment permit or resident permit. In actual fact what one receives is a self-employed permit which has annually to be renewed following an inspection of the business premises by a cabal of six representatives – all Government, drawn from the Zambia Investment Centre, Anti-Corruption Commission, the police, immigration and so on, who have to be collected from their scattered hide-outs and transported to wherever one is. And unlucky the investors far away from Lusaka. This temporary status is then held for three years – each year requiring re-validation, in which Immigration, consider one not yet a resident of Zambia until one has obtained an Entry permit (there being no more Resident permits issued). Therefore for three years the investor is made to pay for various licenses normally charged to non-residents. For example, a license to conduct hunting safaris is charged at the non-resident rate of \$6000, rather than the \$600 resident rate. And no one, not the Zambia Investment Centre (ZIC), not the Zambia Wildlife Authority (ZAWA), nor the Department of Immigration appear prepared to change this, sticking to the letter of the law and not its spirit. Surely an investor who moves to Zambia, as elsewhere in the world, obtains the necessary investment certificate and self-employed permit, is a resident. And the lack of clarity and contradictions between the ZDA Act and

Immigration Act of what is required of the investor to renew his self-employed permit may lead him into a laborious exercise to provide an audit of all his accounts, one which actually needs to take in the period prior to the issuing of an investment certificate, which if delayed – something not in the interests of the investor, may result in him receiving a letter, as I have, which says that my application for an extension of a self-employed permit is rejected ‘for the company is not viable’. From the Immigration Department’s point of view they are merely following procedure, but receiving such a document obviously places an investment in peril and a deportation notice imminent. I have now to appeal to the Minister of Home Affairs against the rejection, pay \$500 for a temporary permit in the meantime, and if he refuses, I am left with the Arbitration Commission, and if that fails, I will petition the High Court. And if that does not work, what then? Does this kind of treatment and process best serve investors, and Zambia?

On the matter of investor incentives, I find the ZDA Act lapses into total confusion. Article 65 renders the attainment of an investment certificate and self-employed permit, as well as the necessary work permits, impossible, for to qualify one has to invest a minimum of \$250K and employ 200 people in managerial and technical positions. I have tried to think of one such tourism enterprise currently in existence which would qualify for this. A recent letter from the Netherlands Embassy to the Permanent Secretary of Commerce, Trade and Industry presents the problem more clearly: “It is our understanding that the current minimum threshold for investor status is an investment of USD50,000. The higher thresholds mentioned above are understood to simply add further incentives, without

affecting this minimum threshold. However, it appears that there is some confusion over this matter, as well as over the difference between the USD250,000 and USD500,000 thresholds. The confusion appears to be affecting the way that applications are being handled. It has come to our notice that various foreign investors are apparently being required to show proof of a minimum investment of USD500,000 as a condition for obtaining self-employment status and that government has in fact stopped issuing self-employment permits and extending residence permits to companies that are unable to meet or comply with this regulation”.

And what of the development investor such as myself and my partners, we who are hybrids of the made-in-heaven coupling of NGO and capitalist, where profit remains subservient to human upliftment and biodiversity conservation. What Act, what Agency is there to see that incentives are in place for it? My experience of investing in the safari hunting industry in order to support our overall objectives of biodiversity conservation and villager upliftment has been deeply unpleasant. Dealing as a partner in a Hunting Concession Agreement with the Zambia Wildlife Authority, the statutory body who hand out hunting and tourism concessions and who are mandated to conserve our wild life and wild places, particularly the regime of the present Director-General's predecessor, has been one of the more unpleasant experiences of my life: a trail of corruption, deceit, incompetence, administrative bungling and neglect, endless and pernicious litigation, the failure to negotiate in good faith, the use of blackmail, a shocking disregard for the principles of wildlife management, and a complete neglect of the Community Resource Boards and the impoverished communities whom

they should be serving. My past criticisms have now been vindicated and laid hideously bare by the Auditor-General's report on ZAWA published a few days ago. This brings me no great pleasure. Quite clearly, the Act requires some mechanism to protect an investor who has entered into such agreements with dysfunctional and poorly managed parastatals.

Finally, in assessing the Act and the future Zambia Development Agency itself, we should take care not to become bogged down in the detail. Investment does not require a manual of rules, an instantly obsolete grand investment plan. What it needs is openness and honesty, a sharing of knowledge, and crucially, admitting that Zambia will never grow unless it confers citizenship on residents in accordance with Western standards, unless it takes in suitable immigrants, and most importantly of all, unless investment directly targets the rural poor. Yes, Zambia for the real Zambians.

Sunday, July 22, 2007

The Zambian investors' nightmare announced...

The arrival in the post of a smudged, dubious looking photocopied form from the Department of Immigration - the sort of escape document produced by Allied prisoners at Colditz, informing you that your self-employed work permit renewal application has been denied on the grounds that 'the business is not viable', suddenly stills the wind and dims the lights of sunny Lusaka.

Your immediate thought is that it is obviously a put-up job, a fake, sent to you by a practical joker, or more likely, sent by one of the people thwarted by your campaign on behalf of poor villagers to protect their land. How, you say to yourself, earnestly striving to discover some Cartesian logic while all about you so clearly reveals its absence, can the Government turn down a self-employed permit renewal application from a major shareholder and managing director of a company holding an investment certificate that has so far invested over a million dollars in a trust dedicated to ushering in investment to a rural area. But they have. And the chap sitting at the end of the corridor in that splendid Kent House, surely a film set for a re-make of a Graham Greene Haitian novel, is quite serious when he says that I should appeal at once to the Minister of Home Affairs, ‘otherwise the next step will be that we deport you’.

A visit to the Zambia Development Agency, mandated under the Investment Act both to provide an investor with a self-employed permit if one brings in \$50,000 (now overtaken by the highly flawed Zambia Development Agency Act requiring \$250,000 and the employment of a minimum of 200 technical and managerial workers) and to ensure that international investment agreements are adhered to, mutters something about, ‘those immigration people are very difficult’. So I write a letter to the Minister of Home Affairs, a rather stern chap who recently deported a few people on the grounds that they were a threat to state security (one of them being a Dane who was an honorary police officer and had the temerity to order the Deputy-Minister of Home Affairs driver to move out of a disabled parking site), and deliver it in person to his

secretary. Then I am told to fork out \$500 for a temporary permit while I await the Ministerial decision. Meanwhile, the other two directors, my wife and son, have received no such letter of refusal and spend days lined up at the film set hellhole in wind blown corridors reeking of leaking sewage and jack hammers tearing away at the entrance way. Its a long business: files are lost, files are found, company accounts are handed over to unwilling recipients, letters from accountants shrugged off. After all, the Department of Emmigration - masquerading as Immigration, does not give a fig about the Zambia Development Agency - a rather weak quango placed in the Ministry of Commerce. Everyone knows that Home Affairs with its police and security apparatus has all the power.

More trips to the film set reveal that my son will soon get his letter of refusal, and that my wife, irrespective of the fact that she is a shareholder and director, being on my file, has also been refused. No reply from the Minister of Home Affairs of course; so I fire off a letter to the Director General of the ZDA and to their legal counsel. And of course, lest I forget, to a couple of safari clients and television documentary makers, cancelling their trip and promising to send back their money. Its safari season after all, and our safari company - just one of the things we do, is gearing itself up with hundreds of villagers clearing tracks and building camps. But the machine, not very well oiled obviously, eructates briefly and falls silent. We are now becalmed, our community partners bemused, our agents - already got to by the enemy, doubtless feeling vindicated in their withdrawal of support. The enemy, sitting back, licks the collective moustache, letting forth agreeable goatly burps of satisfaction at the progress of its campaign.

The first shot fired on 28 November, 2005...

Regarding the article on Monday 28, November: “7 Safari Firms Escape Prosecution – Kabeta”, by Brighton Phiri, I can only marvel at the resurrective powers of one, Hapenga Kabeta, declared mercifully surplus to requirements as Director General of ZAWA by our President in the Sunday Post (“Things Go Wild at Wildlife Authority”), only to be miraculously brought forth from the dead in The Post of Monday. Did he receive a Presidential pardon, perhaps a stay of execution?



ZAWA the pawn

As the MD of a hunting company named in the article in Monday's edition, and a partner with ZAWA and the local community (villagers and their traditional leaders) in the

operation of hunting safaris – a company bought in order to usher in participatory development in a far-flung rural area, I can understand the imperious Hapenga quoting the Queen so fulsomely, “We are not amused with such carelessness!” but was it necessary to go to the press with evidence of such a heinous crime committed by a partner – the shooting of a bushbuck over and above the quota. After all, I am a partner, one of the hunting companies who provide \$3 million of the \$5 million required annually by ZAWA to perform its statutory functions. But, was I really expecting a tickle in the ribs, a cry of, “You naughty boy?” No. Instead, Hapenga goes for the ‘foreign’ investor jugular, fulminating at our criminal temerity: “Should there be the repeat of the same crime, their agreements will be terminated”. Just like that. And I thought partners were friends, mates, taking it on the chin in good times and bad. And ZAWA’s and my partner, the local community – the 5,000 or so villagers in Senior Chief Luembe’s country struggling to find enough to eat, expecting at any minute that the elephant and the bushbuck will steal the food off their plate, they will just have to go along with the decision, I suppose. A curious partner is Hapenga. Or perhaps the article is all smoke and Kapiri mirrors?

The Post readers will be intrigued to know what a quota is and just why some ‘foreign’ rural investors, so essential to the poor of Zambia and the wildlife on which they and ZAWA depend, should be so threatened with the loss of their businesses for something which is not a criminal act, surely. But clearly the quota is something sacrosanct, like the natural law against incest for example. Well, a quota is nothing more than the number of animals of a species which can be kill annually and not effect its population. In other words, my clients shoot

some, bushmeat poachers shoot some, others die, some are born, leaving you with the same number. It sounds simple, but to set one accurately, you would have to know something of the breeding biology of the species concerned, the number of animals in the population (virtually impossible to arrive at in Zambia without a great deal of money spent), the illegal offtake (simply massive in our area due to the bushmeat trade and poaching by scouts, and therefore unknown) and the natural mortality. It's all dodgy wildlife biology. Because of that I refer to quotas as allocations, something the hunting companies and the community have a say in at the annual meetings with ZAWA. In my case, I reduced the allocation to my company, calling for more animals to be given to the rural poor, my true partners. Thus, I reduced the bushbuck numbers, meaning that Hapenga now has a net gain of bushbuck. I wonder if next year, when some nervous hunting client, fresh from Silicone Valley shoots two bushbuck by accident, Hapenga will invoke his heavenly powers and remove my business? And what will we do with Hapenga and his business when next year I catch more of his scouts poaching – this year alone killing the equivalent at least of my buffalo quota? Do I deal with it in the press? Surely not!

Unpublished letter sent to The Post by self

27 July 2007

The end of the chiefly honeymoon...

By the end of 2005, I had become unpopular with the two chiefs in our concessionary area: Senior Chief Luembe, trustee

and co-founder with me of the Luembe Conservancy Trust - because I had stopped him alienating more of his land in the open area; Chief Nyalugwe, because i interceded with the Nyimba District Council to stop him selling off more of his land to a businessman; and with Chieftainess Mwape (who adjoins Luembe just north of the West Mvuvye National Forest), for opposing her sale of land that was not even hers i.e. that part of of the West Mvuvye National Forest No. 54 once in her chieftainship. But the land was sold anyway and all attempts so far to have it nullified have ended in failure. Chief Nyalugwe's main point of irritation seemed to be my refusal to pay yet another bill for the repair of the vehicle he had been given by the would-be investor.

Friday, July 27, 2007

The luncheon affair...

When I received the letter (included in The Post article) from the President of Zambia's Principal Private Secretary, I fell about a bit, pinching myself to ensure I was awake. But my friend, Rolf Shenton, who indeed hosted a number of braais at his house, attended by all sorts of people- one particular lunch attended by the prominent politician Guy Scott, a lady from the World Bank, two members of the Muslim community active in tourism, Yussuf Patel and Goolam Patel, myself, and others, to discuss tourism development and so on, but nothing to do with politics, counselled caution and sound legal advice. The President happened to be out of the country at the time so it was clearly a time when power had gone to the heads of

his minnions. So I wrote to this chap, Chipoya, stating what a good fellow I was and that I had not given much thought to overthrowing the ruling party or destroying the maize stocks of Zambia.

A.N. Chipoya

Principal Private Secretary

State House

Lusaka.

20 April 06.

Dear Sir,

I am in receipt of your letter of 3 April 2006 – one also addressing Messrs, O. Irwin, I. Asherwood and R. Michelson, and copied to Dr Guy Scott, detailing certain information imparted to the President of the Republic by persons unknown, which would have him believe that I and others are party to a range of actions and decisions causing him and the nation distress - as outlined in your letter.

I must categorically state that as an investor and non-citizen I do not take part in any party political debates or machinations, as is required of me under the conditions of my immigration status; nor did I attend any luncheon with the people whom you have mentioned; nor could I therefore have then been party to any of the alleged resolutions – some of them of an exceedingly serious nature, as they would constitute a grave attack on Zambia and her people.

As the sole corporate member in Zambia of Business Action for Africa (BAA), an organization arising out of the Commission for Africa, my business group – the smallest of all the members,

which has - along with fellow members Shell, Unilever and other business giants, been adjudged as being a progressive support for the development of Africa and her peoples. And I have served GRZ in the Department of National Parks & Wildlife for three tours since 1964, having made a small but meaningful and, may I say, altruistic, contribution to natural resource and community development in that time. A steering committee member of the Natural Resources Consultative Forum, I also work in food-aid/poverty reduction advocacy, as a call to the CRBs of Nyalugwe and Luembe, and to the Disaster Management Unit of the Office of the Vice President would confirm.

It is obvious that the Presidency has been deliberately fed information likely to heap ridicule upon it. There lies your enemy.

Yours sincerely,

I. P. A. Manning CBiol
CEO

Wednesday, August 1, 2007

Zambia to remove crew of S.S. Mbeza Safaris...

The Minister of Home Affairs, Ronnie Shikapwasha, has refused the appeal of the Mbeza Safaris MD, Ian Manning against the Immigration Department refusal to issue him with a renewal of his self-employed permit, as required under Section 30 (1) of the Investment Act, Cap 385. At the time all directors of Mbeza Safaris Limited were by law entitled

to a self-employment permit or resident permit. The section provides as follows:

“Notwithstanding the provisions of the Immigration and Deportation Act, an investor who invests a minimum of two hundred and fifty thousand United States Dollars or the equivalent in convertible currency and who employs a minimum of ten persons shall be entitled to a self-employment permit or resident permit”

And today, Brendan Manning, received his letter turning down his renewal application; while Cathlin Manning, although a person and shareholder in her own right, is included within one Immigration file with her husband, and must therefore suffer the same fate as him.

Therefore today, Ian Manning, Brendan and Cathlin Manning have instructed their attorneys, W.M Kabimba & Associates to seek a stay and judicial review against the Minister of Home Affairs, the Attorney General and the Chief Immigration Officer.

Of letters of complain written to the Zambia Development Authority in the persons of its acting Director General and its Legal Counsel, not a word has been heard.

Thursday, August 2, 2007

Investing in Zambian Tourism...

Livingstone

Sven, a Danish citizen whose knowledge of the Zambezi below the Victoria Falls is legendary, is the person appointed by the Livingstone water rats industry to be its safety officer, marshalling the many rafts and canoes down what they tell me is the best bit of white water in the world. But he too has received one of those notices from the Immigration Department informing him that his self-employed permit has not been renewed because 'his business is not viable'.

So Sven, who had made Livingstone his home, will be off, perhaps to Uganda where so many experienced Livingstone river rats have gone because of similar Immigration Department problems. In Uganda, apparently, they welcome the Livingstone fundis with open arms, issuing them immediately with five year, renewable work permits. And so the Livingstone industry declines, not helped by the fact that Zambia is very expensive, that they have just had ten days in Livingstone without water and are assailed by frequent attacks of power cut blight, the killing of the second last white rhino - its mate hiding away with a shattered leg and no means to perambulate in search of grazing here in the dry season, and the town being steadily destroyed by endless growling streams of mega trucks coming through the border. Reports from the river rats is that business is in decline and that their struggle with Immigration, with rapacious revenue collectors, with labour officers, makes them think of other more hospitable climes.

Mfuwe, Luangwa

A week ago a group of 27 residents went down to Mfuwe to visit the South Luangwa Park. They were advised to pay \$30.00 each per day to enter the National Park. As one of the group had already been charged this fee some months back, he had armed himself with a copy of the page from SI 73 of 2004 (Statutory Instrument) which clearly states that for residents, 174 fee units at 180.0 per unit is payable. For three days they tried to enter the park and were refused entry at the legal fee because no one at ZAWA could confirm what the correct charges were. It appears that they were being charged according to the new SI not yet signed into law. They left Mfuwe without having entered the park.

It seems clear that, in addition to the Tourism and Hospitality bill before the National Assembly, which in the form I had studied and commented on over a year ago would have ensured that villagers could not join the tourism industry easily, a raft of long overdue SI's are about to appear on the Government Gazette editor's desk. These are regulations on prescribed fees, Game Management Areas, hunting, National Parks and game ranching, which have not been signed off by their respective stakeholders. One of these stakeholders writes: "The alarming part of this is that we have been asking for a copy of this draft for over 10 months. Many letters have been written to ZAWA and phone calls made yet it has been impossible to get anything. It is clear that there are things in the SI that ZAWA does not want to be known until it is too late. I have established that the fees for "residents" to enter National Parks are slated to go up substantially and it also looks like the reason the resident hunting quota for wetlands has not been sold is because these

fees have gone up substantially also. What else is in it; who knows.”

The Kafue National Park

The bush telegraph delivered some further disquieting news: there is to be a large game capture exercise in the north, and a translocation to Liuwa Plain National Park. I hope that the Environmental Council of Zambia will insist on an EIA. We all remember the previous translocation, the effects of which are felt in the Kafue today. Has this Park not suffered enough?

5 August 2007

Corruption increases in Zambia...

The Anti-corruption Commission (ACC) says reports of corruption are on the increase. Acting director for Prevention, Festus Chipungu says the commission is now receiving more serious reports of corruption than was the case in the past years. Mr. Chipungu reiterated that the commission is determined to eradicate the vice. Meanwhile, Mr. Chipungu said the ACC has not yet started receiving corruption reports from integrity committees that were recently established in various institutions. He was optimistic that the establishment of such committees will contribute greatly to efforts aimed at fighting corruption.

ZNBC

Manning given reprieve from Ministerial boot...

Sunday, August 5, 2007

The Zambian Department of Immigration mantra, 'Your business is not viable'...

The batwings to Kent House, Emmigration Lodge, now half ruin, half container shed, have moved their batwings to the side entrance where endless anxious souls wanting to live and work here, or just visit here, enter, milling about like sheep, trying - usually in Euriah Heep mould, or just striding up to a desk if not, oblivious of that ancient custom, the queue. No one helps with the traffice of course, nor seems to realise that this truly is bedlam, and the worst advert for this country possible - once one of the richest and best run in Africa. My wife, she of kindly christian firmness, waits patiently day following day for promised permits, or whatever; sitting in this office and that, until finally the promised letter she awaits informing my son that his self-employment permit has been refused, as 'our business is not viable', is really a letter for me from the Minister of Home Affairs informing me that my appeal to stay on in Zambia as a bona fide investor, supposedly protected by the Investment Act, let alone that old stand-by, 'good faith', has been denied, and that no further correspondence on the matter will be entertained. Game, set and match.

And so to the High Court, where, thank goodness, Order 53 rule

3 of the rules of the Supreme Court of England are enforced, and I have my stay of execution and judicial review in a month's time. But what of the many similar such 'your business is not viable' claps of gloom that fall about other investors' ears? I met the partner of an English chap who has invested \$2 million in the country and they won't even give him a self-employed permit. And the word at the Zambia Investment Centre is that the emails pour in from my 'your business is not viable' fellow sufferers, now gone for ever from Zambia, their investment in tatters, or sold off for a pittance, or just left in the bush for someone else to sort out the mess, or, ominously, handed out to someone else 'administratively'. But, hang on, the Zambia Development Agency (which is supposed to have absorbed the Zambia Investment Centre by now) has just announced that it has issued another 53 investment permits. Do they give them out with a Kent House health warning?

There are of course Zambian laws for the protection of investors - even international agreements and conventions. And of course there are our mother countries, who pour the money in here daily. Will they help? Not much is my experience? But I will try; at least to warn some fellow Irishman about thinking it is all a cool Guinness here. I might even give Business Action for Africa a ring, the organization which negotiated with the G8 for Zambia's debt write-off. Our company here, Mbeza Safaris, is a corporate member, faithfully following the manifesto which is to help Africa in every way possible, including fighting corruption.

Well, we are over a million and a half dollars over our head already in our effort to partner rural communities in developing

businesses and to look after the land, the wildlife, with part of our operation a tourism business which now aestivates, for one can hardly bring in tourists now. And other plans to invest more money, to bring in other investors at the request of a number of Zambians who have Tourism Concession Agreements (TCAs) but no capital, will just have to wait, perhaps for ever.

It's sad, really. I've been here on and off since Northern Rhodesia days, served Government for three tours, came back to help the forgotten in the sticks - which includes the elephant now so mercilessly being extirpated by rotten officials and crime syndicates. But does anyone care? Of course not. Just bring in foreign investors under any old pretext, then when they have set something up, just give them the old heave ho; they won't complain, carrying all that guilt of the white man's burden as they do.

Monday, August 6, 2007

Safari hunting quota corruption...

1. The Zambia Wildlife Authority (ZAWA) state that the West Petauke Game Management Area No.17 (610,000 ha) includes the Luangwa River, although for the past four years or so hippo and crocodile have been issued on quota by ZAWA to M'nyamadzi Game Ranch (Luangwa east bank) and allowed to be shot there by M'nyamadzi owners and hunters – although Mbizi game ranch to the south, do not take crocodile or hippo from the river. The Surveyor-General in the Ministry of Lands states that private land may not encroach closer than 60 m from

the Luangwa, therefore how is it possible for M'nyamadzi to hunt outside its borders? No EIA by the Environmental Council of Zambia (ECZ) of the present fence construction has been carried out, nor any consultations with the local community, or the Mbeza concessionaire, or the Forestry Department as required by the Fencing Ordinance of the Agricultural Lands Act. The quotas issued are not sustainable for the area, oftakes obviously denuding the West Mvuvye National Forest to the north, the Nyimba Open area to the south and the West Petauke Hunting Concession to the west – Nyimba open area in Luembe having been set aside for use for a community game ranch under a proposed usufruct lease managed by the Luembe Conservancy Trust, and negotiated in 2004. Scrutiny of the two quota sets is evidence of corruption within ZAWA.

2. The 10, 500 ha ranch in question (property No. f/10005; certificate of title No. L9879), on a 25 year provisional lease (only 14 year provisional leases are allowed under the Lands Act of 1995), registered 9 March 2001, though obtained in 1998, is partially unfenced and adjoins the West Mvuvye National Forest No. 54 and customary land in the Luembe Chiefdom. For game ranchers to have ownership rights to wildlife they are required to fence and purchase the animals inside. This has not been done.

3. Customary landowners, through their Luembe Community Resource Board, applied for safari hunting quota in their open area (for onward sale to hunting outfitters), as well as for selected wildlife harvesting rights, and were refused by ZAWA. The latter is a denial of community rights, as contained in the Wildlife Act of 1998.

4. On the purchase of Mbeza Safaris by the founders of the Luembe Conservancy Trust at the end of 2004, hunting quotas

for West Petauke were voluntarily lowered by the owners and the CRB, in the process invoking the precautionary principle as contained in the Biodiversity Convention. This was agreed to by ZAWA, who then later hiked up the quotas to previous levels in order to conform with the Hunting Concession Agreement, and then fined Mbeza \$43,000 for 'underachievement' in the use of the qota in 2006, refusing to entertain mediation in the matter.

5. The present quotas issued to Mbeza are in some cases substantially higher than agreed to in meetings, or lower than requested.

12 August 2007

Zambia's investment crisis...

Well, these meetings one attends in the Zambian national interest, are rather like an interview with the Headmaster who having summoned one to his study, goes on a bit and allows one to speak, once, then gets the wrong idea anyway. Not that the report of Frydah's was too bad. But what I said was that the meeting tended, as they often do, to lose its focus on the true causes of the disease which continues to ail the Zambian corpus, concentrtrng rather on the symptoms: the headachy bits of bureaucracy, of 'the benefits to us Zambians in business bit', finally entering into a bit of a moan about everyone concentrating on foreign investors, rather than domestic. I like to quickly diagnose the disease and the exact treatment. In Zambia's case, the facts speak plainly. At Independence all of forty-two years ago, with a population of 3 million we had

450,000 people in formal employment; now with a population of 11 million we have, more-or-less, the same number. Ergo, the Zambian body is in perpetual decline. What to do? Well, everyone knows we need jobs, in the urban as well as in the 94% of Zambia under a semblance of customary control. But where are these jobs to come from? From Zambia, which lost its critical mass of entrepreneurial non-blacks in 1975 after some Kenneth Kaunda invocations of socialist madness? I don't think so. To achieve a growth rate of 10%, we will need to open the doors to immigrants, small and large. Perhaps we could lure back those splendid 18, 000 Hindu businessmen and their families who created a web of trading stores in country districts, killed off by Kenneth in 1966 when he decreed that Indians should no longer be in the retail trade. Or perhaps some of the hundreds of skilled civil servant, the remnants of the 5,000 graduates in service in 1962, who were told in 1975 by Kenneth that if they left Government service they would not be allowed to go into private enterprise.

What I actually ended up saying was that Zambia sat impaled permanently on the horns of a dilemma: it wants money, investment, but it is ambivalent about having the people who can deliver it. And now the Committee on Economic Affairs and Labour have asked for comments on the adequacy of Zambia's Legal and Policy Framework on Investment. Sure, the Zambia Development Agency Act No 11. of 2006 needs a bit of tweaking and the development of suitable regulations that have had the helping hand of the public in their writing, but will the correct diagnosis ever be given on the economy in this swirling soup of political correctness and xenophobic nationalism.

The Citizens' Economic Empowerment Act

THE CEE ACT

1. Is an Act to establish the Citizens Economic Empowerment Commission and to define its functions and powers; to establish the Citizens Economic Empowerment Fund; and to promote the economic empowerment of citizens, in particular, targeted citizens – defined as someone who is or has been marginalised or disadvantaged and whose access to economic resources and development capacity has been constrained due to various factors including race, sex, educational background, status and disability;
2. In the performance of the Commission's functions under this Act, the Commission shall effectively liaise and consult appropriate State institutions and shall have the power to give such instructions or directions to any State institution or a company
3. The President may give to the Commission such general or specific directions with respect to the discharge of its functions as the President considers necessary and the Commission shall give effect to such directions.
4. The commissioners shall be appointed by the President.
5. The Commission shall be empowered to take whatever actions necessary to ensure broad based economic empowerment of targeted citizens, citizen empowered companies, citizen influenced companies, citizen influenced companies and citizen owned companies.

INTRODUCTION

The Zambian Citizens Economic Empowerment Act of 2006 (CEE) is legislation which will centralize further power in the Presidency, give wide powers to a Commission reporting directly to him, enrich – in the short term, the political elite, freeze foreign investment, ensure continued impoverishment and the unsustainable use of natural resources, and greatly exacerbate the already unacceptable erosion of the national life by corruption and theft in the name of black indigenous empowerment.

This is exactly what has happened in South Africa through the imposition of the South African legal instrument: Broad-based Black Economic Empowerment Act No. 53 of 2003, which is being implemented by the Black Economic Empowerment Advisory Council directly under the control of the South African President.

Prior to the promulgation of the CEE Act, the civil service were instructed to start implementing it, resulting in a racial bias on such issues as lodge leases and the arrogant manner in which Legacy Holdings Zambia advanced on its plans for Mosi oa Tunya National Park. This does not auger well for the future.

PRESENT INTERNATIONAL CONTEXT

The CEE Act is being introduced to Zambia at a time when the Commission for Africa was formed to assist Africa raise the living standards of its people. After extensive consultations and lobbying it persuaded the G8 group of nations at the

Gleneagles Summit to write off much of Africa's debt in return for undertakings by African countries to improve standards of governance. As a result, once Zambia achieved the Highly Indebted Poor Country Initiative (HIPC) Completion Point in April 2005, most of the Paris Club creditors cancelled Zambia's public debt, and the African Development Bank, the IMF and the World Bank - under the Multilateral Debt Relief Initiative borne out of the 2005 Group of 8 Gleneagles proposal, are now busy doing the same. If to this is added the agreed commitment to the mission of NEPAD, the UN Millenium Development Goals and the African Peer Review Mechanism, Africa is supposedly bent on self improvement - with the help of the world.

Zambia played a full role in the consultations with the Commission, and through its Zambia International Business Advisory Council (ZIBAC) - a member of which sits on both the Business Council of Zambia and ZIBAC (and is also Chairman of the CEE Commission - as well as Chairman of the Tourism Council of Zambia - and what may be described as the first Indigenous Zambian business group), therefore appeared set to become a role model for Africa.

ZAMBIAN CONTEXT

Zambia has evolved in a hundred years from a land of isolated tribes, through rudimentary administration by a public company, to colonial protectorate status - where rule was indirectly managed through the chiefs, to political independence. Unlike Zimbabwe, it was not a Crown Colony where large areas of land were alienated to European settlers; and unlike South Africa

it did not suffer Apartheid legislation and the repression of its black population.

The CEE Act appears therefore to to rectify a mythical colonial wrong, to remove some of the control and ownership of businesses from those who came here more recently and who are not black Africans – in the case of some of the first European settlers, fifty years after the arrival of the Ngoni. It does not encourage people to come here and to enter into partnerships with citizens as Mauritius and Ireland and China is doing. And it is likely to give expression to the simmering national xenophobia, which will metaphorically close the borders and harvest what has been produced by foreign and local non-black investors alike.

And Zambia is, by all credible economic performance measures, is upholding a tradition of poor economic governance and the continued plundering of the national purse. At Independence, Zambia's per capita income was the same as the Asian Tiger nations; now Hong Kong is 75 times richer, South Korea 25 times richer; and over the last twenty years – as reported by Transparency International Zambia, only 16% of national expenditure went on agriculture, health, education and local government – the very areas supposed to serve the poor.

The translation of shocks brought about by economic mismanagement – particularly when allied with volatile copper and oil markets, can elicit reactions from political leadership which further impoverish their countries. In 1975, following on from a fall in copper prices and a rise in oil prices, President Kaunda issued the infamous Watershed speech, an

edict which overnight restructured the economy and lost Zambia a critical mass of private enterprise and government expertise, consigning its poor to a permanently impoverished state, accompanied by the rape of much of its natural resources. The CEE Act of President Mwanawasa will now negate a wave of new investment, of innovative new partnerships with tribal communities that do not alienate the land; and will diminish the growth of democracy.

The CEE has already negated the work of such bodies as the Natural Resources Consultative Forum (NRCF), a neutral platform for stakeholder participation in the management of natural resources - particularly policy formulation, established by the Ministry of Tourism, Environment and Natural Resources (MTENR). Now civil servants of that Ministry are unwilling to participate in its deliberations, knowing that they and the private business sector will be subject to the control and direction of the proposed Citizens Economic Empowerment Commission, itself directly under the control of the President.

SOUTH AFRICAN TEMPLATE

The immediate impression of this Act, is that it closely resembles Lenin's decree for the establishment of the People's Commissariat of State Control in 1919, with Stalin as its first Commissar. It is not surprising, therefore, that the only country in Africa still with a communist party, South Africa, has supplied the model for the CEE Act. The legislative template is the South African legal instrument: Broad-based Black Economic Empowerment Act No. 53 of 2003, which is being implemented by the Black Economic Empowerment

Advisory Council directly under the control of the South African President. The impact of this Act, applied to a rich country with a thriving business sector and a generally ably managed economy has been to enrich a small coterie of the black elite, provide considerable advancement opportunities for the emerging black middle class, ensure the unemployment of most of the black poor, and cause young and well-educated whites, Indians and Coloureds to emigrate.

But Broad Based Black Empowerment Act (BBBE), is now considered by the Peer Review Mechanism Report on South Africa to pose a serious obstacle to that country's development –something the South African Government is trying to down-play. Why would Zambia escape such a judgement when the APRM gets round to its report on us?

THE WAY FORWARD

For the CEE Act to have any credibility, it must be taken out of the hands of the State President, have its Commissioner removed and replaced by someone not involved in business, and must arm the Private Sector Development Forum in the fast-tracking of Greenfield projects through Trust structures - as inculcated in the Zambia Development Agency Act No. 11 of 2006, and already agreed to by the House of Chiefs and submitted to the 5th National Development Plan. It is time the Zambian poor receive the attention and support they deserve. The CEE Act could here become an Act serving their deliverance from deep poverty.

Musamba urges govt to formulate equal resource distribution policies

by Kabanda Chulu

Thursday March 06, 2008

FORMER Jubilee Zambia national coordinator Charity Musamba has observed that Citizen Economic Empowerment (CEE) programmes will not achieve intended objectives if there are no strategies of identifying people to be empowered.

And University of Zambia Development Studies' lecturer Dr Francis Chigunta has said current economic growth obtaining in the country is not tangible and would not help to attain the Millennium Development Goals (MDGs).

Commenting on the developmental activities taking place around the country, Musamba urged the government to develop a resources distribution strategy that could benefit all people.

"When you critically look at the Citizen Economic Empowerment (CEE) programmes, you will find that it has nothing for ordinary people and it will not achieve intended objectives because it lacks strategies that will identify people to be empowered and mainly the elite people will access the funds and invest in ventures such as shares and blue chip markets thereby not creating massive employment," Musamba said.

"Hence, Zambia will continue lagging behind because the government had not developed policies that must ensure equitable distribution of resources."

Musamba, who is currently pursuing her PhD studies in Germany, commended the government for introducing windfall taxes for the mining sector.

“We are just excited about the investors coming into the country but they are not doing anything for the people and since we do not have good policies as a country, the mining sector will just leave us with negative social and environmental impacts if the prices decline but I am happy that the government has introduced these taxes so that benefits from these resources are distributed fairly to all people,” said Musamba.

And Dr Chigunta said there was mass poverty in the country and the government was not putting in place mitigation measures.

“It is true that various sectors of the economy are showing signs of growth but this is not tangible and since we are struggling to attain six per cent of GDP, these current growth rates will not help us attain the MDGs, especially that of reducing poverty by half by 2015,” Dr Chigunta said.

“And also there is need for the government to develop sustainable measures that will help translate economic growth into ways of reducing the mass poverty currently prevailing in the country.”

12 August 2007

Zambia's investment crisis...

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graduates in service in 1962, who were told in 1975 by Kenneth that if they left Government service they would not be allowed to go into private enterprise.

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Notes from the last Zambian general election...

CHANGE TO STOP THE CHANGE ...

Today, the 28 September 2006, the people of Zambia are voting, probably – due to the mobile phone revolution and the depth of their discontent, in unprecedented numbers. They will be voting for the present incumbent, President Levy Mwanawasa, or the man of the people, Michael Sata.

There has been a general deterioration in this bit of the old British Africa, independent politically since 1964, where foreign donor aid perpetuates economic dependency, where

the comfortable mutualistic parasitic relationship between Government and Donors show no signs whatever of raising Africa up out of its parlous state, what can be done? What is being done?

What has begun is a steadily growing resistance movement against centralized governance, its uncritical donor partners and well-heeled investors, who are carving up, willy-nilly, the natural resource cake. The catalyst for this resistance is the tourism lease given to an empowerment company in the Victoria Falls World Heritage Site - specifically in the Mosi oa Tunya National Park, for the building of two five-star hotels, an 18 hole golf course and 400 or so riverside chalets. Coming under the spotlight is the Zambia Wildlife Authority, the National Movement Against Corruption, Legacy Holdings and its empowerment Chairman, the World Bank, a Chief and a community trust, some silent multi-national conservation NGOs, UNESCO, the Zambia National Heritage and Conservation Commission, and a group of resolute citizen and non-citizens never so united in the defense of something which belongs to the world.

So, do we look forward to a long five years of litigation against Government, of a war against the donors and investors who cut their own deals without recourse to the people, of an indigenization programme modeled on that of South Africa. On the other hand, will we see and support change to effect a change: leadership and duty, discipline, devolution and decentralization, investment and job creation, health and education, a social safety net for the poor, and partnerships with the private sector conducted in an open and transparent

manner. That would be a start to getting Zambia back into business, so that no more will we hear, “Zambia has great potential!”

ZAMBIA ERECTIONS

In but 12 hours or so, Joyce and Eunice, two widows with a host of children to look after - not all their own, will shut the door of their huts and walk through the dark to the polling station at the school in Chainda, Lusaka, to cast their votes. For the first time ever, this vote, this referendum for a light out of the dark, is being taken seriously. For years these two salts of the earth have had to suffer the verbal froth of politicians, their lot growing more desperate, the mouths at their pots added like beads to a string as HIV/Aids and a distant Government consign them to deeper poverty. Not that this is Somalia, where the normally effulgent rains found in Zambia is unknown, where clan brigands hold sway with the gun, where the glow of western liberal democracy is but a distant memory. But, hell, they do want change.

They want the Chinese cadre ‘erection’ supporters of the ruling party out, not the Chinese and other investors in infrastructure, mining and agriculture, but the ‘Chinee’ flogging eggs in the compounds and shanty towns, let in through some invisible process not available to the normal investor who has to suffer – and fork out, for the endless circuits of the Immigration Department at the execrable Kent House - a re-make of Vichy France Casablanca, for the Zambia Investment Centre blandishments, for the lawyers requiring a President’s ransom, for the host Ministry for what-ever, for the Banks with

their forms endless, for the grasping government departments and their harvesting civil-servants, and for the bloody speed cops sequestered in the shade but a mile from the airport, pens poised, collecting their salary...

Joyce and Eunice: no English, no skills, just the good people of an old culture not yet embracing the terrible allure of the industrial age, witch bound... wanting a Government that will remove the necessity for school uniforms, that will pay the teachers and buy the books, and provide the free medicines in the clinics – not the ‘free of medicines’ clinic, that will provide a bloody house with water and a clean bog. For God’s sake!

Sunday, August 12, 2007

NOTES OF A FOREIGN INVESTOR IN ZAMBIA ...

‘Bad laws are the worst sort of tyranny’
(Edmund Burke)

The recent appointment by the President of Zambia of the members of a Commission which is answerable only to himself and whose mandate is to promote by ‘whatever actions are necessary’ the economic empowerment of ‘targeted citizens’ i.e. black and indigenous Zambians, is both ominous and unsettling, particularly for us investors who can now look forward to some intensive predator-prey interactions as the Citizens Economic Empowerment Act No 9 of 2006 starts to have its merry way with us.

The CEE Act makes no bones about the powers given to the President (appointing the members, directing it what to do) and to the Commission: (giving instructions or directions to any State institution or a company, taking ‘whatever actions necessary to ensure broad based economic empowerment of targeted citizens, citizen empowered companies, citizen influenced companies and citizen owned companies.’), making it abundantly clear just how an investor is viewed by the Government of Zambia on 24 September 2006.

As a foreign investor in rural development who is also a member of Business Action for Africa, what might be my objections to such legislation? Well, for a start, as a paid up member of the Western Liberal Democratic Club – presumably the same one the Government belongs to, this legislation closely resembles Lenin’s decree for the establishment of the People’s Commissariat of State Control in 1919, with Stalin as its first Commissar, legislation imported from the only country in Africa still with a communist party, South Africa. The go-between for the transfer of this racially based legislation is J.J. Sikazwe, a member of the Zambia International Advisory Council, senior policy advisor to BP, Chairman of the Tourism Council of Zambia (TCZ), and coincidentally, Chairman of the first ‘empowerment’ company in Zambia, Legacy Holdings Zambia, recently given a 75 year tourism lease by the Zambia Wildlife Authority (ZAWA) to build two large hotels, an 18 hole golf course and 400 or so chalets in the tiny Mosi oa Tunya National Park at the Victoria Falls – a World Heritage Site. And despite the Vice-President laying a foundation stone, accompanied by an extraordinary and virulent attack on foreign tourism investors, no environmental impact assessment has yet

been accepted by the authorities.

And why the need for such legislation? After all, Apartheid passed Zambia by, and unlike Zimbabwe, we were never a Crown Colony where large areas of land were alienated to European settlers. In fact this alluring patch of Africa with its friendly people was administered first by a company having a Royal Charter - whose first act was to put down the slave trade and build a railway, followed by Imperial Government rule for a mere 40 years from 1924 – 1964, a time of Lord Lugard inspired, Indirect Rule, with the administration conducted through the chiefs and with customary land fiercely protected from European settlement, a blimpish, wonderfully-dedicated-to-the-cause-of-the-black-man, at times blundering administration that got tired of trying to bring on the natives and simply went home to tea and crumpets. The CEE Act appears therefore set to rectify a mythical colonial wrong, to wrest some of the control and ownership of businesses from those who came to Zambia more recently and who are not black Africans. But the CEE Act will not encourage investors to enter into partnerships with the natives, as is happening in Mauritius and Ireland and China. It will simply close the borders and allow the natives due license to harvest the products of existing producers. Humbug, of course.

And of course, the first sector to come under the Commission's scrutiny will be the tourism industry, white run and white owned, many being Zambian but not 'targeted citizens' – and agriculture apart, the only other source of income for the 94% of Zambia under customary tenure. And of course tourism is the main source of income for the statutory body

responsible for wildlife and protected areas, now transposed into a modern cash-cow called the Zambia Wildlife Authority which has already started its empowerment role by taking away the hunting safari concessions of three companies on dodgy legal grounds, and, although temporarily delayed by a legal writ, about to grab the concessions of a further six areas – some 25% of the industry; and hunting is the sole support of Community Resource Boards and the wildlife in a third of the country.

The grand irony and most indigestible bit of all – particularly for those of us whose governments have written off the debt and who continue to lend more, is that the CEE Act was introduced by Zambia when she had just become a fully paid-up member of the international community. After all, she was a solid supporter and contributor to the Commission for Africa, (now dynamically expressed through its organization, Business Action for Africa) - formed to assist Africa raise the living standards of its people, which persuaded the G8 Group of Nations at the Gleneagles Summit to write off much of Africa's debt in return for undertakings by African countries to improve standards of governance. As a result, once Zambia achieved the Highly Indebted Poor Country Initiative (HIPC) completion point in April 2005, most of the Paris Club creditors cancelled Zambia's public debt, and the African Development Bank, the IMF and the World Bank - under the Multilateral Debt Relief Initiative, are doing the same. If to this is added the agreed commitment to the mission of NEPAD, the UN Millenium Development Goals and the African Peer Review Mechanism, Zambia is bent on self-improvement – with the help of the world

Instead, Zambia, which at Independence had the same per capita income as the Asian Tiger nations (now Hong Kong is 75 times richer, South Korea 25 times richer),

is, by all credible economic performance measures, upholding a tradition of lamentable economic governance by re-introducing an assets indigenization programme which flies in the face of all its commitments to good governance, partnerships and all other laudable development goals. Do not be fooled by the official statistics trotted out by Government, the IMF and its donor partners: the rampant corruption, the fuel shortages, the deplorable mismanagement of the exchange rate mechanism which saw the dollar lose 30% of its value, the inflation rate and the 2006 budget, which before a near riot to change it saw small scale farmers having to pay VAT on their crop inputs – but without the facility to reclaim it, is the reality. In agriculture we have lost many thousands of jobs.

Much of Zambia is under siege: the now rampant abuse of the savanna by fire – a major contributor by Africa to global dimming and the increasing brittleness of the environment; the depletion of wildlife due to the bushmeat trade and poorly regulated hunting; the second highest deforestation rate in Africa due to the charcoal industry and the illegal timber trade; the overfishing and pollution of our rivers and lakes; all of this contributing to a downward spiral of land capability impairing the prospects for the rural poor's upliftment out of a witchbound and increasingly denuded environment – is reiterated in the preamble to Zambia's draft National Policy on Environment of 2005. And most of the 19 National Parks, 35 GMAs and numerous National Forests are under only rudimentary protection and management; some Parks and

Forests are already settled by people, some Parks being leased to infrastructural developers - or tourism concessions expanded without due process before the necessary environmental assessment work is completed (Mosi-oa-Tunya NP); a few National Forests (Mvuvye West NF) sold off illegally by the Ministry of Lands on statutory leases; and customary land - which includes the GMAs where some tourism is conducted, continue as a mere open access area where no ownership of natural resources is vested in the people and where the classic tragedy of the commons is being re-enacted.

Tuesday, August 14, 2007

Suljani comments on the CEE Act, Manning replies...

Suljani, on <http://ipamanning.blogspot.com> (now changed), made comments on my article on the CEE Act (see article on this blog)

Mr Manning, I just want to respond to your comments and correct some of your history about Zambia.

I am the great grandson of Donald Siwale who was amongst the group of Zambians that began the first organised struggle against colonial rule in 1912. They formed what was called the Mwenzo Welfare Association with David Kaunda (father to Kenneth Kaunda), Peter Sinkala and others. I was fortunate enough to talk to my great grandfather before he died in the late 1970s and early 1980s. I was a young boy but I remember he used to talk about what he called "Colour Bar" that was

practiced by the Colonial Administration before independence. In other words, there were separate inferior schools and other public services for blacks, indians and coloureds whereas the best schools and public services were reserved for whites. Kabulonga for instance was a white only school in the pre independence era. Kenneth Kaunda became a vegetarian initially in protest to blacks having to be served meat out of the back and white in the front. There was also the "Hut Tax" which was introduced to force blacks off the land so that they would be forced to migrate to the Copperbelt to provide cheap labour for the mines. Blacks who refused to pay the Hut Tax had their homes burned and were forced off their land.

Manning: The struggle against colonial rule in 1912, as you put it, was more the embryonic beginnings of national identity rather than a struggle against some terrible invader. The BSA Company had, after all, just recently put down the slave trade and released villagers from stockaded villages unconnected by paths. The state of the few people living in what is now Zambia in those times was terrible indeed, not helped by the colonial invasions of the Mokololo under Sebituane and the Ngoni under Mpezeni; colonialism being as old as man itself, and certainly not something peculiarly European. Without the coming of European enlightenment to Zambia, who knows what state society would be in here. I think we British still thank the Romans for enlightening us and drawing us out of our primitive state. There certainly was a colour bar here, based more on class issues than race. The hut tax was introduced in order to persuade villagers, who had never before taken jobs, to work. Roads and railways needed to be built. All unfortunate of

course, but only if you would like Zambians to have remained as pure subsistence villagers, without education and development. There were refusals to pay hut tax, and discipline was imposed, at times harsh; such is progress which the history of all nations exhibit. But the British Administration was one of the most enlightened the world has seen. The Zambia law is British law, for which we all should be thankful.

Suljani: Further, the mineral wealth that was obtained from the copper mines right up to independence went straight to the British Treasury. Please tell me when and where the British compensated the Zambian people for the mineral wealth they expropriated for the better part of 100 years from Zambia.

Manning: This is an old canard put about by early politicians, particularly Kenneth. The British S.A. Co. who introduced the wheel here, had a royal charter, and was not part of the Imperial Government. What mining activities were in place at the time of the building of the railway line at the start of the 20th Century? Kansanshi and the bare beginnings of others. That and other development was paid for by the Company until 1922. If you care to go into the records you will see that Britain made no money from North-Western Rhodesia, North-Eastern Rhodesia or Northern Rhodesia. I might just as well ask you where our compensation is for putting down the slave trade, building the railway, the telegraph line, putting in most of the infrastructure as exists at present in the country, let alone fighting two World Wars (with the help of a number of Northern Rhodesians of all colours), which if lost, would have not enabled you to enjoy the present freedoms now in existence.

Suljani: This applies to many African countries where the colonial situation existed.

So I really do not understand why it should cause such offence to you when the indigenous people of Zambia (or put bluntly, the Black people) want a stake in their motherland. You go to England, to Germany, to Sweden, to Norway, to Finland... the indigenous people of those countries control something like 70-80% of their economy. Look at the outcry all over Europe over a few thousand immigrants coming in from Africa and Asia to take lowly paying jobs. What would happen if African and Asian immigrants dominated 80 - 90% of the economy in the UK, Germany or France when just having living in the same neighbourhood causes public outcry.

Manning: I take offence because the history of the BEE in South Africa is that it has not benefitted the poor at all, merely the few having close ties with the ruling hierarchy; and the NEPAD peer review process, carried out by indigenous leaders of Africa, stated this clearly in their peer review report of South Africa. We all want the people of Zambia to have a stake in the country, but you do that by ushering in investment, not as is the case for medium to small investors, discouraging it. Western countries rely on immigration for growth. However, immigration purely by people without technical know-how creates more problems than solutions. But when immigrants such as the Ugandan Asians, expelled by Amin - for just such reasons as you seem to favour, came to Britain, the beneficial effect on the economy was considerable.

Suljani: Please Mr Manning, we are a new and enlightened generation of Zambians and Africans. We have lived and been educated in the West. We appreciate that in a global village there has to be bilateral and multilateral cooperation in business but that cooperation must involve major participation of the local people.

We would be foolish to think otherwise. China, India, Japan, Korea, Malaysia, Singapore and Hong Kong have all developed by ensuring major participation of their local people in the economy (in other words CITIZENS ECONOMIC EMPOWERMENT). Why then do you condemn it when South Africa does and Zambia rather late emulates this.

Manning: I can only repeat, the NEPAD Peer Review for South Africa condemned the BEE Act, crime and corruption as posing the greatest threat to that country. Legislating for greater participation of local people in the economy, particularly if racially based, is both counter productive and offensive. Rather the development of smart partnership, as recently called for by the President, and as I have been advocating for years, is the way forward. Many Zambians already have businesses which cannot prosper because of the lack of technical knowledge and capital. A Government policy which does not encourage investment will result in just such a situation as pertains here now. After all you can go to my country, be resident, and obtain citizenship after five years. Let a foreigner try that here. And ask your M.P. to pose the following question in the National Assembly: "How many of those holding investment certificates, and protected under the Investment Development Agency Act

of 1996 - and the now repealed Investment Act, have had their self-employed permits denied by the Ministry of Home Affairs; and how many without investment certificates but running successful businesses, have been so denied". Let me know what you discover. However, it will merely show that Zambians do follow the policy of Zambia for the Zambians; all very well were you to eschew the 40% or so we have been pumping into your budget since your Independence. You can't have it both ways, as the Bishop said to the actress.

COMMENT EX-AFRICA: Well said. Mr Suljani appears to suffer from acute myopia as well as

ignorance! Maybe he should take a closer look at what the "Yellow"

colonialists are up to in the mining, construction and retailing industries

and the impact this has on Zambians and employment today. I saw a truck

full of frozen Chinese in Kabulonga heading to a building site the other

day in early am and not a single black man in their midst. I wondered what

had happened to CEE!

Wednesday, August 29, 2007

A letter to the IMF...

The continued [IMF](#) propping up of Zambia simply perpetuates dependency, corruption and Zambia's deepening dysfunctional state. As someone working here in the trenches on and off since 1963, I, like many old Africa hands, are in despair. Corruption here is rampant and worsening, with ever greater amounts of money being stolen. You talk of poverty reduction while only 16% of national expenditure has gone over the last two decades on the very things needed to alleviate poverty: agriculture, health, education, and district councils. You talk of stimulating investment while small investors, the ones who create jobs and develop societies, are being shown the door, their self-employed work permits denied, in total contempt of their investment certificates and the Investment Act which underpins them.

The rape of the environment continues apace with customary communities

increasingly disenfranchised, the biodiversity being pillaged, with

ever increasing centralization of powers in an inept and clueless

administration. Since the infamous Watershed speech of June, 1975,

this country rid itself of virtually all non-Zambian civil servants, and

continues, in defiance of international standards, to ignore the rights

of its non-Zambian residents to a place in Zambian society, a place

where speaking out against corruption and the illegal alienation of

land should not be taken as sedition and an attack on state security.

Zambia is now openly anti-western, anti-globalization, the producer

of laws and bills and statutory instruments which infringe on civil

liberties, on our rights and on the rights of the rural poor in particular, yet it knows that its palm will continue to be greased by

donors who have lost all touch with reality as they jet about the

world greasing up indigenous magnificent failures. And for the IMF

to even seriously discuss yet another National Development Plan,

shows how bankrupt the IMF and World Bank ideas bank has become.

What we need is less aid, more open investment, immigration, smart-

partnerships, less planning and the propping up of corrupt departments, the financing of deeply flawed consultancy reports.

Perhaps you should visit one of our far-flung rural areas so that you

may inspect land untouched - except by the plunderers, since the

coming of Livingstone in 1868. Certainly you will be hard pressed to

see where all the money you have given - in some two dozen or so IMF bail-outs, has gone.

Sunday, September 2, 2007

Zambia High Court Action by I.P.A. Manning against the Minister of Home Affairs etc...

Monday, September 3, 2007

Zambia Development Agency speak...

Cartoon from The Oldie magazine.

Wednesday, September 5, 2007

High Court Judge extends date of stay of execution...

Yesterday a High Court judge heard, inter partes, the question of the stay of execution granted to me against the decision of the Minister of Home Affairs not to renew my self-employed permit. It was agreed by the respondents' attorney that the stay be extended until 30 October, 2007, at which time the judicial review will be heard, the Minister and the Chief Immigration

Officer being required to give good legal reasons for their action in refusing me that which Zambia is required to honour.

That a bona fide investor, holding an Investment Certificate, and supposedly protected by the Investment Act , should be so treated is an act of bad faith and does not send out a message to would-be investors to come to Zambia and trust the actions of politicians and a heavily politicised Immigration Department. As a corporate member of Business Action for Africa, I will be making a complaint. So far the Zambia Development Agency, required to protect an investor's rights, has failed to act.

Monday, September 10, 2007

Political scientist says Zambia Government is using foreign investors as scapegoats...

The Zambian academic and leading commentator on current affairs, Dr Neo Simutanyi, in his article 'Education and the Criminal Economy' says that the Department of Immigration, acting on instructions from above, are throwing some foreigners out of the country who are legally here; being used as scapegoats for government policy failures.

Tuesday, September 18, 2007

Zambia whistleblower fall-out on the rural poor...

On the 20th August of 2007, senior representatives of the villagers living within the Luembe Chiefdom of Zambia, went to have their application endorsed for the formation of the Luembe Development and Caretaker Community Association. In order to do this, as required by the Registrar of Societies in Lusaka, they were compelled to obtain the signatures of the Nyimba District Council and the Nyimba Police. They duly obtained these, but, unusually – as it is not normally required, they were told by the Council to obtain the signature of the District Intelligence Officer in the Office of the President (OP), Nyimba branch. Then came the surprise, the officer, by the name of G.K. Mumba, stated that he knew that the group were connected with me, and that I had posted on my blogs the news that his office had recently gone in to Luembe to investigate our complaints of an elephant ivory and bushmeat poaching ring being operated by Zambia Wildlife Authority personnel. The village leaders were upbraided for having given secret information to someone who had then used it for ‘economic sabotage against Zambia’ by telling the world that the OP, as they are called, were investigating corruption. When asked how this was economic sabotage, Mumba replied that I had sought to dissuade hunting clients from coming to Zambia on safari by telling them of the poaching and other corruption.

The irony here is that as a result of being a whistleblower of the massive poaching ring operating in the district, I had also sought to publicize illegal land alienations of customary land and National Forest involving corrupt local forestry and wildlife officers, a corrupt Chief, corrupt elements within the

Nyimba District Council, corrupt businessmen, and corruption in the Ministry of Lands. As a result, I had been accused by State House of plotting to overthrow the ruling MMD Government, of planning the destruction of the maize stocks of Zambia; accused by one of the Chiefs in the district of having committed game offences – though I had not ever hunted in his area; had my phones and emails tapped and my house placed under surveillance and, in my absence, my wife had suffered an invasion of the property by thugs; and then, in an act of sabotage which impacts both on our business, on the local community – as they share income from safaris, and on the good name of Zambia, had our client agents told that we were no good – immediate cancellations being the instant result. Whom is sabotaging whom, I ask.

Of course the Luembe community are awakening from their slumbers, now being aware of their rights under the law and the Constitution. Having got rid their chief for selling off their land, they found him reinstated without due customary process, and are oncemore fighting to have him ousted. Daily their wildlife resources and elephant are being plundered by the very people mandated to protect them. Not only has development aid passed them by, but they have to bear the yoke of malign interests seeking to further disenfranchise them. They now realize all this; hence their wish to form an Association, a perfectly normal democratic urge. But now the OP has put the spell on them.

Saturday, September 22, 2007

Zambia: Mwanawasa Assures Investors ?

The Times of Zambia (Ndola)

President Mwanawasa has assured investors wishing to come to Zambia of conducive policies and protection for their investment while upholding the interests of local people.

Comment by IM:

Amnesty International report that since the last election there is “widespread harassment and intimidation of people perceived to be critical of the government.”

Monday, September 24, 2007

Zambia for the Zambians...

Sherry Thole, Chairman of the Implementation Committee of the USAID funded, Private Sector Reform Programme (PSRP) currently being hosted by the Zambia Business Forum, addressed its convention earlier this year, stating, “Zambia for the Zambians!”

4 October 2007

Zambia's Wildlife Authority again rides rough shod over hunting safari investors...

Zambia's newspaper, 'The Post' of 3 October 2007, carries a Zambia Wildlife Authority tender for the granting of a "Safari Hunting Concession in Nyampala Hunting Block: Munyamadzi Game Management Area". Nothing unusual in that you might say, except for the fact that there still exists a legal concessionaire of Nyampala, Leopard Ridge Safaris. ZAWA appears to have forgotten that they removed the concession from Leopard Ridge without due process, that the concession was re-instated by the Lusaka High Court in favour of Leopard Ridge, and that they then appealed to the Supreme Court – the case which is to be heard on 23 October 2007. ZAWA's legal advisor appears not to have informed his Director-General that such a tender prejudices the Supreme Court appeal.

And one must not forget that the Nyampala Community Resource Board, the partner in the Hunting Concession Agreement - along with ZAWA and Leopard Ridge, had obtained their own High Court injunction, allowing Leopard Ridge to continue hunting, later overturned on purely procedural grounds in the Supreme Court, a terrible blow against rural residents of hunting concessions. Of course, when this happened, ZAWA sent in a force of paramilitary and their own schutztruppe at 4.00 am into one of Leopard Ridge's camps, ordering Leopard Ridge to close down and depart the area. I wonder what the client whom they had hunting thought of it all.

And Leopard Ridge is also due to appear in court again – along

with a few other companies, including our own, in yet another action brought by the National Movement Against Corruption against us, despite them having already lost in the High Court (with costs) and, the Supreme Court. The case? We had overshot our game hunting quotas they charged, something unproven and untrue. But NAMAC, it appeared, believed that their real intention was to expose some corrupt elements in ZAWA who had done nothing about bringing us miscreants to justice. It is all a little far fetched.

As we speak, our lawyer awaits a bundle of documents from the NAMAC lawyer so that the fresh action may commence.

So, it appears that NAMAC, rather than fighting corruption, is an unwitting part of it. If you look at Leopard Ridge's situation and the case of Ed Smythe – an operator who simply had his concession removed and given 'administratively' to someone else, it is hard to dispute. And who is it that funds NAMAC, supposedly there to fight corruption itself? The Danish Government. Are they aware of how their money is being mis-used?

Thursday, October 4, 2007

Zambia's Wildlife Authority Board Chairman threatens investor...

Since the Mulungushi Truce Conference of 3 January, 2007 (**see Bush Telegraph**) - a meeting of hunting concession Community Resource Boards, safari operators and ZAWA, called by Minister Pande of the Ministry of Tourism, Environment and Natural Resources in order to arrange a truce in the mounting criticism of Government's handling of the hunting and conservation industry, only one meeting of the industry has been held, and that without the Community Resource Boards being present. If Government does not confer with its private sector partners, with its community partners, if it ignores its problems, is unsympathetic, then criticism will appear in the media, particularly in the greatest liberating influence known to mankind, the Internet.

The letter from the Chairman of the Zambia Wildlife Authority is chilling: "...show cause why the Board of ZAWA should not deal with your menacing behaviour in a manner and style that should put the scourge to complete rest, decisively and once and for all." Sounds like a death threat.

My reply follows below:

3 October, 2007.

Walusiku Lisulo

Chairman of the ZAWA Board

Your ref: WL/JJ/889

Dear Sir,

Your letter of 26 September was received by hand today.

Your charge that I am posting articles on the internet which are libelous of ZAWA, its Board and the Director-General, requires investigation. As you are making a general accusation, I would presume that you have at hand those articles you consider libelous and could point them out to me. Once we have something with which to debate, I will gladly attend a meeting with the ZAWA Board, attended of course by my attorney. You, of course, already have details of my dissatisfaction with ZAWA and its Board and are, I am sure, ready to supply answers and explanations – something long sought after and promised by you at the Mulugushi Truce meeting in January of this year, and at two subsequent meetings.

I must state for the record, that although I am not required to attend any meeting on the command of ZAWA, or the full Board, I shall do so in the interests of the truth and of conservation. As a conservationist of long standing in Zambia, what I do is only in the interests of Zambia, its people and its wildlife. I am prepared to defend that.

Your sincerely,

I.P.A. Manning

cc. The DG. ZAWA.

cc. The Minister. MTENR.

cc. W.M. Kabimba & Associates

Thursday, October 25, 2007

BAA corporate members at the African front...

As a tiny corporate member of Business Action for Africa (BAA) actually working in the field as an investor and holistic developer in an isolated part of Zambia where some 5,000 or so people live on about 25 cents a day - in a country where Government over the last 20 years only spent 16% of its national expenditure on agriculture, health, education and local government, and where corruption is kept alive by the very process of donor aid, any effort to encourage corporates on the Corporate Social Responsibility (CSR) front is laudable (I am trying to recruit corporates to invest in conservancies, based on a trust structure, where they can get involved on the ground). However, not much is being done to support us and the 25 centers in the field, all the endless talking, thumb-shakes and cocktails being swilled in London far from the front. Corruption is a case in point. BAA makes much of its anti-corruption stance, even reporting to the G8 on what a fine job it has done in Zambia, yet I see nothing of them here, nor do they bother to reply to my letters asking what it is they actually do here – let alone for their own members, one of whom is the subject of surveillance and harassment by the state security and immigration apparatus simply because he stands up for the poor and opposes illegal land alienations. But are they listening?

The donors and the multi-nationals, the quangos and international organizations are simply in bed with the Government, massaging the slumbers of the poor. These be the waPajero, a

new species. What to do?

Friday, October 26, 2007

A backdrop to the conservation battle in Zambia...

Nicholas F. Benton: China's Resource Grab in Africa

Thursday, 25 October 2007

nfbenton@fcnp.com

My exclusive interview this week with a leading health official from the U.S. working on the AIDS crisis in Zambia, Africa, revealed conditions on the ground there almost too horrible to describe. There is no one critical problem there that is not interlinked with at least a half-dozen others and the conventional wisdom is that the best case scenario for a turnaround is at least 40 years away. But as far as the U.S. or any Western interests are concerned, that day will likely never come, since their current foreign policy vacuum in that region has left it to strident and persistent advances by the Chinese.

China is moving into the most ravaged areas of Africa with no humanitarian intent. On the contrary, the Chinese are capitalizing on the corruption at the top of governments there to trade financial payoffs for titles to massive chunks of land rich in untapped natural resources. The U.S. has turned its back to this process, from combined diplomatic, geopolitical and financial aid standpoints, because of its preoccupation with Iraq, the official said.

So the unspeakable human crisis there is not only a matter of concern for the people in that region, but for the wider global interests of the U.S., as well. The U.S. is stuck in the Iraq quagmire, having expended over \$500 billion there to date, in an intended oil grab against perceived Russian and Chinese designs. Yet because of that, it is permitting access to even more vital resources in Africa and elsewhere to the same strategic competitors, over the poverty-stricken and disease-riddled rotting bodies of millions. It is impossible to imagine anything but a massive shift of focus by the U.S. and its allies to turn this regrettable inevitability around.

As it is now, up to 40 percent of the population of Zambia and surrounding countries is infected with the HIV virus that causes AIDS. In Zambia, because of AIDS, the average life expectancy has dropped from 57 to 37 years of age in 20 years. One out of every two children born there today will die from AIDS-related factors before age 24. The death rate has created a massive displaced children problem and the local government has no interest in setting up orphanages. Instead, these AIDS orphans either move in with extended family members, live on the streets or are periodically rounded up into military camps.

These children are then either recruited into the exploding trend of child soldiers used as fodder in genocidal tribal wars, or into global human trafficking networks, shipped around the world and forced to become sex workers. The primary destinations of these networks are the large coastal urban centers of the U.S., the official said. Neither condoms nor AIDS drugs are working in arresting the spread of HIV in Zambia, she added, noting that cultural mores and a pervasive sense of

despair make them ineffective. People living in conditions of extreme poverty have no energy to think beyond how they're going to eat from day to day, and have no sense that they could work for a better future for themselves, or their children, in the long term. There is simply no notion of opportunities for a better life. Foreign aids organizations are treated with great suspicion, with Afro-Americans from the U.S. being considered "white." The suspicions are fueled by local witch doctors whose prescriptions for virility encourage sexual practices by adults with young children too heinous to describe explicitly. Polygamy, without the formality of marriage or commitment, is the norm.

Corrupt local leaders hold aid efforts at bay, demanding huge bribes and diverting resources for their own uses. And there is simply no way the U.S. or any other outside nation can carry out programs in those countries without the blessings of those leaders. There appears to be no sweeping proposal for a "silver bullet" to fix all this. The only way to start, however, would be for the global community, most importantly the U.S., to begin fixing its gaze on what's happening there, not only from a humanitarian but from a geo-strategic standpoint.

Saturday, October 27, 2007

Evidence of Zambia's Development and Immigration divide...

That Minister of Commerce, Trade and Industry, Felix Mutati complains of an influx of Chinese labourers into Zambia - labourers almost daily to be found squatting on the pavement outside the Lusaka airport awaiting their buses, but further confirmation that the Ministry of Home Affairs and its Department of Immigration are implementing a plan which Commerce and Industry have no control over. As I have an Immigration Department official on record as saying that it is they who decide who comes to - or leaves, Zambia, clearly investors have a problem, being lead down the garden path by the Ministry of Commerce - through its Zambia Development Agency, and abandoned to the the vagaries of a heavily politicised Department of Emigration. Chinese and miners be welcome, others beware!

On Tuesday 30 October, the High Court of Zambia will decide on just such a case. Watch this blog... and as a reminder of the problem, here is repeated part of a blog of some months ago dealing with the 'Adequacy of Zambia's Legal and Policy Framework' which I contributed to the Committee on Economic Affairs and Labour of the National Assembly, Zambia:

INTRODUCTION

The Zambia Development Agency Act No. 11 of 2006 takes the place of the repealed Acts: Investment Act; Privatization Act; Small Enterprise Development Act; Export Processing Zones Act; and the Export Development Act, creating the

quango: The Zambia Development Agency

THE ACT'S ADEQUACY:

i) The national investment objectives

These are articulated based on generally accepted international norms. However, it is clear that, in their making, they are not the result of true consultation with civil society conducted in a transparent and participatory manner as they do not address the cultural and socio-wellsprings of society, and therefore will remain an idealistic goal ever unattainable. In plain terms, the objectives are not the views of general society.

ii) Government responsibilities to foreign investors

These are poorly delineated, leaving the investor, should anything go wrong, at the mercy of the Arbitration Act, a process anyhow avoided by a Government Executive in which power remains highly centralized, where foreign investors are able to be deported under emergency powers introduced to deal with a state of emergency under a previous regime. There therefore needs to be introduced a special committee of the judiciary, set apart from the Executive, to deal with matters affecting investors who are targeted by corrupt elements.

Monday, October 29, 2007

Foreigners flood Zambia reports ZNBC...

"The Immigrations Department says Zambia has recorded an unprecedented influx of foreign nationals due to investment

prospects in the country. Chief Immigrations Officer, Ndiyoyi Mutiti said government's resolve to woo investment into the country has attracted many foreign nationals. Mrs. Mutiti also refuted allegations that more work permits are being issued to Chinese nationals than other foreigners. She said her department does not discriminate when issuing work permits. There has been reports that Chinese nationals are awarded more work permits than other foreigners."

Tuesday, October 30, 2007

Justice being done in Zambia...

Today, my one son and I, attended a judicial review in a Lusaka High Court judge's chambers, together with our attorney, Wynter Kabimba and a legal officer from the Attorney-General's office. The matter of course has to do with the refusal of the Minister of Home Affairs to renew our self-employed permits - as is our right as holders of investment certificates under the Zambia Development Agency Act of 2006, giving as his reason that "Your business is not viable", even though we are only into our third year and have already invested \$1.6 million in our Luembe Conservancy - a partnership with our Luembe community, which includes the purchase of the hunting concessionaire in our conservancy, Mbeza Safaris.

The judge showed some irritation at a move by the Government who today presented an affidavit to have the review cancelled, having had time since we last appeared before the same judge on 4 September to present it. Our attorney then, given the fact that

he had had no time to consult us, requested an adjournment. This was granted, the date being set for 30 January, 2008.

Then the matter of the Immigration Department's refusal to understand that a stay of execution granted us on 4 September meant just that. But of course Immigration do not have much understanding or respect for the law, being filled with the hubris of their most powerful position to grant 'life and death' in Zambia to investors, be they illiterate Chinese labourers whom we encounter every time we attend Immigration, putting their crosses on the receipts for their entry permits, something denied most investors, even the husband of a chum of mine who has been on a work permit since 1975. There are four of us: my wife and son and I (all executive shareholders of the company holding an investment certificate), and my aged mother, so Immigration is quite happy to have us paying our \$500 application fee for a temporary permit for a few weeks or months, even though they know the date of the judicial review and could easily issue us with a free report order. After all they should have some rudimentary understanding of the fact that a stay of execution granted by a High Court judge supercedes everything. I tried explaining this to the Immigration legal officer a few days ago. But he clearly thought he was an expert, denying that a stay meant any such thing, then turned on my wife who has been on a report order, saying that unless she paid for and received a temporary permit, he could arrest her for being in the country illegally. This was abuse in its most basic form, something you have to get used to when dealing with the Kent House brigade.

Our problems with Immigration were put to the judge, who

stated that the Immigration legal officer was clearly being 'disrespective to the court, and being arrogant...' With great restraint, he suggested that the Government legal officer have a word with the Immigration legal officer so that he would not be forced to come down on her with a court order!!

Today on the 31st October, we delivered a letter to The Chief Immigration Officer from our attorneys, which dealt with the question, writing as follows: *"your (Immigration's) office has continued to act in disobedience of the judicial order granted to them (Mannings) by a competent court by issuing them at times with report orders for a period of 3 days or a Temporary permit for a period of a month. It was the view of the judge (Honourable Mr Justice Phillip Musonda) that your conduct constitutes an affront to the judicial order granted and M/s Mpamba as legal officer was expected to be well versed in court matters and advise your office accordingly. The judge directed that we implore you to obey the court order in order to facilitate a fair trial or in default to promptly report to the court for appropriate action. In this regard you may wish to refer to the case of Kabimba Vs the Attorney General and Lusaka City Council (1995/97) ZR, 152 for the definition of a stay and its effect in judicial review proceedings."*

It was concluded by a receptive and polite senior hierarchy at Immigration - and by our attorney, that we should be issued Temporary Permits for three months - for which we would have to pay.

Wednesday, November 7, 2007

PURPOSE OF ENTRY: TO WIND UP AND LEAVE THE COUNTRY

Today, my one son, shareholder and manager of a company holding an investment certificate under the Investment Act, with an investment in rural Zambia over four years of \$1.6 million, received a temporary permit extension at a cost of K2.5 million (kwacha @ 3850 to the \$ dollar) or \$649 - although the TP only admits to the payment of K2 million. This permit - supposedly issued on 24 October and valid to 24 January 2008, despite Immigration receiving a lawyers letter and a personal visit to ensure that the TP be valid up to the holding of the court case, is but six days short of the High Court case, one in which he and his father and mother have their judicial review hearing against the Minister of Home Affairs and the Chief Immigration Officer on the matter of the latter's refusal to extend the Mannings self-employed permits. Judge Musonda, having on 30 November admonished the Immigration Department for arrogance and disrespect of the High Court in that they have been issuing short-stay permits despite a judicial stay being in place, something which supersedes any action, may now wish to deal with a state body which ignores him.

The matter is not simply that Immigration require money to pay the Chinese contractor for his attempted repairs to the notorious Kent House, but that the executive and the civil service - paid for by tax payers and the ubiquitous donors - including my own fatherland, not least all the IT equipment supplied by USAID, appear to hold the High Court in contempt. I think, however, that in Judge Musonda they may have found their match.

Today came news of a divorcee on a work permit with a young child of 4, who, enrolled at a private school, and has been told that she should pay K500,000 for a study permit for the child.

7 November 2007

NGOs in Zambia...

The Zambian State and civil society do not very often sing from the same hymn sheet - and increasingly so in Zambia. But this is not a particularly Zambian malady: government everywhere always grows increasingly intolerant of criticism, be it from the media or from that product of western pluralism, the non-government organization. And one cannot cavil at the man who is the citizen's protector - the Minister of Justice, saying that there needs to be a legal framework in place for the protection of society from unregulated NGOs - some of them undoubtedly not of charitable intent. The Charities Commission in England oversee many thousands of NGOs, making sure that they serve society. It is a difficult job, and they have a legal framework, based - as is ours, on English Common Law. But they also protect NGOs from the Government.

Zambian NGOs clearly see the NGO Bill as a move by Government to stifle opposition to government policies and their implementation through Acts and Statutory Instruments, and as an instrument to divide and conquer the myriad groupings of charitable intent which might coalesce into hard political opposition. The Bill does of course not much consider the

protection of the NGO from a Government, one that does not hesitate to order the OP surveillance team to keep a close watch on it. As Joyce MacMillan remarks, the restrictive definition of an NGO would pose a threat to those of us working in human rights, social and economic justice - if you are trying to do charitable works in a rural area, something impossible to avoid.

What this bill would deliver is the establishment of a Government controlled quango, yet another one, to oversee the common herd. By all means let us have a commission, but one appointed - unlike the Citizens Economic Empowerment Commission, by civil society.

All free men and women need to restrict the powers of the elected government over them.

Saturday, January 5, 2008

Zambia Wildlife Authority official, Andrew Nkhoma, continues to sabotage community development.

A report just received from the Chairman of the Luembe Community Resource Board in the Luangwa Valley, is that the Nyimba ZAWA Community Liaison Officer, Andrew Nkhoma - who recently was party to the illegal arrest and abuse of a foreign hunting client - see <http://zambiasafarihunting.blogspot.com> and his seriously ill professional hunter, used undue pressure on Board members at a meeting on 28 December (convened to workshop finance management) and obtained a

statement of condemnation of Mbeza Safaris operations and its delivery of community assistance. The Chairman has written a letter of objection to ZAWA.

Mbeza, which is funded by its holding company, Gamefields, the latter investing to the tune of \$1.6 million in Mbeza and in the Luembe Conservancy Trust since 2003, was bought to assist in the development of the area. However, officials such as Nkhoma, doubtless upset by our revelations on the Nyimba ZAWA office's operation of a bushmeat and ivory poaching operation, would wish to have us removed, joining those with similar sentiments at ZAWA HQ and in some political circles. The only reason that Gamefields and Mbeza continue investing in Zambia is precisely because we have overwhelming community support. Should that not be forthcoming, we would be the first to accept that we were not wanted, and pack our bags. Mr Nkhoma has not heard the last of this.

Wednesday, January 30, 2008

The State v Ian Manning

Dear Adela,

Brendan and I appeared before a High Court judge today, who gave 14 days for more submissions supporting the affidavits of ours and Immigration's - judgement to be made on the affidavits, with a promise of a judgement in March. The affidavit produced by Immigration was ...interesting. However,

the case rests on Section 30 of the Investment Act which clearly states that if investors obtain investment certificates they must be issued with self-employed or resident permits. What we got, as you know, were one year residence permits, which they then refused to extend on the supposed grounds that our business was not 'viable'. He also instructed Immigration to issue us with permits which will carry us through March. Power, I am reminded, is not what you are given but what you assume. However, we do wonder what happened to the Zambia Development Agency in all this. They were paid to facilitate our investment status and have left us high and dry. And the Zambia Business Forum? And I wonder if Business Action for Africa, of which we are corporate members, will do something. I still await confirmation of their anti-corruption programme in Zambia - touted at the recent G8 meeting in Germany.

Meanwhile legal warnings have been issued to the DG of ZAWA and Senior Chief Luembe to halt all moves by them to part Mbeza Safaris and its hunting concession, or to be in contempt of court. The DG was going around Safari Club International (SCI) in Reno last week, telling people that we had been 'terminated': not true, as our Community Resource Boards thwarted the move. He also told a meeting of Community Resource Board representatives - gathered illegally and without the support of their full Boards in order to terminate three hunting concessions from their lawful concessionaires (Nyampala, West Petauke and Msoro), that he had been told by government that I would not be issued with a work permit. Of course, behind all this are crooks and corrupt officials who object to my whistleblowing on illegal land alienations and who slaver after the land which

our Luembe Conservancy Trust has legally under its control for 60 years. And the crooks want the concession. But at least the OP (the Shushu) no longer park outside my gate, the eight black shirted men with Dracula written on their back have not come back after the suburbs wild dogs chased them off, and my phone can no longer be tapped, and the fact that my emails were intercepted and our agents got to and warned not to send us business, may yet be overcome.

We have had Transparency International Zambia's full support, for which we are most grateful. And our attorney, Wynter Kabimba, is fearless and highly competent. Without TIZ and our attorney, and a still free judiciary, we would have been long gone, our \$1.7 million yet another tombstone to the idealist investor, our communities, our schoolteachers, our little foster home, wondering what the hell happened to us.

A sympathetic Immigration officer told me recently during my recent two hour ordeal at the airport when coming back into the country, that a number of investors are being similarly treated; but they accept their deportations, never to be seen again.

And a word of congratulations to my friend Roy Clarke (Kalaki), and to Sara, who were reprieved from deportation by the Supreme Court, the latter observing that freedom of expression was one of the strong attributes of a democratic society. Let us hope whistleblowing is as well.

Many thanks for all your support. La lutra continua, and FAGA MOTO!

Yours aye

Ian



De-Manning Zambia

Zambia Landsafe investment

31 July 2006

VICE-PRESIDENT LAYS LEGACY FOUNDATION STONE

On Saturday 29 July 2006, Vice-President Lupando Mwape laid the foundation stone of the Legacy Holdings, Mosi-oa-Tunya Hotel and Golf Estate development in the World Heritage Site in Livingstone, saying “The planned provision of permanent jobs by this Legacy Holdings project is really commendable because this sector is reported to be riddled with vices of casualisation and payment of slavery wages. Government will not hesitate to deal firmly with any investor found practicing this form of abuse and exploitation of the Zambia people. Those who have been hero-worshipped somewhere else based on misdirected superiority complex will not be worshipped in Livingstone and the country in general and I therefore direct Haakayobe (PS)

to submit a report on these culprits within seven days so that government puts a stop to these managers' honeymoon”.

He said the proposed project has been allocated 200 hectares of the national park.

Thursday, 22 March 2007

ZAMBIA LEGISLATION: THE CITIZENS ECONOMIC EMPOWERMENT ACT NO. 9 OF 2006

THE CEE ACT

1. Is an Act to establish the Citizens Economic Empowerment Commission and to define its functions and powers; to establish the Citizens Economic Empowerment Fund; and to promote the economic empowerment of citizens, in particular, targeted citizens – defined as someone who is or has been marginalised or disadvantaged and whose access to economic resources and development capacity has been constrained due to various factors including race, sex, educational background, status and disability;
2. In the performance of the Commission's functions under this Act, the Commission shall effectively liaise and consult appropriate State institutions and shall have the power to give such instructions or directions to any State institution or a company
3. The President may give to the Commission such general or

specific directions with respect to the discharge of its functions as the President considers necessary and the Commission shall give effect to such directions.

4. The commissioners shall be appointed by the President.

5. The Commission shall be empowered to take whatever actions necessary to ensure broad based economic empowerment of targeted citizens, citizen empowered companies, citizen influenced companies, citizen influenced companies and citizen owned companies.

INTRODUCTION

The *Zambian Citizens Economic Empowerment Act of 2006* (CEE) is legislation which will centralize further power in the Presidency, give wide powers to a Commission reporting directly to him, enrich – in the short term, the political elite, freeze foreign investment, ensure continued impoverishment and the unsustainable use of natural resources, and greatly exacerbate the already unacceptable erosion of the national life by corruption and theft in the name of black indigenous empowerment.

This is exactly what has happened in South Africa through the imposition of the South African legal instrument: *Broad-based Black Economic Empowerment Act No. 53 of 2003*, which is being implemented by the *Black Economic Empowerment Advisory Council* directly under the control of the South African President.

Prior to the promulgation of the CEE Act, the civil service were instructed to start implementing it, resulting in a racial bias on such issues as lodge leases and the arrogant manner in which Legacy Holdings Zambia advanced on its plans for Mosi oa Tunya National Park. This does not auger well for the future.

PRESENT INTERNATIONAL CONTEXT

The CEE Act is being introduced to Zambia at a time when the Commission for Africa was formed to assist Africa raise the living standards of its people. After extensive consultations and lobbying it persuaded the G8 group of nations at the Gleneagles Summit to write off much of Africa's debt in return for undertakings by African countries to improve standards of governance. As a result, once Zambia achieved the Highly Indebted Poor Country Initiative (HIPC) Completion Point in April 2005, most of the Paris Club creditors cancelled Zambia's public debt, and the African Development Bank, the IMF and the World Bank - under the Multilateral Debt Relief Initiative borne out of the 2005 Group of 8 Gleneagles proposal, are now busy doing the same. If to this is added the agreed commitment to the mission of NEPAD, the UN Millenium Development Goals and the African Peer Review Mechanism, Africa is supposedly bent on self improvement – with the help of the world.

Zambia played a full role in the consultations with the Commission, and through its Zambia International Business Advisory Council (ZIBAC) – a member of which sits on both the Business Council of Zambia and ZIBAC (and is also Chairman of the CEE

Commission – as well as Chairman of the Tourism Council of Zambia - and what may be described as the first Indigenous Zambian business group), therefore appeared set to become a role model for Africa.

ZAMBIAN CONTEXT

Zambia has evolved in a hundred years from a land of isolated tribes, through rudimentary administration by a public company, to colonial protectorate status - where rule was indirectly managed through the chiefs, to political independence. Unlike Zimbabwe, it was not a Crown Colony where large areas of land were alienated to European settlers; and unlike South Africa it did not suffer Apartheid legislation and the repression of its black population.

The CEE Act appears therefore to to rectify a mythical colonial wrong, to remove some of the control and ownership of businesses from those who came here more recently and who are not black Africans – in the case of some of the first European settlers, fifty years after the arrival of the Ngoni. It does not encourage people to come here and to enter into partnerships with citizens as Mauritius and Ireland and China is doing. And it is likely to give expression to the simmering national xenophobia, which will metaphorically close the borders and harvest what has been produced by foreign and local non-black investors alike.

And Zambia is, by all credible economic performance measures, upholding a tradition of poor economic governance and the continued plundering of the national purse. At Independence,

Zambia's per capita income was the same as the Asian Tiger nations; now Hong Kong is 75 times richer, South Korea 25 times richer; and over the last twenty years – as reported by Transparency International Zambia, only 16% of national expenditure went on agriculture, health, education and local government – the very areas supposed to serve the poor.

The translation of shocks brought about by economic mismanagement – particularly when allied with volatile copper and oil markets, can elicit reactions from political leadership which further impoverish their countries. In 1975, following on from a fall in copper prices and a rise in oil prices, President Kaunda issued the infamous Watershed speech, an edict which overnight restructured the economy and lost Zambia a critical mass of private enterprise and government expertise, consigning its poor to a permanently impoverished state, accompanied by the rape of much of its natural resources. The CEE Act of President Mwanawasa will now negate a wave of new investment, of innovative new partnerships with tribal communities that do not alienate the land; and will diminish the growth of democracy.

The CEE has already negated the work of such bodies as the Natural Resources Consultative Forum (NRCF), a neutral platform for stakeholder participation in the management of natural resources - particularly policy formulation, established by the Ministry of Tourism, Environment and Natural Resources (MTENR). Now civil servants of that Ministry are unwilling to participate in its deliberations, knowing that they and the private business sector will be subject to the control and direction of the proposed Citizens Economic Empowerment

Commission, itself directly under the control of the President.

SOUTH AFRICAN TEMPLATE

The immediate impression of this Act, is that it closely resembles Lenin's decree for the establishment of the People's Commissariat of State Control in 1919, with Stalin as its first Commissar. It is not surprising, therefore, that the only country in Africa still with a communist party, South Africa, has supplied the model for the CEE Act. The legislative template is the South African legal instrument: Broad-based Black Economic Empowerment Act No. 53 of 2003, which is being implemented by the Black Economic Empowerment Advisory Council directly under the control of the South African President. The impact of this Act, applied to a rich country with a thriving business sector and a generally ably managed economy has been to enrich a small coterie of the black elite, provide considerable advancement opportunities for the emerging black middle class, ensure the unemployment of most of the black poor, and cause young and well-educated whites, Indians and Coloureds to emigrate.

But Broad Based Black Empowerment Act (BBBE), is now considered by the Peer Review Mechanism Report on South Africa to pose a serious obstacle to that country's development –something the South African Government is trying to down-play. Why would Zambia escape such a judgement when the APRM gets round to its report on us?

THE WAY FORWARD

For the CEE Act to have any credibility, it must be taken out of the hands of the State President, have its Commissioner removed and replaced by someone not involved in business, and must arm the Private Sector Development Forum in the fast-tracking of Greenfield projects through Trust structures - as inculcated in the Zambia Development Agency Act No. 11 of 2006, and already agreed to by the House of Chiefs and submitted to the 5th National Development Plan. It is time the Zambian poor receive the attention and support they deserve. The CEE Act could here become an Act serving their deliverance from deep poverty.

THE ADEQUACY OF ZAMBIA'S LEGAL AND POLICY FRAMEWORK ON INVESTMENT

A contribution to the Committee on Economic Affairs and Labour

The National Assembly
Zambia

I. P. A. Manning
19 March 2007

INTRODUCTION

The Zambia Development Agency Act No. 11 of 2006 takes the place of the repealed Acts: Investment Act; Privatization Act; Small Enterprise Development Act; Export Processing Zones Act; and the Export Development Act, creating the quango: The Zambia Development Agency

THE ACT'S ADEQUACY:

i) The national investment objectives

These are articulated based on generally accepted international norms. However, it is clear that, in their making, they are not the result of true consultation with civil society conducted in a transparent and participatory manner as they do not address the cultural and socio-wellsprings of society, and therefore will remain an idealistic goal ever unattainable. In plain terms, the objectives are not the views of general society.

ii) Government responsibilities to foreign investors

These are poorly delineated, leaving the investor, should anything go wrong, at the mercy of the Arbitration Act, a process anyhow avoided by a Government Executive in which power remains highly centralized, where foreign investors are able to be deported under emergency powers introduced to deal with a state of emergency under a previous regime. There therefore needs to be introduced a special committee of the judiciary, set apart from the Executive, to deal with matters affecting investors who are targeted by corrupt elements.

iii) Government responsibility to local investors

Almost wholly absent, confusing investors as foreign investors, as shown in the section under incentives.

iv) Investors' responsibilities to the workers

These are taken well care of under the Labour Act. However, market forces will require the issuing of suitable regulations from time to time. Flexibility is the watchword.

v) Investors' responsibilities to the communities

These appear absent. Corporations should be required to adhere to a code of corporate responsibility. Beyond that, any legislation is problematic as the state should not dabble in

such matters. In rural areas, the imposition of community development trusts as an umbrella to usher in development 'greenfield' partnerships will require appropriate legislation and regulations which result from proper consultations – currently a process much abused. The stakeholder workshop for the compilation of the 5th National Development Plan accepted the notion of 'chiefs' trusts: rather to be termed community development trusts so as to separate the powers of the chiefs from that of the community, but without damaging the traditional structures. What is required to be re-visited is the Natural Resources Act of 1962 which dealt with development in an holistic manner.

- vi) The responsibility of the investors to the economy at large
These remain unclear and unstated

CONCLUSION

In general, Zambia has had an adequate legislative framework. However, it is in the area of the compilation and drafting of statutory instruments where there is considerable concern, regulations being drafted, checked by the Ministry of Justice and then peremptorily signed into law by Ministers without sight - or the participation of, civil society, thus creating the tyranny of the law. This process is not helped by the fact that Justice does not even have in stock the full list of SI's, nor are they available at the Government Printer; and many bills remain unpublished. The law therefore remains a distant and intangible artefact to the common man, to the poor who are always with us. English Common Law and its equivalent, Customary law, remains the law of daily use. Zambian Statutory law remains therefore distant from those it is meant to serve. The expression of the law is therefore to

provide the necessary framework for investors, both local and foreign, who may join together with the populace so as to attain – at the very least, the Millenium Development Goals (MDG). The MDG should be inculcated in the legal fabric. And the section on incentives: 56 and 65, require to be re-drafted so that a full menu of investor incentives is presented, the current two items being poorly thought out and not likely to attract the sort of investors required, as the current confusion of the Executive arm of Government confirms.

LANDSAFE INVESTMENT TRUSTS FOR CUSTOMARY LAND AND PROTECTED AREAS IN ZAMBIA

A PRELIMINARY GUIDE PREPARED FOR CUSTOM- ARY LEADERS, GOVERNMENT AND COMMUNITY RESOURCE BOARDS

WHAT IS A LANDSAFE INVESTMENT PARTNERSHIP ?

A Landsafe investment partnership is made up of the local community and government, investors, and local and international NGOs. It is a sustainable business partnership of equals who share a common goal of integrating community development with that of biodiversity and land conservation. It is investment driven; and it does not take away customary land.

A Landsafe partnership may be registered as a trust company under the Companies Act CAP 388 of the Zambian Laws

(limited by guarantee) or under the Land (Perpetual Succession) Act (Cap. 186 of the Laws of Zambia) - non-profit, having as its trustees the chief (chairman of the headmen), the investor, a representatives of the main partner NGO, the Community Resource Board (dealing with wildlife interests) and the District Council (or a governmental organization in the case of protected areas such as ZAWA and the Forestry Department) in which the programme is being conducted, and other key stakeholders.

WHY DO CHIEFDOMS NEED LANDSAFE DEVELOPMENT?

The chiefdoms cover more than 94% of the land in Zambia and contain a wealth of natural resources. Development has not come to these areas, and the opportunities for attaining food security and the raising of living standards are few in places where villages are scattered, lie far from Government services and from markets, and where crops are preyed upon by wildlife. The Government does not have the money or the capacity to deliver full development, and donor support merely ensures continued dependency on aid. The way forward is to encourage investment, but investment which comes in as a partner of communities, that supports the traditional structures and that does not take away the land.

HOW CAN A LANDSAFE INVESTMENT PARTNERSHIP ASSIST DEVELOPMENT?

Chiefs are empowered under the Lands Act No. 29 of 1995 to dispose of land for up to 99 years on leasehold tenure – provided Government agree. Driven by a need to generate income, chiefs are selling off land, removing it forever from the

community. The Landsafe model ensures that land remains in the villagers's control – except, in exceptional cases, perhaps for small areas needed for high-cost buildings. Chiefdoms also do not own the wildlife of their areas, this resource being held by Government and given out as yearly hunting quotas. In support of Government's policy of de-centralization and devolution, the Wildlife Act of 1998 offers an opportunity for the community to obtain more powers over its own wildlife resources – one of its main opportunities for raising living standards and for wealth creation, giving as one of its main objectives 'to facilitate the active participation of local communities in the management of the wildlife estate'. This Act, also allows for the recognition of Community Resource Boards (CRBs), which, representing the Zambia Wildlife Authority (ZAWA), may obtain and make use of game quotas and are responsible for the protection of wildlife and people (from wildlife – the original function of ZAWA's predecessor organizations). However, CRBs are only empowered under the Wildlife Act, making the formation of Trusts – with responsibility for all natural resources, essential. Landsafe makes use of these two Acts – as well as the proposed Forest Act of 1999 and the National Biodiversity Strategy and Action Plan (NBSAP) – and the recent National Policy on Environment (May 2006), to lay the groundwork for the future development of customary land so as to conserve the biodiversity and, at the same time, to stimulate much needed rural development.

WHAT IS THE ROLE OF LANDSAFE PARTNERS?

- The Customary Authority

The Authority i.e. the chiefs and their headmen, is, along with the investor, the co-director of the Trust responsible for

the development of the area, lending to it his traditional powers and those enshrined under the Lands Act, ensuring that secure access to and use of the land is possible, and that the community benefits.

- The Community Resource Board

The CRB, being only empowered under the Wildlife Act, is there to assist in the sustained use of the wildlife resources for the benefit of the community – in particular in taking ownership of game quotas and for deploying and managing village scouts, protectors of the very resource which should be sustainably utilized. It is also the vehicle to serve the community by making applications, where feasible, for wildlife harvesting rights, as allowed under Part 3(3) of the Wildlife Act – a rarely invoked right.

- The Investor/manager

The role of the investor/manager is to provide the seed money to start the project, to recruit other investors, and perhaps to manage the development. For this to happen there has to be an incentive to do so, as well as the necessary protection and security of tenure for the investors. The manager will also have the crucial role of managing a conservation area (a conservancy), one containing scattered communities, and possibly endangered species and protected areas. This is an holistic development requiring experience in wildlife management, biodiversity protection, tourism development, artisanal and commercial agriculture, forest exploitation, community development and small business development.

- The NGOs

The NGOs act as umpires between managers and investors, the customary authority, the community based organizations (CBOs) and Government. They assist the scheme to grow, and

lay the groundwork for long-term sustainability. Crucially, they are empowered to carry out community development, identifying projects through participatory rapid rural appraisal, developing project proposals, drawing on money built up in a trust fund, as well as accessing donor funds for micro-level development.

WHAT WILL LANDSAFE INVESTMENT DO IN ZAMBIA?

- It will create a business partnership between the community, Government and investors, expressed in the form of a trust company in which the chiefdom, the investor/manager, NGOs, CBOs and the District Councils are subscribers

- It will allow 'use and occupancy' (usufruct) of land – from which it will derive rentals – managed by the trust in a trust fund, to benefit the community and the biodiversity on which it depends

- It will help to empower the CBOs so that they are better able to conserve the natural resources of the chiefdom for the benefit of all concerned

- It will provide for sustainable agricultural and natural resource development

- It will improve livelihoods and, in comparative terms, create wealth

- It will provide food security

- It will provide a framework for sustainable donor involvement

- It will provide a model and framework for the delivery of true rural development, particularly in resource rich areas

- It will not alienate the land

WHAT DO THESE WORDS MEAN?

Biodiversity

Biological diversity (biodiversity): the variations in biological organisms at ecosystem, species and gene level

Chieftdom

Authority over land held under customary tenure Landsafe

Investment Model

An integrated conservation and development model (symbolized by the traditional African chair) established within areas of customary tenure and associated protected areas, and carried out by a partnership between investors, customary authorities and government, and non-government organizations

Conservancy

A conserved area (not, necessarily, a game ranch)

Customary Area

Land held under customary tenure i.e. Open Areas and Game Management Areas

Customary Authority

The custodian of land held under customary tenure (chiefs and headmen)

Customary Tenure

Land held, through long tradition, by village headmen under the chairmanship of a chief (Appendix 4 of the Laws of Zambia)

De-centralization

The allocation of responsibilities for decision-making and

operations to lower levels of government, community organizations, private sector, and NGOs

Devolution

The transfer of power from a central to a subordinate level of organization, particularly from a central government to regional or local governments

Ecosystem

A dynamic complex of plants, animal and micro-organism communities and their non-living environment interacting as a functional unit

Game

Commonly hunted animal species specified under the Wildlife Act

Holism.

The principle which makes for the origin and progress of wholes in the universe. It is not only creative but self-creative, and its final structures are far more holistic than its initial structures

Holistic Management.

The management of the whole

Hunting Concession

An area where authority to hunt within a specified hunting block has been given by ZAWA and the local community, to a company for a specified period of time

Land Alienation

The conversion of land from customary tenure to leasehold tenure: provisional – 14

years; full title – 99 years (renewable)

Land tenure

The rights of individuals or groups over arable, grazing and residential land, how such rights are acquired, what they consist of, how they operate in the holding, transfer and inheritance of land and how they may be extinguished

Local Community

The resident ‘owners’ of customary land - including GMAs, other than owners of tourist and camp lodges or hunting concessions – who by virtue of their rights over land, invest in and should derive benefits from the sustainable utilization of the natural resources in their area; or as defined by ZAWA in the 2003 Safari Lease Agreement as “The total number of villages, their residents and traditional rulers within a Game Management Area

Natural Resources

Land and its biological resources: the soils, vegetation and the fauna

Open Areas

Customary land not included in GMAs

Partner

One who shares risks, losses and profits

Private game ranches

Fenced privately owned property (leasehold) (ZAWA: Draft Policy on Private Wildlife Estates)

State Land

Land which is not situated in a customary area (Lands Act 1995)

Strategy

A set of chosen actions to support the achievement of a specified development goal

Sustainable Use

Use of an organism, ecosystem or other renewable resource at a rate within its capacity for renewal

Tenure System

Legal and institutional framework which determines the ways in which rights to natural resources (property rights) are defined and enforced

Usufruct

The principle of customary tenure whereby anyone can have access to and the use of a piece of land but cannot claim any form of ownership of it. The latter implies in English jurisprudence – from which Zambia's laws are derived, title to the lands and full rights of management including the rights of alienation (ownership at law) but not necessarily possession or enjoyment of benefits which may belong to the owner at equity.

25 July 2007

Robin Palmer comments on draft Land Policy...

The Draft Land Policy

Zambia's draft Land Administration and Management Policy, but referred to throughout as the Draft Land Policy, is dated October 2006.[1] It is a working rather than a formal policy document and carries this health warning: 'It should not be quoted and interpreted as the policy of the Government of Zambia or any other government ministry or department until it has been finally agreed and adopted.'

Its final sections on implementation, resource mobilisation and monitoring and evaluation cover barely half a page. There is a brief background section and a brief section on vision, rationale, guiding principles and objectives. The bulk of its 52 pages are devoted to 'situation analysis, challenges and policy measures'. These cover the following issues: (1) international and internal boundaries, (2) vestment and land tenure, (3) customary tenure, (4) leasehold tenure, (5) land administration, including land allocation and land registration, (6) the Land Development Fund, (7) institutional framework, (8) legal framework, (9) surveys, (10) geo-information, (11) land information, (12) land value and property markets, (13) tax and non tax revenue, (14) spatial planning, (15) dispute resolution, (16) private sector participation, (17) transparency and accountability, (18) cross-cutting issues, including decentralisation, gender, HIV/AIDS and other terminal diseases, persons with disabilities, youth, empowerment of citizens, environment and natural resources,

tenure insecurity.

The Draft Land Policy contains many admirably frank admissions concerning an overall lack of human and institutional capacity, lack of information and of basic data, lack of transparency and accountability, outdated laws, policy confusion and even 'fraudulent behaviours' and 'deterioration of integrity among institutions dealing with land management and management.' In response to the listed challenges, including the wonderful 'lack of compliance by land users', it offers a series of policy measures, many of which are of a very general nature, are often banal and stand little serious chance of ever being implemented, e.g. 'establish a well functioning land delivery system'.

Interestingly, concerns are raised about the potential for political interference if land continues to be vested in the President.

There are suggestions for setting maximum holding sizes linked to capability.

There is a need to 'ensure that non-citizens and foreign companies are not allowed to acquire land through transfer or purchase of customary land', but government should 'introduce measures to encourage leasing of land by foreign investors and residents in line with the Citizenship Economic Empowerment Act.' Yet later land under customary tenure 'is not easily accessible for investment purposes' and hence there is need to 'carry out sensitisation campaigns in order to ensure that some of the idle customary land can be converted to leasehold to promote investment in various communities.'

99 year leases are too long and should be replaced by a scale of 1-99 years 'based on advice from Land Use Experts.'

There is a call to 'ensure that land that remains underdeveloped and unutilised within the specified period is reposessed.' This has been a serious concern in many parts of the country, especially around the Copperbelt.

On gender, the Draft Land Policy notes among the challenges the lack of an enabling environment, discriminatory inheritance rules and rights, lack of disaggregated data based on gender 'which makes it difficult to plan', lack of recognition of women's labour in agriculture, inadequate participation of women in land administration, lack of advocacy and sensitisation to encourage women to own land.

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Zambia Chiefs' Submission to Fifth National Development Plan, July,06

"We should be allowed to retain absolute title to our land while giving investors and non-subjects renewable lease rights under various chieftdom trusts".

James Matale, Chiefs' Representative.

Monday, 30 July 2007

Chief Kopa...

That Amanita was allocated 10,000 ha. of land by Senior Chief Kopa and Chief Luchembe is further evidence of the failure of some chiefs to embrace a Landsafe Trust, whereby customary land is leased out under 'usufruct' and not 99 year renewable leasehold which results in the permanent removal of the land from the community.

Amanita tried to obtain land in Chief Nyalugwe's country but was blocked by the community, with encouragement from myself - and I was assured by the then Minister of Lands, Judith Kapijimpanga, that she would not allow it through were it to land on her desk. However as we are trying to usher in investment to customary areas, we encouraged Nyalugwe to rent land under usufruct to Amanita; something not attractive to Nyalugwe or Amanita - the chief wanting cash in his pocket, and presumably Amanita wanting the security of a western-style land tenure arrangement.

In 2003, I presented the Landsafe programme for investment to Kopa, his CRB and senior advisors. This would have created a Trust in which investors and donor funds would go into a trust fund and be applied to community development - based on a participatory landuse plan. Kopa never did anything. When Kopa sat on the House of Chiefs he must have received a copy of the Landsafe programme which I had distributed to them all through Chief Chiawa. This later resulted in the Chiefs' representative to the stakeholder workshop for the 5th national Development Plan saying that they accepted the concept of "Chiefs' Trusts'.

What was mentioned (but not placed on the blog) in the article, was President Mwanawasa's statement that no more than 250 ha. may be given out in customary areas. Clearly the Commissioner of Land was acting outside of the law; as he has done in awarding some 10,000 ha. of the Mvuvye National Forest on 99 year lease to a businessman. Despite numerous attempts by myself and the community to have the Forestry Department do something about this, we have so far failed, Forestry now even refuse to see us. There are other long standing issues of land corruption which has been reported but nothing is being done about it.

An unfortunate part of the Amanita attempt to buy land from Nyalugwe, was that Nyalugwe then tried to have myself and Ross Michelson (who bought land from Nyalugwe some time ago) deported; succeeding, for a time, with Michelson.

Tuesday, 14 August 2007

Corrupt use of provisionally alienated customary land...

1. The Zambia Wildlife Authority (ZAWA) state that the West Petauke Game Management Area No.17 (610,000 ha) includes the Luangwa River, although for the past four years or so hippo and crocodile have been issued on quota by ZAWA to M'nyamadzi Game Ranch (Luangwa east bank) and allowed to be shot there by M'nyamadzi owners and hunters – although Mbizi game ranch to the south, do not take crocodile or hippo from the river. The Surveyor-General in the Ministry of Lands states that private land may not encroach closer than 60 m from the Luangwa, therefore how is it possible for M'nyamadzi to hunt outside its borders? No EIA by the Environmental Council of Zambia (ECZ) of the present fence construction has been carried out, nor any consultations with the local community, or the Mbeza concessionaire, or the Forestry Department as required by the Fencing Ordinance of the Agricultural Lands Act. The quotas issued are not sustainable for the area, offtakes obviously denuding the West Mvuvye National Forest to the north, the Nyimba Open area to the south and the West Petauke Hunting Concession to the west – Nyimba open area in Luembe having been set aside for use for a community game ranch under a proposed usufruct lease managed by the Luembe Conservancy Trust, and negotiated in 2004. Scrutiny of the two quota sets is evidence of corruption within ZAWA.

2. The 10, 500 ha ranch in question (property No. f/10005; certificate of title No. L9879), on a 25 year provisional lease (only 14 year provisional leases are allowed under the Lands Act of 1995), registered 9 March 2001, though obtained in 1998, is partially unfenced and adjoins the West Mvuvye National

Forest No. 54 and customary land in the Luembe Chiefdom. For game ranchers to have ownership rights to wildlife they are required to fence and purchase the animals inside. This has not been done.

3. Customary landowners, through their Luembe Community Resource Board, applied for safari hunting quota in their open area (for onward sale to hunting outfitters), as well as for selected wildlife harvesting rights, and were refused by ZAWA. The latter is a denial of community rights, as contained in the Wildlife Act of 1998.

4. On the purchase of Mbeza Safaris by the founders of the Luembe Conservancy Trust at the end of 2004, hunting quotas for West Petauke were voluntarily lowered by the owners and the CRB, in the process invoking the precautionary principle as contained in the Biodiversity Convention. This was agreed to by ZAWA, who then later hiked up the quotas to previous levels in order to conform with the Hunting Concession Agreement, and then fined Mbeza \$43,000 for 'underachievement' in the use of the quota in 2006, refusing to entertain mediation in the matter.

5. The present quotas issued to Mbeza are in some cases substantially higher than agreed to in meetings, or lower than requested.

The map provided by the Surveyor-General shows that the boundary of the farm is along the Luangwa. This would confirm that the shooting of hippo and crocodile in the river is illegal, sanctioned as it is by ZAWA.

Senior Chief Luembe and Axon Lungu (Chairman of the Luembe CRB)

In November, 2004, Luembe and the CRB wrote to ZAWA on the matter, receiving no reply:

Luembe Community Resource Board Private Bag 1 Nyimba

The Director-General
ZAWA
Private bag 1
Chilanga

Attention: G.K. Chilukusha (Director: GMAs)
9 November 2004

Dear Sirs,

Re M'nyamadzi Game Ranch. Luembe

Further to our meeting earlier today to discuss the issue of Nyamadzi, and further to our letter of complaint regarding the issue of hunting quotas being issued by Z A W A to the M'nyamadzi Game Ranch - for which no reply has been received.

The M'nyamadzi section of Luembe was given to a foreigner by Senior Chief Luembe - with the agreement of the Nyimba District Council, and the obtaining of an investment license from the Zambia Investment Centre, for a provisional lease of 14 years. The agreement with the ZIC required the owner to fence the property and develop certain infrastructure. This has not been done and we have discovered that the lease has been

illegally extended to 25 years on the original document) held by the Commissioner of Lands. And more, without consulting us as required by the Wildlife Act, a hunting quota was issued to the Company to conduct hunting safaris without our involvement and without the knowledge of local ZAWA officers. And we understand that certain species have been shot without ZAWA officers being present, some of these species (such as lions) which are very scarce in our open area, and for which we have received no income. As well, we have discovered that workers employed by M'nyamadzi have been poaching animals. The Luembe CRB therefore urgently request the following:

1. That no quota be issued in the future to M'nyamadzi
2. That a copy of the quota and the species shot be given to us
3. That all money from license and concession fees be given to the CRB, as well as compensation for our having to come to Lusaka and to hire lawyers to represent us
4. That M'nyamadzi report on how the meat from the animals was given to the community
5. That the M'nyamadzi do what they have agreed to do under their investment permit, meaning they must fence the property in such a way that it is with our agreement, and within the next six months.
6. That they must then buy the species inside the fence and pay the full price to the Luembe CRB/ZAWA
7. That any other species within the Luembe hunting block and Open Area which they may wish to buy to be agreed to only with our permission and with certain conditions given by us, and that the price be negotiated by us and ZAWA.
8. That ZAWA supports us and our patron and his headmen, in obtaining direct benefits from our wildlife for

our community.

Yours sincerely,

Axon Lungu Chairman

Senior Chief Luembe Patron

Saturday, 15 September 2007

Zambia: people, land and wildlife...

The land is the last refuge of the poor. In Zambia, 94% of it is customary land where lie the ever depleting natural resources and the disenfranchised, living lives having little to do with the machinations of government and donor in the cities, except that is, to have the land taken away from them with the assent of government, or have the natural resources removed from it, again with the assent of government.

A research consultant laments the fact that people in the Zambezi valley have been displaced by investors, the land privatized, alienated, most of it on leasehold for 99 years - renewable for another 99 years. Yet, in order for this to happen, it had to have had the agreement of the local chief, the District Council, the Commissioner of Lands and the Zambia Wildlife Authority. Is it possible that all these arms of government, of custodial care, could have connived in the disenfranchisement of people whose claims to the land merge into the long gone past. The answer, sadly, is yes. In the land, supposedly under the care of Chief Chiawa in the Zambezi valley, some 34 lodges exist over 40 kilometers of riverfront, the land on which they

stand alienated from customary landowners, for ever. Who benefited from this; and who suffers now ?

And on the land itself, the existing wildlife is 'owned' by the Zambia Wildlife Authority (ZAWA), despite it being supported on land belonging to customary landowners. In the 34 Game Management Areas, which are on customary land, ZAWA have given out hunting concessions, allowing safari operators to kill a certain specified quota each year, the income supposed to be shared with the community. And each year, these same animals being supposedly milked sustainably, attack villagers' crops, and houses, killing people as well. And each year ZAWA or the Ministry of Tourism, Environment and Natural Resources laments that they are unable to compensate these villagers for the damage and mayhem which 'their' animals cause. ZAWA, of course, could not afford to pay compensation even if they wished to for they cannot pay their staff pensions and tax contributions; and appear – according to newspaper reports, to have had some \$7.7 million dollars stolen by employees. ZAWA is bankrupt, unable to manage what funds it does receive, calling for government bailout, making ever more desperate attempts to harvest more income from safari operators and communities. Yet ZAWA does not allow communities harvesting rights to wildlife – despite it being allowed in the Wildlife Act; so the villagers poach, because they also see the ZAWA officers poaching, and so join together to exterminate the golden geese.

And what of compensation for wildlife damage? Well, this has nothing to do with the Constitution or the Wildlife Act; it is, as the foremost authority on land tenure in Zambia has to say, Profesor Patrick Mvunga, a matter of it being allowed

under English Common law, that being, in essence, Zambian law. Of course, the answer here is not to foment a campaign of litigation against government on behalf of assaulted villagers, but for ZAWA to give back the ownership rights of wildlife to people – albeit under some sort of trust structure. But will they do it?

And the land does not need all sorts of reforms: it requires that it be accepted that traditional land is sacrosanct, that it can never be sold - not to a foreigner, not to a Zambian, but that its use can be sanctioned under usufruct – a simple lease arrangement.

Saturday, 6 October 2007

Zambia: Chiefs Pursue Title Deeds

The Times of Zambia (Ndola)

SOME chiefs have proposed that the Government should start issuing title deeds to chiefs for the land that constitutes their chiefdoms to curb illegal squatting and boundary squabbles. Chief Nkana of Lufwayama District said that he had learnt a hard lesson of not having a title to his chiefdom where mineral benefits had not trickled down to the subjects. The motion to urge the Government to allow chiefs to obtain title deeds for their chiefdoms was moved by Chief Shaibila of the Lala people in Mkushi District and was seconded by Chief Nzamane of Chipata district. The house was being chaired by Chief Mumena of Solwezi.

Chief Nkana, who was earlier against the motion, observed that had the first Chief Nkana been clever enough to obtain title deeds for his chiefdom, the copper which was being mined on the Copperbelt could have brought great benefit to the current generation. He wondered why a chief could not have title to his customary land when his subjects were having titles to their pieces of land within the chiefdom. Chief Anananga Imwiko cautioned investors who trek to chiefdoms where they know such chiefdom had no title deeds to stop the practice because chiefs had powers to oppose any investment which was disadvantaging the local people.

In his contribution, Chief Hamusonde noted that title deeds had advantages and disadvantages.

“I am in favour of this motion. Title deeds are good to solve boundary squabbles and wrangles in chiefdoms but what I want to ask is, who is going to get the ground rates, the Government or the chiefdoms?” he asked.

Chief Mumena said the motion had generated a lot of heated debate and allowed Chief Bundabunda of Chongwe District who was against the idea, to make his contribution before allowing the motion-mover to wind up the debate. Chief Bundabunda called on his fellow chiefs to understand, “Title deed” as they debated because to his understanding, there was no need for customary land to have title deeds but that could be possible if it was State land which needed titles.

In winding up the motion, Chief Shaibila called for a review of the land policy where three titles should be issued, the

municipal, customary and State title deeds to solve the problems surrounding land issues countrywide.

Thursday, 11 October 2007

A statement on Zambia's draft land policy...

The 5th National Development Plan had this to say...

It is noted that a significant cause of environmental degradation has been inadequate institutions, particularly ill-defined property rights. This is also due to the fact that much of the land in Zambia is under traditional tenure or 'open areas' and administered by traditional rulers. Under the various traditional arrangements, the tenure regimes have no clearly defined property rights since the community usually has open access to natural

resources. The dynamics of open access are the basis of the 'tragedy of the commons'. For many years, there has been no national land-use planning framework to specify how land should be allocated for various purposes and what land should be reserved for different future uses at the national, provincial, and district levels.

The 1995 Lands Policy and Act are aimed at ensuring that all Zambians are afforded the same opportunity and encouraged to access and own land under leasehold title in customary land areas. This move is seen to be progressive in as far as putting in place a system of security of land tenure is concerned, which provides some incentives for sound environmental protection. Progress to date has, however, been very limited on this issue.

There has also been limited private sector investment in the Natural Resources Sector in the past to stimulate growth and development. Indigenous people and local entrepreneurs have also not, as a whole, been much involved in investment in the Sector. Moreover, efficient and effective information management systems are key to modern day natural resource management (NRM). Currently, the Sector lacks systematic and comprehensive

information management systems to effectively support decision-making and operations and facilitate information dissemination. As consequence, it has been difficult to establish any credible trends in the status of Zambia's natural resources.

Monday, 12 November 2007

A stubborn Zambian Chief...



Nkomesha and land

Nkomesha of the Soli is anything but stubborn: she is merely carrying out her duty as the ultimate custodian of land bequeathed to her by tradition. But what happened to the Chiefdom Trusts accepted by the House of Chiefs as the way forward, a way where no customary land may be alienated to a foreigner or a Zambian, merely leased out for a certain specified time, all of it based on a trust structure encompassing the customary authority, the community, CBOs and investors? Did she not receive the Landsafe model from her colleague, Chiawa? And what is Chiawa doing by allowing - under the donor trojan horse, a community protected area in her country. Sounds like the Nsefu move once again. History tolls for thee.

Zambia Safari-Hunting

- A CHRONICLE OF THE POLITICS, CONSERVATION, LAND MANAGEMENT AND COMMUNITY DEVELOPMENT ISSUES AFFECTING SAFARI HUNTING IN ZAMBIA, PARTICULARLY THE ROLE OF MBEZA SAFARIS - CONCESSIONAIRE OF THE WEST PETAUKE HUNTING BLOCK IN THE LUANGWA, LUKUSHASHI AND LUANO VALLEYS -

ProjectsAfrica Project Proposal 2004

Project name

Hunting Concessions Community Empowerment

Location

Bilili GMA

Lunga Lushwishi, North-East and South East

Kafue, North & South

Bangweulu GMA

Kafinda GMA

**Mukungule GMA
East Musalangu
Msoro Lupande**

Implementing partner

ProjectsAfrica

Investor

WWF (Zambia) representative or other Zambian representative in trust for the affected communities

Proposed project duration

Five years renewable

Brief background

ProjectsAfrica (NGO), in partnership with Gamefields Limited (investor & natural resource manager) have developed an investment model for customary and protected areas in Zambia – the Chipuna ICDP model, which does not alienate the land. This model is being implemented in the Luembe Customary Area of Nyimba district by the Luembe Conservancy Trust – a company limited by guarantee, whose trustees are Senior Chief Luembe & Ian Manning (co-directors), the Chairman Nyimba District Council, The Chairman Luembe Community Resource Board and the ProjectsAfrica representative. The purpose of this trust is to oversee the compilation of a natural resource management plan and the implementation of integrated conservation and development projects. As part of Luembe falls within the West Petauke GMA, a concession held by Mbeza Safaris Limited, the Trust is negotiating with the owners to become part of the overall scheme so that development is not impeded.

ProjectsAfrica therefore views the recent publication of tender No: ZAWA/DC/001/04 in which 13 areas are being put out to tender as hunting concessions as a massive opportunity for community empowerment. In order to deliver this opportunity it is required that an investor be found, directorial management recruited and a Zambian 40% shareholding obtained, one which, given the short time until the tender is due (17 December 04), would need to be held by an individual Zambian, but in trust for the communities who would be delivered under a successful tender, a trust being formed to represent those communities as soon as possible.

Partners involved in project and their respective responsibilities

Ian Manning/ProjectsAfrica (facilitator) responsible for finding an investment and management partner. ProjectsAfrica would not hold shares and would not be involved in the management, but would facilitate investment and management interest in the project.

Zambian nominal shareholder to hold 40% of the shares of a new limited liability company, such shares, on the basis of a successful tender, to be transferred to a trust company formed specifically to see to rural community development in the affected areas. This shareholding, coming without the need for investment, would be paid out from profits under a system to be agreed upon by the partners

Investor/Manager

To establish the Zambian Company and to manage same

Stakeholders involved in project

1. Primary stakeholders

i) Local People

The community directly dependent on the land and natural resources of an area for their living and made up of the following:

- Individual farmers, hunter/gatherers, pastoralists and fishermen
- Groups – both formal and informal, which represent local people

They form a distinct cultural group which is traditional, verbal - with its own language and little English, and which is largely divorced from the western style governments found in the capital

ii) Institutions

This group describes formally established institutions formed amongst the local population having as their main interest the conservation and development of their area

- Cultural societies

2. Secondary stakeholders

This group is drawn from government ministries or departments:

- Ministry of Lands
- Ministry of Agricultural
- Ministry of Natural Resources, Tourism & Environment
- Ministry of Local Government
- The Department of Forestry
- The Zambia Wildlife Authority

3. Key stakeholders

Chipuna key stakeholders are those who are the legs of the

Chipuna:

- The Chief and his headmen
- The partners (safari concessionaire/ProjectsAfrica/Trust)
- The District Council
- Community Resource Boards

Project rationale and objectives

To provide for a community shareholding in an enterprise utilizing natural resources dependent on land held by the customary authority

Expected outcomes

- Immediate community empowerment
- The delivery of company pledges
- The conservation of wildlife
- The adoption of ethical hunting practices and optimum wildlife management
- The identification in a participatory manner of projects at the VAG level
- The facilitation of funding for these projects
- Investment returns to the community trust
- The improvement in the environment
- Increased returns for ZAWA
- A model for replication elsewhere in Zambia

Planned outputs and activities to achieve outcomes

- To obtain the agreement of an individual Zambian - but one being part of an NGO and one active on national CBNRM fora, to take on a 40% shareholding in a Zambian company formed expressly to both tender and deliver on the management of

hunting safaris in any number of areas (ten would be tendered for)

Time frame for outputs and activities so as to achieve outcome

Output: Activity

Recruit investor/management

Obtain agreement of Zambian NGO to put forward individual to hold shareholding in trust

Responsible person /org.

Duration

Expected start and completion dates

5 December 04

This is for a renewable concessionary agreement of 5 years for 8 Secondary areas (8) and 15 years for the 2 understocked areas

THE MULUNGUSHI CONSERVATION TRUCE

3 JANUARY 2006

THE TRUCE BROKERED AT A MEETING OF SAFARI OPERATORS AND CHAIRMEN OF COMMUNITY RESOURCE BOARDS BY THE MINISTER OF TOURISM, ENVIRONMENT & NATURAL RESOURCES AT THE MULUNGUSHI CONFERENCE CENTRE, LUSAKA, ZAMBIA.

BACKGROUND LEADING TO THE TRUCE

Since the issuing of the current round of safari concession leases in 2003 - added to in 2005, the tripartite partners in the concessions: ZAWA, safari operators and CRBs – the latter representing local residents of the concessions, have been at loggerheads. Much of this has been due to ZAWA's failure to carry out its mandate since its creation in 2001, hampered as it is by a failing policy requiring it to finance biodiversity conservation from income generated from tourism and donor grants, made considerably worse by the managerial style of the DG in place until May 2006 – and of the two Directors of Finance and Game Management Areas, who were removed from office recently. As a result there has been a mounting advocacy campaign conducted on the internet, and through e-mails aimed at correcting serious maladministration at ZAWA and in the environmental management of Zambia, including details and complaints of a hunting industry and CRBs in turmoil. Some of this deterioration is due to a serious rift among operators, caused originally by litigation around concessions awarded in 2003, but spreading in 2006 around land alienations and undue influence: faction A influencing some chiefs to request the State President to have some foreign investor members of faction B deported, informing State House of faction Bs attendance at a secret luncheon (attended by some members of faction B) at which the overthrow of the MMD Government and the destruction of Zambia's maize stocks was allegedly planned, and lobbying ZAWA to have concessions removed; faction B lobbying members of the American Senate and Congress to have members of faction A barred from US entry, and publishing details of faction A's hunting modus operandi and monopoly over the hunting of certain species. Recently three chiefs who have connections with faction B and

who are in dispute with one faction A operator (myself)), joined by the local Chairman of the governing party, approached the Minister, the DG of ZAWA and the Ministry of Home Affairs to have the operator – a foreign investor, deported on the grounds that he was active in the opposition party. One particular letter to the World Bank – of unproven source – signed supposedly by a current member of the National Movement Against Corruption, but found to be false, re-iterated charges against faction A and requested that the Bank cut off aid to Zambia. It also accused Dr Saiwana and the Minister Pande of corruption. Some of this in-fighting is due to a poorly organized safari hunting sector where only some 60% of operators belong to the Safari Hunting Operators Association (SHOAZ). In addition to this is the increasing load of litigation being waged by the private sector against ZAWA – the last resort when good-faith negotiations, mediation and arbitration are ignored, and when litigation ensues from the factional war and involves senior opposition politicians, chiefs and senior members of the Office of the President.

And in 2006, the state of the biodiversity on customary land ‘commons’ - in which hunting concessions are placed, is – with a few exceptions, parlous and deteriorating, particularly of the strongly interactive keystone wildlife species such as buffalo which are of immeasurable importance to the ecosystems on which a myriad of other species are dependent, now reaching very low levels in some areas, resulting – with the assistance of a rampant bushmeat trade and uncontrolled fires, in the increasing brittleness of rangelands and a deterioration in carrying capacity. And most seriously of all, it is now abundantly clear that safari hunting alone cannot provide

the income necessary for local communities to raise their livelihoods, and, considering that since 1984, Government only spent 12.59% of its total expenditure on education, health, agriculture and municipal councils¹ makes the task of attaining the UN Millenium Development Goals unlikely without a massive change in the way GMAs and the hunting is managed.

DISCUSSION

1. DIRECTOR GENERAL OF ZAWA

The DG, Dr Lewis Saiwana, only in his position since May 2006 – though long a senior officer in the former Department of National Parks & Wildlife, and for a time in ZAWA, admitted that mistakes had been made in the past and asked for future co-operation

2. CHAIRMAN OF THE ZAWA BOARD

The Chairman of a Board fairly recently constituted stated that the onus was on the operators, who have been backstabbing the industry, to get their house in order

3. CHAIRMAN OF SHOAZ

The Chairman of SHOAZ, Keith Asherwood, stated that the 2006 hunting season had been a good one and called for the creation of a national airline. He added that SHOAZ could ‘sort out’ members who were uncooperative. CRBs needed to diversify into income generating activities other than hunting safaris.

4. MINISTER OF TOURISM, ENVIRONMENT & NATURAL RESOURCES

The Honourable Minister Pande stated the following:

That the meeting was called to bring the hunting industry to a sense of order; and that the meeting should be conducted in a frank and open and forthright manner; and that all – including himself, should be protected

That ZAWA must at all times obey the law and should adhere to the conditions of the Hunting Agreement

That a flood of e-mails and internet postings critical of ZAWA and the Government had greatly upset him

That some, presumably operators, had written to members of the US Senate and Congress, and to the World Bank, charging him personally with corruption, detailing complaints against one faction of the safari operating fraternity, and requesting that aid to Zambia be terminated. He lamented that Zambia's good name was being tarnished.

That all complaints and criticisms should now first be presented to the DG of ZAWA as a matter of urgency, then – if not resolved, to the Chairman of the Board, then if satisfaction was not obtained, to him personally. He re-iterated a number of times that the doors of ZAWA and the Ministry were now very much open so that the instability in the industry and in conservation could be resolved.

That should those who were sending around such critical e-mails, letters and damaging inputs on the internet continue to do so without first laying their complaints at his door, they would be dealt with firmly; and that if those who were involved were non-Zambians they would be asked to leave the country if

they did not cooperate. The Minister made frequent references to some of the originators of these e-mails and internet activity as being self-styled 'experts', which appeared to point to one particular foreign investment operator, also a member of a group in opposition to the building of a golfing estate in the Mosi oa Tunya National Park, who had been quoted in a newspaper article.² The Minister stated that the four authors of the e-mails and other correspondence were now known to him.

That the Wildlife Act of 1998 needed revision and that Government was assessing it. He welcomed any inputs from operators and CRBs

That the casualization of labour in the industry was to cease

That operators were not taking on apprentice Zambian professional hunters

That organizations which were not fully representative of Zambian society could not be taken seriously

5 QUESTIONS AND ANSWERS

Mr Zumla of Eastern Safaris, a member of faction A, asked the Chairman of SHOAZ why the association had not dealt with the factional disputes. He replied that Mr Zumla and some others were not members of SHOAZ

Kafue Lechwe: One of the only two operators with Kafue lechwe in their area complained that Kafue lechwe were being placed on game ranches and that this should not be encouraged as it was affecting her business. She lamented the stories placed on the internet about her and said that the lechwe boycott by many operators had damaged her business. Answer: DG stated that it was not policy to export endemic species

Ian Manning: MD of Mbeza Safaris, foreign investor member of faction B and Steering Committee Member of the Natural Resources Consultative Forum of Zambia, Corporate Member: Business Action for Africa, stated that:

The manner in which the panel had addressed the meeting was indicative of the problem in the industry and in the relations between civil society and Government i.e. one of talking down to its partners. Hunting concessions were managed under a tripartite hunting lease agreement between communities, operators and ZAWA; what is supposed to be a partnership of equals. However, the impression given by the Minister and the ZAWA Board Chairman was that it was solely the fault of the operators that matters had come to such a sorry pass. This was not true.

There are serious systemic failings in the hunting and natural resource management systems of Zambia which had led to the present situation

The CRBs receive little capacity support from ZAWA, were owed massive sums of money which had clearly been used by ZAWA for other purposes, their village scouts were often unpaid and in some cases were part of poaching rings extracting game meat for sale in urban areas; and the Director of GMAs had not acted on offers to establish a national project of capacity support for CRBs

There are serious issues around land tenure and contradictions between the Lands Act of 1995, the Wildlife Act of 1998 and Customary law. GMAs were customary areas, although the wildlife was 'owned' by ZAWA. This was not a sustainable state of affairs as it was the major cause of resource depletion.

GMAs were deteriorating due to the lack of income from

hunting safaris; and operators were finding that profits were largely illusory given the exchange rate mechanism and the depreciation of the dollar, the excessive fuel costs, fuel shortages at crucial periods, labour costs, taxation levels and so on; and in real terms safari fees had not increased for some years.

The Hunting Lease Agreement was a highly flawed document, heavily favouring ZAWA, many operators being forced to sign under duress, with some CRBs left out of the signing process

The quota system was a shambles, aimed primarily at supporting the requirements laid out in the Hunting Lease Agreement i.e. ensuring income levels for ZAWA. CRBs and operators were not properly consulted, or their inputs taken much note of

The Wildlife Act and other legislation and policy affecting hunting safaris and the management of GMAs needed to be addressed by the Natural Resources Consultative Forum, which had been established by the Ministry, with the Permanent Secretary as Co-Chairman, created specifically as the cross-sectoral forum for this purpose. However, the Ministry had sidelined the NRCF, indeed, had ignored its Advisory Notes (Joint Forest Management and Banning of Elephant Sport Hunting), and ZAWA had used it to workshop regulations on game ranching and captive breeding, National Parks, Game Management Areas and hunting, had then taken off the results and had refused to come back to the NRCF to have the revisions finalized. Thus the private sector and communities had been left in the dark

The draft National Policy on Environment of 2005 was yet to be ratified by the Ministry, which had it been available, would guide the establishment of a well managed hunting industry. This was a matter of urgency.

The matter of threats to deport foreign investors involved in internet postings and e-mail and other correspondence was an extremely serious one. Foreign investors, having obtained investment certificates, should not be involved in party politics, but it was difficult to see how they were expected to not involve themselves fully in the life of Zambia as citizens of an increasingly globalized world and permanent residents of Zambia. As someone who had started a not-for-profit trust in a chiefdom, with fellow trustees drawn from chiefs, CRBs and the District Council, local politics were the order of the day, particularly – as was now the case, some chiefs being involved in illegal land alienations.

That the internet was the engine of advancement and democratization for mankind and was here to stay, whether governments liked it or not

That casualization of labour was a result of market forces. Operators employed workers seasonally through the CRBs, chiefs, or both. The recent labour laws were considered by many to be an impediment to foreign investment. Clearly, the tripartite partners needed to be in constant discussion about such matters; there was therefore clearly a need to establish a tripartite forum which could – particularly in light of the Decentralization Policy, manage the industry

He had resigned from SHOAZ because he felt it was not dealing forcefully enough with the issues, but in the light of the DG's requests for co-operation, he would be happy to join a SHOAZ dedicated to working with Government as a full and respected partner to make Zambia one of the best managed hunting industries in Africa. This would require ZAWA to make it mandatory for all operators to join SHOAZ

He had worked with Dr Saiwana before, a man whose record

of co-operation with the private sector was excellent, and would now gladly deal directly once more with him

Obviously one would now expect doors to be open and results to follow, within reason.

Responses:

Teddy Mulonga, Director of Hunters & Guides Safaris; and Director of Munyamadzi Game Ranch stated that Ian Manning was arrogant in the manner he had addressed the Minister; that he himself had been named on the internet; and he objected to Manning having resigned from SHOAZ and then offering to join again

Unnamed Person: stated that these internet postings and e-mails should be treated as treasonable offences. He offered to trace the authors of the e-mails

The Minister: that Zambia was not a democracy like America or France; that Zambia had its own democracy; that foreign investors should not involve themselves in local politics; that operators were there to make money and that they were surely making it

Gilson Kaweche: former Director of the Department of National parks & Wildlife emphasised the deterioration in the wildlife of the country

Notes:

These notes were drawn up by me and are not necessarily a full record. Some CRBs and operators did speak, including the Deputy-Minister, but the main thrust of the meeting I have recorded. Suggestions privately to have CRB members stay behind and meet with the operators was not met with enthusiasm.

I.P.A. Manning (5 January 2007)

1 Edem Djokotoe and Pamela K Chama (June, 2006). Show Me The Money. Transparency International Zambia. Lusaka.

2 Kingsley Kaswende & Kabanda Chulu (Monday December 20, 2006). Zimbabwean Official Expresses Concern over Legacy Project. The Post, Lusaka.

12 March 2007

Zambia, a bit of Old Africa...

INTRODUCTION Zambia is located on the Central African Plateau encompassing large parts of the Zambezi and Congo drainage systems with an area of 752,614 km² containing four major biomes consisting of forest, woodland, grassland and wetlands. Most of the 19 National Parks, 35 Game Management Areas (GMAs) and numerous National Forests are under only rudimentary protection and management; a bit of Old Africa. HISTORY The imposition of colonial rule in Central Africa in the late 19th Century by the British South Africa Company (BSA Co.) resulted in the creation of two separately administered territories named North-Eastern Rhodesia and North-Western Rhodesia. Inevitably, statutory land tenure and wildlife conservation measures were soon imposed on customary land by way of alienations to European settlers on the line of rail and in the Abercorn and Fort Jameson districts, the power of the chiefs and the freedom of their subjects over wildlife and forests eroded, and the conversion of some customary land to state protected status, reserve and

trust lands initiated. Tourism – one of the oldest current Zambian industries, started c. 1880, when native hunters, often members of elite hunting clans - the Achiwinda, guided the occasional explorer/big-game hunters in pursuit of elephant and other game. From 1902, some settlers and ex-members of the BSA Co. began hunting safari operations. In 1949, after WW 2, the Government Conducted Hunting Scheme was started in the Luangwa under Norman Carr, and Bert Schultz – to be joined in 1950 by Barry Shenton, with 50% of net income accruing to the Native Authority. But, perhaps inevitably, conservation gave way to protection, when late in 1950, Nsefu became a special game reserve, in 1954 a full game reserve, and in 1972 being joined with the South Luangwa Game Reserve to form the present South Luangwa National Park. The significance of the two Luangwa-based schemes continues to be felt today as numerous efforts are made across Zambia and Africa to have wildlife provide earnings for tribal communities. With the advent of Imperial Government rule in 1924 (Northern Rhodesia), particularly in the period between the Great Wars, the country was administered through the chiefs under Lord Lugard's policy of Indirect Rule. By 1942, when a Game Department was more fully established, protective measures were increased, so that by the early 1970's a broad-based protected area system was in place and 19 national parks created from their game reserve predecessors – stemming from the earliest creation of all in 1899, the Mweru Marsh Game Reserve. Many of these protected areas were supported by the production of management plans and by applied research. However, the power of chief's greatly waned from independence, and the Natural Resources Act Cap 315 of 1962 – and later, the Natural Resources Act of

1970, legislation which contained everything necessary to usher in development to customary areas, was ignored and much of it later repealed by the Environmental Protection and Pollution Control Act of 1990. More recently, the Wildlife Act of 1998 creates Community Resource Boards (CRBs) within chiefdoms, with the chief relegated to the non-executive position of Patron, inevitably creating dissension, but also allowing for the first glimpse of the liberating intrusions of democracy. In 1975, following a fall in copper prices and a rise in oil prices, freehold land was abolished and the civil service almost totally Zambianized – a service which in 1962 had 5,000 university graduates in the administration, resulting inevitably in a rapid decline in the management of National Parks, GMAs and their wildlife, and curtailment of income for Native Authorities and communities. Between 1973 and 1993, almost the total population of rhino of some 20,000 or so were killed for their horns, and the elephant population - in the South Luangwa National Park alone, had declined from 31,000 to 7,000, and between 1994 and 2002, at a time when millions were being invested by donors in conservation, protection and community empowerment (NORAD funded, Luangwa Integrated Rural Development Project), 23.5 tons of ivory – representing some 14,589 elephant, was – according to the Malawi Anti-Corruption Bureau, smuggled from the Luangwa via Malawi and Durban, to Singapore ; and at the same time, the last population of rhino living within a few miles of the LIRDP HQ – some 13 in number, were, despite the assurance of senior conservation personnel as to their protection , exterminated. The year 2001 ushered in further deterioration in the management of the Zambian wildlife estate due in part to the suspension by the President of hunting safari

leases and the subsequent loss of much of the ZAWA income (US\$2 million in 2001; US\$2.7 million in 2002), the delay in the appointment of a Board of Directors and Director-General for the newly fledged ZAWA – established in place of the Department of National Parks and Wildlife, and the refusal of donors to provide funding in the absence of these appointments. Foreign exchange earnings, tax income, employment and associated benefits for ZAWA workers, and income for CRBs who were responsible for appointing law enforcement officers under the Wildlife Act of 1998 were adversely affected, encouraging the onslaught on wildlife by opportunistic bushmeat traders reacting to the considerable traditional game meat demands of burgeoning urban populations encouraged by the absence, or by the active support of striking ZAWA and CRB scouts. In addition, the scientific capacity of ZAWA was severely impaired, most of the management plans, scientific reports and relevant files produced in the previous years being stolen, not returned by borrowers, or thrown away – an inspection of the government archives in 2003 revealing few files deposited there after 1974, and nothing in the ZAWA library; and where valuable research information is available, such as at Ngoma, the HQ for the Kafue National Park, researchers there appear to be in total ignorance of it. After the President had curtailed hunting, tenders were put out in 2002, awarded, and then some of them overturned by the Minister (MTENR), leading to further High Court actions. However, hunting did get fully under away again in the 2004 season. In 2006, the state of the biodiversity on customary land ‘commons’ – in which hunting concessions are placed, is – with a few exceptions – when related to the situation thirty years ago, deteriorating, particularly of the strongly interactive keystone wildlife species

such as buffalo which are of immeasurable importance to the ecosystems on which a myriad of other species are dependant, now reaching very low levels in some areas, resulting – with the assistance of uncontrolled fires, in the increasing brittleness of rangelands and a deterioration in carrying capacity. And most seriously of all, the rural communities, although still with access to a plentiful supply of land and adequate rainfall, are denied ownership or proper access to the benefits of the natural resources being supported on their customary land, finding their land sold off by unscrupulous chiefs, district councils and corrupt officials in the Commissioner of Lands, and continue therefore to be ensnared in poverty, their hopes for tourism revenues now diminishing with that of the wildlife.

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MONDAY 12 MARCH 2007

CHUMAMABOKO, FIRST OF THE CENTRAL AFRICAN PROFESSIONAL HUNTERS?

At the time that F. H. Melland - a nephew of Prime Minister Asquith, arrived in 1901 on foot at Mpika, North-Eastern Rhodesia in order to take up his post with the British South Africa Company as Assistant Native Collector, Chumamaboko (arms of iron) had for some time been a leading member of the elite elephant hunting achiwinda clan. Famous in that part of the world for his hunting prowess, he soon attracted the attention of Melland who wanted to spend as much time as possible on his favourite pastime, hunting. They were to stay together until Chuma's death shortly before Melland's

departure for England in 1924 when North-Eastern and North-Western Rhodesia were removed from BSA Company control and became Northern Rhodesia, administered by the Imperial Government. Chuma became Melland's professional hunter at the same time that the pioneer professional white hunters, the Hill brothers, Clifford and Harold, began conducting lion hunting parties on their ranch in the Machakos area of Kenya. Arguably therefore, Chuma was the first professional hunter in what now constitutes Zambia. While at Mpika until about 1912, he guided Melland all around the district, venturing far into the Bangweulu swamps and the nearby Luangwa Valley. On the Luitikila river, which has its headwaters near Mpika, they shot a 116 pounder which today can be seen in the Thring Museum in England, one of the biggest elephant ever taken in Zambia, the record being a 130 pounder with one tusk. Chuma followed Melland from Mpika to Solwezi, thence to Kasempa, Kafue and finally, to Mazabuka. And all the time they hunted together. Melland wrote three books, one on elephant hunting, one on the anthropology of the Kaonde in Kasempa district, and one recounting his journey with Chuma and a friend, from Bangweulu to Cairo, hunting elephant on the way. There are a number of fish named after Melland as a result of his Bangweulu fish collections and he made valuable contributions in anthropology and what is now termed development studies. His friends were people like Mickey Norton, perhaps the greatest of all elephant hunters, and J.E. Hughes who operated the first professionally conducted safaris in the Bangweulu and whose classic book, 'Eighteen Years in the Bangweulu' is still much in demand. Chuma was remarkable in every way. Melland recounts the tale of how Chuma, a man revered by his fellow Zambians, once personally cleaned up the

latrines in the labour lines at Kasempa during an outbreak of dysentery, hubris being absent from his character. The picture of Chuma was given to me by Melland's eldest daughter, Amicia in 1998; a remarkable woman who worked for many years in Chile. F.H. was killed at the outbreak of war in 1939 when he fell between the train and the platform. He had just been appointed Secretary to the Royal Africa Society

THURSDAY 15 MARCH 2007

Zambia: Poaching is threatening tourism industry

RAMPANT poaching is threatening the declaration of tourism as an economic sector, Zambia Wildlife Authority (ZAWA) public relations officer Maureen Mwape has observed Mwape yesterday said ZAWA was worried about the increase in poaching activities in the Lower Zambezi National Park's Game Management Area (GMA) of Chinyunyungu in Chongwe district. "If we are not careful animals will be depleted and since tourism is mainly wildlife based, the government's declaration of the sector from a social one to an economic sector will be adversely affected," Mwape said. "And all efforts of enhancing and promoting the tourism sector will not be attained unless poaching is controlled and we appeal to the government and other stakeholders to help since ZAWA lacks resources to adequately patrol the protective areas." And Mwape said ZAWA over the weekend confiscated 91 kilograms of game meat from six suspected poachers in Chinyunyungu area. She said the suspects who included four females and two males were arrested at a roadblock mounted by ZAWA officers when they

were found with suitcases and sacks containing meat. The confiscated bundles comprised meat from baboons, impala, common tiger (impombo), warthog and hyenas. "We have six suspects in our custody at Masamba police in Chilanga and we are just processing the documents so that they appear in court tomorrow (Friday) and we also impounded the bus they were travelling in," Mwape said.

SUNDAY 20 MAY 2007

SAFARI MACED: THE SAFARI ENCYCLOPAEDIA

Gordon Ernest Mace in action Safari Maced "Safari Maced", after Zimbabwean safari agent Gordon Ernest Mace, is a term used to describe safari agents who book named clients with a safari operator, then fail to deliver them without reason or compensation – and with insufficient time to find replacements. This was a practice unheard of prior to the 1970's where the utterance, 'you have my word' - followed by a handshake, was binding. This term for deception and dishonourable business conduct is redolent of the term, Quisling, describing a traitor who serves as the puppet of the enemy occupying his or her country, named for Vidkun Quisling (1887-1945), a Norwegian who collaborated with the Nazis. In contemporary use, "Safari Maced" is synonymous with "a dishonourable and dishonest act" and is particularly applied to safari agents, safari outfitters and safari clients who mislead and deceive each other. Unlike the chemical "Mace", the effects of being safari maced are long lasting – for the perpetrator. See <http://docs.google.com/Doc?>

[id=ddv4n6pk_116fk4t39](#)



Gordon Mace

TUESDAY 24 JULY 2007

Supreme Court of Zambia Appeal No.16/2007 between
NAMAC and four Hunting Safari Companies...

NATIONAL MOVEMENT AGAINST CORRUPTION (NAMAC).....APPELLANT AND SOFARAM SAFARIS LTD...
.....1st RESPONDENTMBEZA SAFARIS LTD.....AND SWANEPOEL
& SCANDROL LIMITEDLEOPARD RIDGE SAFARIS
LIMITED 28 MARCH 2007 AND 12 JULY 2007 FOR THE
APPELLANT: S.L CHISULO FOR THE 1st & 2nd Respondent:
W.M. Kabimba JUDGEMENT The appellant and the Zambia
Wildlife Authority obtained a consent judgment between
themselves under Cause No.)6/ HP /0596. The respondents
were not parties to those proceedings and were not informed
about them. The respondents brought a fresh action to
challenge the said consent judgment whose terms, they claimed,
adversely affected their entitlements and standing vis-a their
prior agreements on hunting concessions with the Zambia
Wildlife Authority. The appellant raised a preliminary issue in
the court below That the respondents were wrong in law by
starting a fresh action to challenge the consent judgment, that
they should have applied to be joined as parties to the action
in which the consent judgement was obtained. The learned
trial Judge in the court below dismissed the preliminary issue
stating that as respondents were not parties to the consent
judgment but were affected by its terms, they were entitled
to bring fresh proceedings to challenge the said consent
judgment. The appellant filed four grounds of appeal as

follows: 1. “The trial Judge erred and misdirected himself when he concluded in paragraph 5 of page R6 of the Ruling that “the consent judgment clearly affected the rights and interests of the Respondents herein (plaintiffs in the Court below) in particular as regard paragraph 1 {a} and {d} {i} and {ii};” without explaining to what extent and whether adversely or positively the said consent judgment had affected the rights and interests of the respondents. 2. In view of ground (1) above, there is a strong inference that the trial Judge had erroneously accepted the arguments by the respondents herein that: i) the consent judgment had abrogated the respondents’ rights with Zambia Wildlife Authority. (ii) The consent judgment was a final judgment against the respondents and therefore the only way they could attack the consent judgment was through the action commenced by the respondents before the trial judge. The learned trial Judge misapprehended the purpose and effect of paragraph 1 (a) of the consent judgment and thereby failed to recognize and consider the following facts and points of law in his Ruling: (i) That the respondents were cited for a specific public injury, i.e. poaching which they had each committed and apparently admitted. (ii) That the compromise penalties meted out by Zambia Wildlife Authority against each of the Respondents for the said public injury were contrary to the Zambia Wildlife, Act No. 12 of 1998 and that the said compromise penalties were therefore against public policy and illegal.(iii) That overall, the consent judgement, arising out of judicial review proceedings, was intended only to enjoin the Zambia Wildlife Authority to comply with the law and any terms contained in the Hunting Concession Agreements entered into with each of the respondents. The trial Judge erred in principle and misdirected himself on a point of law

and when he attempted to explain locus standi to challenge a consent judgement in terms of one being an interested party in the contents of the consent judgment; as opposed to one being a party to the agreement contained in the consent judgement.” Mr. Chisulo, learned state counsel for the appellant cited authorities in support of his submission that the respondents were wrong in law to start a fresh action to challenge the consent judgment. The gist of the appellant’s submission is that the respondents cannot bring a fresh action to challenge a consent judgement, they should instead apply to join as parties to the action and plead their case in that same action. The respondents stand, on the other hand, is that they are entitled to bring a fresh action to challenge the said consent judgement. Mr. Kabimba, learned counsel for the respondents cited authorities in support of his submissions one of them being the case of Zambia Seed Company Limited vs. Chartered International (1). The legal issue for determination in his appeal is whether the respondents, on the facts on record, can challenge the consent judgement by initiating a fresh action. On account of the view we take of this appeal, it is not necessary to discuss the submissions of the parties in detail, suffice it to say that we have duly considered them together with the authorities cited. This is an appeal which raises a point of law which is already settled. The learned trial Judge in dismissing the preliminary issue relied on the pleadings on record which show that indeed, the consent judgment being challenged, adversely affects the interests of the respondents. We agree with the observations of the learned trial Judge in his ruling that in the peculiar circumstances of this case, the respondents’ interests regarding prior hunting concessions entered into with a party to the consent judgement were

adversely affected. The record shows the terms of the consent judgment complained of, in part, directed implementation of sanctions against the respondents. The record also shows that the appellant, a party to the consent judgement, stated in its defence to the action brought by the respondents in the court below that the appellant had no obligation to inform the respondents of the proceedings under which the consent judgment was obtained. It is not in dispute that the terms of the consent judgment, in part, affect the entitlements of the respondents. We wish to reiterate what we said in the case of *Zambia Seed Company Limited vs. Chartered International* (1) that a consent judgment is final and that, "...by law the only way to challenge a judgment by consent would be to start an action specifically to challenge that consent judgment..." A consent judgment, once sealed is final determination of issues therein, it is not possible to join the proceedings after judgement has been pronounced. The respondents were in order to institute fresh proceedings as they did. We dismiss the appeal with costs, to be taxed in default of agreement.

THURSDAY 23 AUGUST 2007

THE CURRENT STATE OF LITIGATION – PENDING AND OTHERWISE, IN THE ZAMBIAN HUNTING SAFARI INDUSTRY IN 2007

Case One: 1. Termination of Leopard Ridge safaris (LR) hunting concession by the Zambia Wildlife Authority (ZAWA).2. LR ceased hunting3. LR, represented by Wynter Kabimba & Associates (WMK) applied to the High Court for a judicial review and a stay of execution.4. Judge refused stay5. Judge directed the matter go to arbitration Case Two: 1. WMK advised Leopard Ridge that the community partners in the tripartite Hunting Concession Agreement (HCA), the Nawalya Community Resource Board (CRB), could take action against ZAWA, for a number of reasons: 1) as signators to the HCA they had not been consulted on the matter, 2) they were happy with LR, and 3) they stood to lose income from hunting.2. The CRB applied in the High Court for an injunction prohibiting the cessation of hunting safaris.3. The CRB were granted the injunction, and LR resumed hunting4. ZAWA appealed to the Supreme Court5. The Supreme Court ordered that LR cease hunting.6. At 4.00 am in the third week of August, a force comprising ZAWA Wildlife Police Officers and paramilitary, moved in to the LR field camp in the Luangwa, served LR with the order, and advised them to pack up immediately and leave. Clients were at the time hunting with Greg Michelson – shareholder in LR. Case Three: 1. The National Movement Against Corruption (NAMAC) and the Zambia Wildlife Authority (ZAWA) were defeated in the High Court over charges that the outfitters had overshot their quotas, four of which had contested the action. NAMAC/ZAWA had appealed to the Supreme Court, and had lost, on 19th July

2007.2. Following the dismissal of the appeal the Appellants (NAMAC) agreed that the consent judgment which was signed between ZAWA and NAMAC be set aside by consent of the parties. WMK on behalf of the safari four, agreed to this proposal as it did not in any way prejudice the safari four case. However, NAMAC have now raised a counterclaim against the companies involved, and ZAWA as Defendants, with the intention of obtaining judgment in similar terms as those contained in the consent judgment previously signed with ZAWA.3. However NAMAC clearly wishes to obtain a decision to terminate the HCA of the four outfitters.4. ZAWA, through its Director-General, is in agreement with this decision of NAMAC's Case Four: 1. In October, LR go to the Supreme Court in an attempt to win back their Nyampala concession – being represented by WMK in the matter. Case Five: 1. On 4 September, the case of Mbeza Safaris three resident director/shareholders is heard in the High Court as a result of a stay of execution and judicial review granted against the Minister of Home Affairs, the Chief Immigration Officer and the Attorney-General in the matter of the Minister's refusal to renew their self-employed work permits as is required for investors holding investment certificates under the Investment Act of Zambia. WMK acts for the resident Mbeza executive shareholder/directors.2. These events coincided with the start of the hunting season, and followed an attack by unknown persons on the Mbeza client base recruited by hunting agents based in Johannesburg, Munich and Paris; and by a known professional hunter impersonating a Zambia Wildlife Police Officer who suggested to an Mbeza client that the company might have been guilty of an offence while hunting that person the previous season. Police are currently investigating,

although the matter was reported to the Professional Hunters Association of Zambia and the Zambia Wildlife Authority. As part of the affidavit to the learned High Court judge, WMK stated that the unproven accusations by the Principal Private Secretary to the President accusing the owners of LR and Mbeza Safaris as having attended a secret lunch at which the overthrow of the Government and the destruction of Zambia's maize stocks, had contributed to moves by the state against them.

MONDAY 29 OCTOBER 2007

A Zambian safari hunting operator defends his
concessionary rights in the High Court...

On 23 October, Leopard Ridge Safaris requested that the High Court in Lusaka recognize their rights to their safari hunting concession. such rights not being recognized by the Zambia Wildlife Authority who had removed Leopard Ridge from their concession without due process, and who have recently put their area out to public tender. The judge's decision is expected shortly. The industry awaits; investors await.

WEDNESDAY 31 OCTOBER 2007

Zambian Supreme Court ruling on hunting safari industry...

In the Supreme Court of Zambia on 14 August 2007, in the case, Zambia Wildlife Authority (ZAWA) versus Blackwell Banda (for Nawalya/Munyamadzi Community Resource Board (CRB)), the judges ruled that the Hunting Concession Agreement (HCA) between ZAWA, the community in the hunting block (represented by the CRB), and the safari hunting operator, constituted a license, which like any other license issued by ZAWA, could be terminated by them at will. This ruling will have far reaching consequences for the hunting industry should ZAWA, for whatever reason, wish to remove a concession from an operator, or remove a particular operator from a community where they are in a productive partnership. The rights of both the community (the customary landowners) and the safari hunting investor are therefore affected.

SATURDAY 29 DECEMBER 2007

Zambia's finest hunting block to be run by ZAWA

The Nyampala hunting block, lying within the country of the Bisa chief, Nawalya, is now to have its hunting managed by the Zambia Wildlife Authority. Having got rid of its concessionaire, Leopard Ridge Safaris, despite the High Court having still to decide on whether the expulsion was legal, ZAWA first put it out to tender, then - doubtless on the order of the ZAWA Board,

decided that they would run it themselves, an advert for two professional hunters being placed in the local papers. Those who paid some \$1100 to tender will be asking for their money back. Given the very strong rumours circulating about the imminent removal of other hunting concessions from operators holding legal Hunting Concession Agreements, it seems that ZAWA and its Board have decided that nationalization is the way forward for them out of their financial difficulties. They will be shaking their heads in Tanzania.

SUNDAY 30 DECEMBER 2007

Zambia hands out the treatment to Sheriff and his PH...

Jack Koch

AFFIDAVIT

I, J.S. KOCH, SHERIFF OF THE HIGH COURT (SUPREME COURT) AND LOWER COURTS (MAGISTRATES COURTS) FOR THE REPUBLIC OF SOUTH AFRICA, REGISTERED PEACE OFFICER AND STATE APPRAISER, MAKE THE FOLLOWING AFFIDAVIT IN POINT FORM.

1. I recently hunted with Ray Millican, professional hunter in Lupande Msoro, Zambia
2. I made 2 trips to this area and sent South African clients to hunt there.
3. On my last trip we had to leave a hunt while in progress as Professional Hunter Ray Millican became very sick and had to

be rushed to hospital.

4. The buffalo hunt was stopped while in progress and Mr R Millican was carried to camp where I and his camp staff gave him medical treatment.

5. Mr Millican's condition deteriorated and I realized that he suffered from severe heat stroke, his sugar levels dropped, his blood pressure was high and his tongue swelled in his mouth.

6. Due to his condition, we left the camp at +1 03H30 and rushed back to Lusaka his condition was serious and he would die should he stay in camp.

7. At +1 09H30 we were stopped at a large roadblock in Nyimba

8. We were kept in a police office for 2 hours without proper charge explanation nor proper police identification procedures.

9. Mr Millican's condition deteriorated.

10. We were then instructed to go back to Chief Msoro – no reason given.

11. We were taken back by armed escort.

12. I was informed that my buffalo was being skinned and I can collect it.

13. Three game guards (unfortunately I don't know their names) informed me the animal would be slaughtered properly. When Mr Robby Meyer came to collect the buffalo, it had mysteriously disappeared.

14. At Katete, Mr Millican became unconscious and we rushed him to St Francis Hospital.

15. The doctors were horrified that he was being 'arrested' in his condition and ordered the ZAWA game guard and police to release him.

16. The game guard refused.

17. I explained to the game guard, a Mr Khomo as I can recall

that I am a client in Zambia and a Sheriff in the RSA. That his conduct was illegal and that I will contact the South African Embassy and Zambia's Supreme Court and make a huge case against him.

18. I also stated that he has no authority to refuse a sick man proper medical treatment.

19. I then drove Mr Millican to Lusaka Medical Clinic.

20. All Mr Millican's other vehicles, trailer, camp equipment and personal belongings were taken by ZAWA and the police.

21. Mr Millican only received medical help 9 hours later.

22. ZAWA, Chief Msoro and the Zambian Police had no authority to:

- a) Arrest Ray Millican
- b) Arrest myself Mr J.S. Kock
- c) Arrest Mr Robbie Meyer
- d) Confiscate vehicles and equipment
- e) Escort us back to Msoro

23. ZAWA, Chief Msoro and Zambian Police failed to follow proper legal procedures required in civil and criminal law.

- a) Failed to issue Subpoena's
- b) Failed to issue summons
- c) Failed to produce warrants of arrest
- d) Failed to have legal court orders to attach property
- e) Failed to supply reasons for procedures

24. ZAWA, Chief Msoro and Zambian Police committed the following crimes:

- a) Wrongful arrest
- b) Kidnapping
- c) Theft of property

- d) Extortion
- e) Duress
- f) Putting the life of a sick man in danger

25. I want to report this matter to SCI, the South African Legal Institute and the South African Embassy but Mr Millican begged me not to.

26. His reasons are that he does not want to discredit ZAWA as he has future business with them

27. This matter will be referred to higher authorities should I receive no feedback. I trust it would not be necessary

My notes:

The hunting client, Jack Kock, recently contacted me as ZAWA has not replied to his affidavit and covering letter of 8 November 2007, asking that I publicise this matter in the interests of the future of the Zambian hunting industry, a future which a few rogue government officials and a chief should not be allowed to sully. I also happen to know the PH concerned, Ray Millican, who has over the years brought a great deal of business to Zambia.

Chief Msoro has taken powers which he does not possess and should clearly be brought before the courts. I would be saddened by this as our Landsafe Investment Trust system - accepted by the House of Chiefs, fights for chiefs to be part of a truly decentralized system in which they and their community, together with Government, have ownership of the natural resources on their land - guided by community landuse plans

and a trust management structure. Msoro, by all reports, rides roughshod over his CRB, and appears to think that a PH working in his area for the concessionaire is somehow legally responsible for the pledges agreed to by - in this case, Mitchell Safaris. And then to order ZAWA officials and the Police to arrest Millican while gravely ill, and to have them obey, is a grave injury to due process. The action of the ZAWA Nyimba sector Liaison officer (A. Nkhoma) - a man who works in my area and whom I have found to be untrustworthy and a treacherous individual seeking to destroy where he can five years of our work with the community, is not only to be deplored but should require an inquiry leading to his dismissal. Is this the treatment we are to expect for our foreign clients, placed under escort with his gravely ill PH and driven off like a common criminal?

The letter written by the Senior Warden of the South Luangwa Management Unit of ZAWA to the Regional Manager of ZAWA on 29 October 2007 (which should appear on the picture being clicked), a unit funded by NORAD for two decades, is according to Koch - as his affidavit affirms, a farrago of lies and evasions.

FRIDAY 04 JANUARY 2008

Mbeza submissions to Zambian Government

SUBMISSION (TWO) TO THE ZAMBIA WILDLIFE AUTHORITY (ZAWA) AND ITS BOARD ON PAYMENTS FOR THE 2008 SAFARI HUNTING SEASON I.P.A. Manning (MD.

Mbeza Safaris Ltd)2 January 2008 A Safari Hunter Operators Association of Zambia (SHOAZ) E-MAIL COMMENTS ON MEETING WITH ZAWA TODAY IF their proposal for payment of 100% of financial quota be set aside, then:1. Outfitters to guarantee 80% use of animal quota.2. Present refundable \$12500 deposit be increase to \$20000 as guarantee against 80% useage. Deposit applies to prime and secondary areas only.3. In the event of the 80% of animal quota utilisation not being agreed on, a possible alternative benckmark will be 60% of monetary value of quota being attained.4. An additional optional quota will be made available which will be 20% of of the originally allocated quota. This will only apply to sustainable species and not include classic species.5. All 2008 quotas must be revisited and finalized with ZAWA by 11th.January 2008.6. Operation of specialized areas will be negotiated seperately and directly by the outfitters with ZAWA management. B MBEZA COMMENTS (See Annexure 1: Submission One of 21 December 2007) My earlier submission, having fallen on deaf ears, now follows with some brief comments on the above. 1. ZAWA are prepared to negotiate advance and non-refundable quota payments within the range of 60 – 100% of the quota2. No mention is made of the fact that concessionaires in Primary and Secondary areas pay for a set minimum number of classical and mini hunts, which may or may not be satisfied by the finally negotiated quota.3. Should between 60 – 100% of the quota be agreed to, will this quota then be fitted to the requirements for classical and mini hunts – as laid out in the Hunting Concession Agreement (HCA), and where there is a shortfall, the operators be credited with the payments, which together, make up the concession fees?4. As for an additional quota of ‘sustainable species’ of 20% to be awarded;

why would this be necessary after the operators has requested his quota? One presumes that what was meant was common species.⁵ And why should it be made to appear that those holding 'specialized areas' are being given special dispensation to negotiate directly on quotas with ZAWA, when all operators are in fact being invited to do so?⁶ We are quite happy to be able to negotiate a smaller quota, though in some instances, an increased quota would be called for. Does this not however open the door to corruption of ZAWA, Operators and of due scientific process?

CONCLUSION In the absence of legal council – and noting the inconvenient period which ZAWA has chosen to deal with such important issues, Mbeza and its CRB representatives, as it was prepared to do before, are willing to sit down with ZAWA before 11 January and agree on a rational quota. This quota would then be defined in terms of a 60% of quota guaranteed payment – \$20,000 to be paid up front. The quid pro quo for this is as follows:

1. The number of Classical and Mini safaris to be adjusted accordingly in the HCA, and credits made to the Mbeza account
2. Mbeza to be credited with the 'underachievement fine' - made on it for the 2005 season, the late payment fines and the outstanding trophy fee deposits
3. An audit of income and expenditure of the Luembe and Nyalugwe CRBs
4. Having taken into account the present judicial review and stay of execution granted Mbeza versus the Minister of Home Affairs, the Attorney-General and the Chief Immigration Officer, which case to be heard in the High Court of Lusaka on 30 January, 2008, a declaration from the DG and the Chairman of the Board that ZAWA will not, in the absence of breaches of the HCA or criminal activity, remove Mbeza's concessionary rights to the West Petauke Hunting Block; and should they consider there are breaches, to state them by the 11

January 2008. BACKGROUND Under the Hunting Concession Agreements (HCAs), ZAWA, the CRBs and their Patrons (chiefs) are to receive concession fees for a certain concessionary period. These fees are based on a tendered amount for Classical and Mini safaris, the number of which are stipulated by ZAWA for Primary, Secondary and Understocked areas. The Mbeza tender, accepted by ZAWA and the CRBs, and the HCA itself, does not stipulate what the gross expected income would be, or what ZAWA's share of that would be. Therefore, any payment required by ZAWA, in addition to this, falls outside of this agreement. Such a payment is the deposit of \$12,500 made by Operators against trophy fees at the beginning of the season, a voluntary act of goodwill so as to assist ZAWA with its cashflow. This is not a mandatory payment, neither is payment of the concession fees earlier than the day before the opening of the hunting season, though demands are made of Operators early in each year by ZAWA to make these payments, to which they voluntarily comply. In 2006, Mbeza was forced to pay trophy fees in the sum of \$43,000 for the 2005 season which ZAWA considered would have been the gross trophy fee earnings had the stipulated number of Classical and Minis safari hunts been carried out, despite the fact that the quotas had been drastically cut by ourselves, the CRBs and the SLAMU quota-setting unit, making the achievement of 5 Classical and 7 Mini hunts impossible. Clearly this payment was not legally obtained; if it had, the same system would have applied for all Operators from that year forward, and there would be no necessity now to try and impose a non-refundable and advance minimum payment for a certain percentage of the quota. In addition, Operators have been fined 10% of trophy fees paid later than three days after the cessation of a hunt, a diktat which is clearly illegal.

On the other hand, CRBs – on whom the main responsibility falls for wildlife protection, are paid quarterly – a payment which is rarely made on time, having the immediate impact of turning them into poachers – as is the proven case in West Petauke. Despite numerous attempts, our two CRBs and ourselves have been unable to obtain an audit from ZAWA of what moneys have been paid in respect of concession and trophy fees. Currently, ZAWA owes Mbeza \$18,000 from advance trophy fee payments, which despite numerous attempts on our behalf, has not been returned. As we speak, the operating environment for concessionaires in Zambia is deteriorating due to rampant poaching (with ZAWA scouts and CRB village scouts involved), the lowering of carrying capacity due to uncontrolled fire, an oil price per barrel of \$100, which will impact heavily on future operating costs, a weakening dollar, and most seriously, the perception that Government intends nationalizing the hunting safari industry. For ZAWA, without adequate funding for the running or reform of the institution, the ZAWA Board and the Minister of Tourism, Environment & Natural Resources have decided on a policy of radically increasing income: from tourist entry fees to National Parks; from non-refundable income for 100% to 60% of quotas; from the nationalization of the first hunting concession (Nyampala), with others - already stated in high Government circles, to follow. All of this is being done without full consultation and negotiation with partner CRBs and non-SHOAZ members, but also without the input of other stakeholders. ANNEXURE 1: Submission One of 21 December 2007 Mbeza Safaris Limited's response to the conclusions of the SHOAZ/ZAWA meeting of 21 December, 2007 The results of the meeting held on 21 December between the Safari Hunting

Operators Association of Zambia (SHOAZ) and the Zambia Wildlife Authority (ZAWA) to discuss the forthcoming 2008 hunting season, was reported to SHOAZ members and non-members by the SHOAZ Secretary, Barry Bell-Cross, as follows: 1) ZAWA insist on payment of 100% of the quota up front on instructions from the Board. 2) Individual quota numbers to be mutually agreed. 3) You may not enter your hunting area if payment is not made. 4) Concessions from them are: a) Current laws and regulations will be amended to allow a client to shoot as many species as he wishes with no additional charge for 2nd, 3rd, etc. animals shot. b) Time restrictions on hunts will no longer apply. c) In addition it would appear they are prepared to accept tranche payments for quota. The follow up meeting is to be held on 24 December, 2007.

MBEZA'S RESPONSE 1. As non-members of SHOAZ we are most grateful that they keep us informed of meetings with ZAWA, and of current moves afoot in the industry. Unfortunately, ZAWA continue to ignore the fact that there are many operators who are not members of SHOAZ and who therefore require to be communicated with as independent operator partners within the tripartite Hunting Concession Agreement (HCA) entered into with ZAWA and the local community resident in the hunting concession, and awarded by tender. We received no invitation to the meeting, nor any other meetings, other than the truce meeting and one other in January 2007, the first called by the Minister, despite assurances from the Chairman of the ZAWA Board, Walisiku Lisulo, that in future ZAWA would fully consult with its partners, the Community Resource Boards (CRBs) and the safari operators.

2. The insistence of the ZAWA Board that 100% of the quota fee be paid in advance, presumably non-refundable, cannot be agreed to. The quotas issued by ZAWA

cannot be scientifically substantiated, and there is no trophy monitoring system in place with a feedback loop modifying future quotas. Of the quota issued in the 2006 season, only 46% of it was utilized. Yet in 2007, ZAWA insisted on 60% of the quota being paid for in advance, without a refund should the animal not be shot. As I pointed out previously, my refusal to adhere to this diktat was that it was clearly bad conservation and that it would in any case require the HCA to be renegotiated. Now, with 100% of the quota being required to be paid for, we have some 54% of the quota to be paid for and not shot, inviting all sorts of abuse and placing a considerable financial burden on operators. ZAWA appear motivated solely by its need to generate funds, avoiding good, scientific practice. And what are we to make of ZAWA's statement that 'Individual quota numbers to be mutually agreed.' We are issued a quota, whether we and the community agree with it or not, then we are told that we can come in and renegotiate this quota as individual operating partners. This rather negates the whole process of having held quota meetings in the first place. And once again, our community partners are excluded from the process. 3. The concessions which ZAWA are prepared to make – as laid out in section 4, nullifies the HCA, sensible as the concessions are. But we cannot avoid the fact that the sole legal agreement in place is the HCA, the alteration of which is very long overdue. It is important to point out that any agreement reached between SHOAZ and ZAWA is not legally binding on non-SHOAZ members, in any event requiring the agreement of the community partners. The whole issue of quotas and the HCA agreement itself should have been workshopped under the auspices of the Natural Resources Consultative Forum at the beginning of December, at a time when most

people were still in Zambia. ZAWA is attempting to push through its Board's policy without proper consultation. The sustained use of renewable resources is also the responsibility of the Environmental Council of Zambia, and therefore such decisions by ZAWA do require adherence to the Pollution and Control Act in terms of an EIA of the short, medium and long-term results of such policy and management decisions. And ZAWA, and the industry as a whole, should conform to the draft National Policy on Environment of 1995. The current trend within the SADC region of highly centralized governments to extract as much as possible from investors and customary landowners is counterproductive. In this region the hunting industry is under threat, which, with conventional tourism, is the only industry which – together with traditional hunter gathering, supports the rural inhabitants, and which provides the incentives for wildlife conservation. The ZAWA Board appear unaware of the law of unintended consequence.

TUESDAY 08 JANUARY 2008

Hunting concession nationalizations in Zambia...

Leopard Ridge Safaris still awaits the decision of the Supreme Court concerning its appeal against the removal of its Nyampala Hunting Block by the Zambia Wildlife Authority. However this has not stopped ZAWA further prejudicing the action - having now cancelled the public tender process, and now advertising for professional hunters to hunt the area on its behalf. A few other areas are shortly expected to suffer the same fate. In the

negotiations presently being conducted by the Safari Hunting Operators' Association of Zambia with ZAWA over payments for the 2008 season, the members of SHOAZ have agreed to a 60% non-refundable payment of the quota - the latter to be individually negotiated, but with no advance payment.

WEDNESDAY 09 JANUARY 2008

Mbeza response on 9 Jan 08 to ZAWA Board/SHOAZ proposals...

MBEZA SAFARIS RESPONSE TO:SAFARI HUNTING OPERATORS' ASSOCIATION OF ZAMBIA (SHOAZ) REPORT ON 8 JANUARY 2008 (RE PAYMENTS 2008 SEASON) RESULTING FROM TALKS WITH THE ZAMBIA WILDLIFE AUTHORITY BOARD. The following is the position of the board:1) The lease agreement is not cast in stone and can be amended at any time to suit current conditions.COMMENT MBEZA SAFARIS:It can, and must be, so as to accommodate the quota/safari category requirements - with the agreement of the tripartite partners 2) They are not in the least intimidated by the threat of legal action by outfitters.COMMENT MBEZA SAFARISAt all times the procedure between the partners should be followed as laid out in the Hunting Concession Agreement (HCA): 1) good faith negotiations, followed if necessary by 2) mediation, and then 3) arbitration – the latter presumably under the auspices of the Arbitration Commission. Should these fail it is a matter for the courts. Unfortunately, these procedures have not been followed by all parties in the past,

nor at the present – with current court actions (Leopard Ridge v ZAWA) being prejudiced by nationalization of the Leopard Ridge concession. 3) The board contend that as outfitters themselves identify the quota that they require at their annual quota setting meetings, they should be able to utilize and pay for 100% of this quota.

COMMENT MBEZA SAFARI

The Board is under a misapprehension. Outfitters do not identify the quota that they require – albeit this being the present trend. I quote from my review of hunting in Zambia: “When hunting finally resumed in 2003, the offtake quotas provided by ZAWA in the first year of the new ten-year leases were, according to ZAWA, influenced by a number of factors - in addition obviously to the pre 2002 quotas; these were the feedback from resident and established citizen hunting returns in 2002, but chiefly, by the needs of the lease agreement and the 2003 ZAWA financial budget so as “...to ensure that numbers of species provided meet the minimum requirements for both classical and mini safaris”, concessionaires being required to meet these on pain of the loss of a \$50 000 surety deposit, or the cancellation of their concessionary agreement. Although ZAWA admitted that wildlife had decreased considerably due to poaching and that few GMAs had been censused, they gave a contradictory justification for a quota increase of between 5 and 15% based on “the abundant state of the species” and also, “on the assumption that:

1. The hunting blocks were successfully allocated to bidding safari companies
2. Logistics for law enforcement are made available
3. Funds were secured for aerial counts and monitoring
4. As a result of the above animal populations will increase or stabilize.”

In the first year of the old leases in 2003, only 30% of the quota was utilized; in part being due to the fact that six Prime areas did not function

due to litigation.” Quota meetings are held in the season prior to the quota setting – actually in the busiest hunting period. In Mbeza’s first year under new ownership, we workshopped the quota over a full day, only to discover that when Chilanga issued the quotas they bore no relation to the agreed quota. In 2006, the MD of Mbeza was not invited to the quota meeting, nor the Chairman of the Luembe CRB, and the other director, on safari at the time, was given one day’s notice to attend, clearly an impossibility. In 2007 we did not operate due to legal issues, but again were not invited to a quota meeting. Quotas are, in any event, not something which the operator has – or should have, control of. He may make his submissions, which, together with the inputs of the CRB and ZAWA, should be followed by Chilanga. If the operator is to set a quota i.e. a sustained yield quota – without it fulfilling reasonable scientific standards, then it should be properly called an allocation. What is missing from all of this is a monitoring system which will ensure that only the older age classes are being taken. The allocation therefore becomes a guide only for the benefit of ZAWA, who may from this deduce their income, and therefore their cash-flow. I find it worrying that the Board appear to be assuming powers they do not have. This is not about policy, this is about management and sound science. 4) With the above in view and taking in to account our objections they have asked us to give them a counter proposal. 5) We suggest that you consider a proposal along the lines of the quota being split into a 60% fixed quota and 40% optional quota. COMMENT MBEZA SAFARIS Fine, if based on what the operator and his CRB consider to be reasonable. In Mbeza’s case, this would require ZAWA to meet other conditions (see my previous submission) 6) The 60% financial quota would be paid in 3 instalments and the

optional quota paid for as and when used.COMMENT MBEZA SAFARISAgreed 7) The current animal deposit would fall away.COMMENT MBEZA SAFARISAgreed 8) We will suggest removing the 50% surcharge on 2nd. animals.COMMENT MBEZA SAFARISAgreed 9) We will also suggest removing the time and animals restriction currently in place for mini safaris.COMMENT MBEZA SAFARISAgreed 10) Oufitters can revisit their quotas if necessary.COMMENT MBEZA SAFARISAgreed. We require the timing of this. 11) Specialized and understocked areas will be exempt from the above and will negotiate separate arrangements with ZAWA.COMMENT MBEZA SAFARISWhy? Quotas are quotas, whatever the area. I can see no reason why they should be exempt.

29 January 2008

Zambia Wildlife Authority continues to trash elephant conservation

As the Zambian safari hunting industry grapples with the increasingly Mad-Hatter decisions of its Zambia Wildlife Authority (ZAWA) Director-General – doubtless squeezed by his inexperienced Board and the python of poor policy requiring ZAWA to raise its own funds, he is once more issuing licenses to safari operators to hunt elephant in 2008. I am reminded that on 10 January 2006, the Natural Resources Consultative Forum of Zambia (NRCF) met to discuss the question of Elephant Sport Hunting (ESH) and to prepare an urgent Advisory Note for the Permanent Secretary and the

Minister of Tourism, Environment and Natural Resources for their visit to the meeting of the Safari Club Convention in Reno, Nevada, USA starting on 18 January 2006, a convention where the elephant quota for 2006 would be sold by Zambian Safari Operators and their agents. Regrettably the Acting DG of ZAWA had declined to attend in person or to send a competent officer in his place. The meeting overwhelmingly agreed that given the absence of the necessary scientific base-line data on which clear advice might be tendered to the Permanent Secretary, that the precautionary principle should be invoked and elephant hunting banned for 2006 and until such time as ZAWA provided the essential data. ZAWA took no notice of this and went ahead with an elephant license auction. In January, 2007, at a meeting with the DG, he assured me and another steering committee member of the NRCF that no decision on elephant hunting would be made until he returned from attending the SCI Convention. The next day the ZAWA licensing officer phoned me with an invitation to attend an auction of elephant licenses a few days later. The background to this sorry affair is that in 2005 ZAWA issued a quota of 20 elephant for sport hunting by foreign clients in the Chiawa, Rufunsa and Lower Lupande hunting concessions; 10 to be utilized by the concessionaires of those areas, the remaining 10 to be auctioned to other safari operators – the proceeds to be deposited in an elephant conservation fund and shared with affected communities. The quota was issued by ZAWA in response to complaints by local communities of elephant damage to crops, and of loss of life. The DG ZAWA stated that 20 problem bull elephant had been identified (sic) by his officers and that these would be shot, and that measures would be taken to assist communities to improve their capacity

to defend themselves against raiders. The Tourism Council of Zambia (TCZ), the Safari Hunting Operators of Zambia (SHOAZ), the South Luangwa Conservation Society (SLCS) – which produced an analysis of the issue, and Conservation Lower Zambezi (CLZ) opposed the hunting of elephant on the grounds that elephant were being poached, that populations had not yet recovered from the hunting ban of 1982, and that the few bull elephant in these areas were of considerable value to the non-consumptive tourism industry. Numerous international elephant conservation organizations also opposed the move. In 2004, ZAWA had applied to the Conference of the Parties (COP) of the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) for the ivory taken from the 20 elephant to be exported to CITES signatory countries. This application was unfortunately granted. But ZAWA's application for elephant to be downlisted to Appendix 2, enabling it to sell its stockpile of 17 tons of ivory, was refused. At least one international organization supported the introduction of elephant hunting and had negotiated with the US Fish & Wildlife Service for ivory from the 20 hunted elephant to be imported into the USA. This was, however, refused. ZAWA, through the NRCF, held a consultative meeting on the elephant hunting proposal, but had already announced an elephant hunting quota. Since this time, as the NRCF refuses to press government on the issue, the issue has been swept under the carpet. I am no longer a steering committee member as a result.

The battle for Victoria Falls - Part 1

Monday, July 24, 2006

LEGACY DESECRATION

VICTORIA FALLS PLANNED AND SANCTIONED DESECRATION

The Wildlife and Environmental Conservation Society of
Zambia

21st July 2006

1 INTRODUCTION

The Zambia Wildlife Authority (ZAWA) and its parent Ministry of Tourism, Environment and Natural Resources (MTENR) have sanctioned the building of an eighteen-hole golf course, two hotel resorts, a club house and chalets in the Mosi oa Tunya

National Park lying on the edge of Livingstone. On Thursday 27 July, Legacy Hotels and Resorts International are due to sign a Tourism Concession Agreement with ZAWA, and on Friday 28 July, the President of Zambia will lay the foundation stone.

This outrageous planned desecration of what is a United Nations Educational, Scientific and Cultural Organisation (UNESCO), World Heritage Site has begun despite the rejection of the project's environmental impact assessment by the Environmental Council of Zambia (ECZ) - and a call by it for greater consultations, and the objections of the local ZAWA office and of the Natural Heritage Conservation Commission. No application has been made to the Livingstone City Council, and no consultations of any kind carried out with the Natural Resources Consultative Forum of Zambia (NRCF) - established by the MTENR to oversee natural resource and conservation concerns, or with civil society in general. And, in flagrant disregard for international conventions, approval has not been given by UNESCO for the scheme, threatening its World Heritage status and prospects for the area's conservation and economic development as a major world tourism destination. As the Park is currently receiving the investment attention of the World Bank under the SEED programme, it seems likely that they are not aware of the development.

2 THE AREA

The Victoria Falls and its surrounds - both in Zimbabwe and Zambia, is a World Heritage Site and is therefore protected by international convention. It is also a designated Important Bird Area (IBA) as declared by Birdlife International.

The World Conservation Union (IUCN) management plan (The Strategic Environmental Assessment of Developments around Victoria Falls, June 1996) for the area states categorically that no developments should be allowed within the boundaries of the site, and that the wilderness value and the biodiversity of the area are prime resources which have to be maintained. This is further endorsed by ZAWA's Mosi oa Tunya General Management Plan (GMP) of May 1999 which inter alia states:

A national park, by definition must possess nationally significant natural or cultural resources and retain a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource;

Section 3 (Planning Guidelines) states clearly:

“Management emphasis in national parks will be to minimize all undesirable human impacts on wildlife populations”;

Section 3..5.1 (Natural Resources) states the priorities for the management of the national park will include:

Protecting and conserving the Zambezi River and its riverine vegetation. Any development – local, national, international – which threatens the integrity of the riverine ecosystem should be opposed in the strongest terms.

Figure 7 in the GMP illustrates the distribution of management zones within the national park.

A narrow river-side path route is provided between the

Maramba River and the present Sun Hotel site for pedestrian access. The rest of that sector is designated for general tourism activity where permanent structures cannot be erected without full justification. Permitted activities in the Tourism Zone include only: game drives; escorted walks and picnics.

The narrow, river-side development zone north of the Maramba River will be restricted to existing developments and to jetties, information centres, car parks, toilets and picnic sites. In this area "...no new leases will be considered...These limitations are imposed to keep development to a minimum and safeguard the corridor used by wildlife in this narrow and restricted part of the park."

The resorts are being built on that specifically identified narrow part of the national park where elephant cross the river and move through to the gorges - an area of major conservation importance for water birds and other wildlife, and also the only part of the river near the Victoria Falls accessible to the people of Livingstone. The road that runs from the cultural center along the Maramba River to the confluence is a public road and any change in its status requires that it be de-gazetted

3 THE DEVELOPMENT

The two hotels are to be built on either side of the Maramba River near its confluence with the Zambezi. The golf course will span either side of the Maramba River, surrounding Maramba River Lodge and extend up to the bridge that crosses the Maramba River on the Mosi o Tunya Road. Two bridges are to be built across the Maramba River, one near the confluence and

one further along to allow golfers to cross. These developments are all in complete contradiction to the General Management Plan.

On the 20th July 2006 at least three beacons marking, apparently, some of the corners of the Legacy site, were erected. A vehicle belonging to Turner Construction, and some workers constructing the foundation stone near Maramba Cultural Village were also seen.

4 ENVIRONMENTAL CONCERNS

4.1 Wildlife

Elephant frequent the area between Sun Hotels and the Maramba River, their passage hindered by increasing tourist activity and the developments built to support them. The area in question is the last remaining intact area of good vegetation where elephant are free from human pressure. It is crucial that this area remains undeveloped and conserved as a route for animals within the Park and those crossing the river to travel to the gorge and the Mukuni area.

The IUCN management plan states “there should be access to the riverbank and animal crossing points”. The Legacy development ignores this stricture. In the case of Sun Hotels, they failed to solve the baboon and elephant problem and have fenced in order to keep the elephant out. How will Legacy cope with elephant, baboon, hippo if Sun Hotels have failed? ZAWA’s recent directive that all fences in the Park be taken down - including Maramba River Lodge and Sun International, will increase the number of people killed, and that of elephant in retaliation. And an unfenced golf course will place golfers

at risk. Should ZAWA relent and allow Legacy to fence the area, it would cut off elephant and other wildlife from the other sections of the Park and the gorges below the Falls. There are already problems of elephant raiding villagers' crops and destroying life and property due to their normal routes being disturbed.

Tourism is beginning to expand in Livingstone, and apart from the Victoria Falls, one of the main attractions is the wildlife to be found in the Mosi oa Tunya National Park. The present fenced area of the Park is being seriously degraded by elephant which have stripped and ring-barked trees. The area allocated as a golf course is prime elephant feeding and resting ground with thick forest and undergrowth, giving them some respite from the pressure of helicopters and microlights, tourist activities and lodges, hotels, farms and villagers. The area is also a critically important hippo grazing area, and the Maramba River confluence is important for crocodile viewing and for water birds. As an undeveloped area with minimal road access, the area is crucial for breeding and feeding grounds for a number of species.

WECSZ and the Livingstone Museum has, twice a year for the past ten years, conducted a bi-annual water bird count in July and January along this stretch of the Zambezi and the Maramba. The new development will impact on this study as the count includes the area 10km up river of the Victoria Falls. Already river access for this type of study has been cut off by the Sun Hotels, Waterfront, Boat Club and other developments, so that the Legacy development will leave only the fenced area of the Park, a comparatively small part of the river to conduct a census

of water birds (49 species of birds were identified on the north bank on a recent survey by WECSZ).

4.2 Vegetation

The IUCN report states that no mature trees or riparian vegetation should be cut down. In a study by the WECSZ, a total of 54 species of woody plants were recorded on the right bank of the river. It was found to be heavily infested in places with exotic Lantana, melia and gums (Eucalyptus); apart from these the indigenous vegetation appears intact, *Kigelia Africana*, *Combretum*, *Acacia*, *Diospyrus*, *Terminalia*, *Bauhinia* are just some of the 54 species of trees recorded and are of good size, being undisturbed by human encroachment. Of special interest is tree wistaria, *Bolusanthus speciosus*, a marginal species for Zambia but an endemic monobasic genus of the Zambezian phytochorological region. This species by itself is enough to recommend the site for preservation, as it is of frequent occurrence here and the trees are of good form and height, thus offering Zambians a unique opportunity to see this beautiful tree within their own country.

4.3 People's access to the Zambezi and Maramba Rivers

This stretch of river - particularly between the Maramba River and the Falls, has always been a favourite spot for picnics and social outings – though it has reduced recently because of the thugs and bad roads. It is crucial that this area is kept open for Zambians. The Legacy Holdings Development will permanently remove all the river frontage from the general public.

4.4 Golf courses

The Livingstone Golf Course has just opened in town after a 2 million US\$ renovation. This is the second oldest golf course in Zambia, and is a historic site. The Elephant Hills golf course is opposite the proposed Legacy site across the river. There is no need for another golf course.

5 CONCLUSION

Livingstone residents are not against development. They need and want development. But one of the main attractions for visitors (and hence the thousands of visitors every year) is the Victoria Falls, the Mosi-O-Tunya National Park and the wildlife in the area. IUCN stresses that one of the principle attractions of the area to visitors is its perceived “wilderness” value and “the juxtaposition of natural wild area with modern visitor amenities. If this wilderness is lost due to over-development, then the visitors will not come and the economy and social structures will suffer.” IUCN Victoria falls – Skeleton Management Plan Part 1. Quite simply, if the Park is destroyed through over-development many of the visitors will stay away.

However, as a World Heritage Site it is incumbent on us to protect it for all mankind by respecting and using the planning and conservation frameworks already available in a long-sighted and conscientious manner that are not driven by short-term commercial motives.

Tuesday, July 25, 2006

NATIONAL PARK NO. 17: MOSI-OA-TUNYA

Starting at a point on the left of the Sinde River, where it is crossed by the Livingstone-Mambova main road, the boundary follows the northern edge of this road in an easterly direction to its junction with Mbile Drive; thence northwards and eastwards following the northern edge of this road to where it is crossed by the water pipeline serving the aerodrome; thence in a straight line due south for a distance of approximately 3,000 metres; thence in a straightline due east for a distance of approximately 3,000 metres to where it meets the Livingstone Municipal Boundary approximately 2 kilometres from the nearest point on the left bank of the Zambezi River; thence south-eastwards along this boundary to a point approximately 400 metres from the nearest point on the left bank of the Zambezi River; thence in a south-easterly direction following a line parallel to the said bank of the Zambezi River and 400 metres therefrom to a point 400 metres from the right bank of the Maramba River; thence in a north-easterly direction following a line parallel to the said bank of the Maramba River and 400 metres therefrom to where it cuts the eastern boundary of the Zambia Railways 100 metres stripe reserve; thence in a straight line south-eastwards to Beacon BK1 on the Livingstone area boundary; thence due south to a point on the left bank of the Songwe River approximately 4 kilometres from its confluence with the Zambezi River; thence down the left bank of the Songwe River in a south-westerly direction to its confluence with the Zambezi River; thence in a straight line westwards to the nearest point in the Zambezi River on the International Boundary between Zimbabwe and Zambia; thence in a general north-westerly

direction upstream along the said International Boundary to the point thereon nearest to, and opposite the junction of, the left banks of the Zambezi and Sinde Rivers; thence in a straight line southwards to that junction of the river banks; thence in a general northwesterly direction up the left bank of the Sinde River to the point of starting. The above-described area, in extent 66 square kilometers approximately, is situate in the Livingstone District and is shown bordered in red on Plan No. N.P. 17, deposited in the office of the Surveyor-General and dated 1st February, 1971.

PATENTS AND COMPANIES REGISTRATION OFFICE

General particulars

Registration No 60852

Date Of Incorporation 21-December-2005

Company Name LEGACY HOLDINGS ZAMBIA LIMITED

Articles 1 Explanation (1) submitted Registered Office NO.4

OMELO MUMBA ROAD RHODESPARK

Postal Address P.O. BOX 39528

City LUSAKA

Country ZAMBIA

Nominal Capital 10,000,000.00 Zambian kwacha

Number Of Shares 10,000,000 liability: Limited by shares

Date of Financial year 01-April-2006

Certificate Signed by B A KATEBE

Nature of Business SAFARIS AND TRAVEL AGENTS

Company Directors

Surname Forenames Passport No NRC Address

CHITALU VALENTINE ZKO15775 160 Kudu Road, Kabulonga

DORRESTEIN ALBERTUS. H Cloud End West Street South
Morningside Johannesburg

EKSTEEN JOHN PETER CHARL 427723290 No. 6 Sapphire Place Kloofendal

Extension 2 Roodepoort Johannesburg

MUSHINGE RENATUS 193196/66 Plot No. 17121 Katima
Mulilo Road

Olympia Park

SIKAZWE JACOB JONES ZH 57208 136425/47/1 Plot No.
609/12/E Chamber Valley

YATES NEIL GEORGE 440392343 21 Gleneagles Drive
Silver Lakes

Pretoria 0054

Shareholders - Person

Secretary - person

Surname Forenames PPNo. NRC Address

MUSHINGE RENATUS 193196/66/1 PLOT NO.17121,KATIMA MULILO ROAD,OLYMPIA PARK

Wednesday, July 26, 2006

INTERVIEW WITH THE ENVIRONMENTAL COUNCIL

On Tuesday 25 July, 06, WECSZ interviewed Patson Zulu (Manager - Inspectorate) of the Environmental Council of Zambia (ECZ), who stated that the EIA tendered by Legacy Holdings Zambia Limited was not satisfactory, and that:

- A new plan will be submitted by the end of the month
 - A public hearing will take place in Livingstone in September
 - ZAWA is signing a lease with Legacy on Thursday
 - President Mwanawasa is laying the stone on Friday
 - WESZCZ asked for a copy of the EIA and the project document, but Zulu said we should not bother as it had been rejected
- He will send WECSZ a copy of the EIA as soon as they receive it
- ECZ would be hiring an EIA consultant to make a vegetation assessment of future impacts etc

Zulu said that they had no knowledge of the 'walking with lion' project in Livingstone

27 July 2007

LAYING THE EGG

The foundation stone for the Legacy Holdings development in our World Heritage Site in Livingstone, Zambia, will be laid today by the Vice-President of Zambia. It is expected that those present will include the Company Directors: J.J. Sikazwe, who is a member of the Zambia International Business Advisory Council, Chairman of the Tourism Council of Zambia, prime architect of the Citizens' Economic Advisory Bill; Renatus Mushinge, who is the Legacy Holdings Development Director and a brother of the Financial Director of the Zambia Wildlife Authority, Tom Mushinge. Other Directors: Dorrestein, Eksteen and Yates will doubtless be up from South Africa.

Thursday, July 27, 2006

WORLD CONSERVATION UNION DESCRIPTION

NAME Mosi-Oa-Tunya National Park

IUCN MANAGEMENT CATEGORY

II (National Park)

Natural World Heritage Site - Criteria ii, iii

BIOGEOGRAPHICAL PROVINCE 3.07.04 (Miombo Woodland/savanna)

GEOGRAPHICAL LOCATION Along the Zambezi River on the southern border with Zimbabwe, between the Sinde River and the Songwe Gorge. The park is bounded by the river, the

Dambwa Forest Reserve to the north, the municipal area of Livingstone to the east, and trust land to the south. Livingstone District, Southern Province. 17°56'S, 25°55'E

DATE AND HISTORY OF ESTABLISHMENT The Victoria Falls Reserve Preservation Ordinance of 1934 established the Victoria Falls Executive Committee to be responsible for the preservation of the falls area. In 1948 the National Monuments Commission established a Victoria Falls Conservancy Committee, and extended the protected area downstream to Songwe Gorge (confirmed in legislation in 1949). In 1953 the colonial Governor formed the Victoria Falls Trust, which had responsibility for the area until the national park was declared on 25 February 1972 by Statutory Instrument No. 44 (when the area came under the jurisdiction of the National Parks and Wildlife Service). There are six national monuments within the park, including the falls. Mosi-Oa-Tunya National Park, together with Victoria Falls National Park, were inscribed on the World Heritage List in 1989.

AREA 6,860ha. Contiguous to Victoria Falls National Park (2,000ha) and Zambezi National Park (56,200ha) in Zimbabwe, which are themselves contiguous to the Matetsi-Kazuma Pan-Hwange (Wankie) complex. The complex of conservation areas in Zimbabwe covers over 1,846,700ha excluding forest reserves. The park also abuts Dambwa Forest Reserve (134,032ha) in Zambia. (Note that many authoritative sources give the area of the park as 6,600ha.)

LAND TENURE Government

ALTITUDE 833m to 915m (at the top of the falls)

PHYSICAL FEATURES The park comprises the left bank of the Zambezi River above Victoria Falls, the eastern half of the falls themselves, and a series of deep gorges below the falls. The falls are the most significant feature of the park, and when the Zambezi is in full flood (usually February or March) they form the largest curtain of falling water in the world. During these months, over 500 million litres of water per minute go over the falls, which are 1708m wide, and drop 99m at Rainbow Falls in Zambia. At low water in November flow can be reduced to around 10 million litres/minute, and the river is divided into a series of braided channels that descend in many separate falls.

Below the falls the river enters a narrow series of gorges which represent locations successively occupied by the falls earlier in their history. Since the uplifting of the Makgadikgadi Pan area some two million years ago, the Zambezi River has been cutting through the basalt, exploiting weak fissures, and forming a series of retreating gorges. Seven previous waterfalls occupied the seven gorges below the present falls, and Devil's Cataract in Zimbabwe is the starting point for cutting back to a new waterfall that will eventually leave the present lip high above the river in the gorge below.

CLIMATE Annual rainfall is 600mm-700mm, but the spray thrown up by the falls is partly responsible for sustaining the 'rainforest' opposite the falls. Mean annual temperature is 20°C.

VEGETATION The predominant vegetation is mopane *Colophospermum mopane* forest with small areas of teak and miombo woodland, and a narrow band of riverine forest along the Zambezi. The riverine 'rainforest' within the waterfall

splash zone is of particular interest, a fragile ecosystem of discontinuous forest on sandy alluvium, dependent upon maintenance of abundant water and high humidity resulting from the spray plume. Tree species within this forest include *Acacia nigricans*, *Afzelia quanzensis*, ebony *Diospyros mespiliformis*, ivory palm *Hyphaene ventricosa*, muchiningi *Mimusops zeyheri*, African olive *Olea africana*, date palm *Phoenix reclinata*, waterbroom *Syzygium guineense*, muskili *Trichilia emetica*, and Cape and strangler figs *Ficus* spp. Herbaceous species include *Sebaea pentandra*, *Lobelia kirkii* and *Gladiolus unguiculatus*, while the dense fern growth includes *Cheilanthes farinosa*.

FAUNA Several herds of elephant *Loxodonta africana* (V) occur in Zambezi National Park, occasionally crossing to the islands and Zambian mainland during the dry season when water levels are low. There are small herds of buffalo *Syncerus caffer* and wildebeeste *Connochaetes taurinus*, as well as zebra *Equus burchelli*, warthog *Phacochoerus aethiopicus*, giraffe *Giraffa camelopardalis* and bushpig *Potamochoerus porcus*, and schools of Hippopotamus *amphibius* are frequent above the falls. Klipspringer *Oreotragus oreotragus* can be seen in the gorges below the falls. Vervet monkey *Cercopithecus aethiops* and chacma baboon *Papio ursinus* are common. Lion *Panthera leo* and leopard *P. pardus* are occasionally seen. Taita falcon *Falco fasciinucha* (scarce but widespread in eastern and central Africa) breeds in the gorges, as do black stork *Ciconia nigra*, black eagle *Aquila verreauxi*, peregrine falcon *Falco peregrinus* and augur buzzard *Buteo rufofuscatus* augur. Victoria Falls forms a geographical barrier between the distinct fish faunas of the upper and middle Zambezi River. Thirty-nine species

of fish have been recorded from the waters below the falls, including butter barbel, eastern bottlenose, chessa *Distichodus schenga* and nkupe, and eighty-four from the waters above the falls, including African mottled eel, tigerfish *Hydrocynus vittatus*, Kafue pike and silver barbel.

CULTURAL HERITAGE Stone artefacts of *Homo habilis* from 3 million years ago have been found near the falls, as have stone tools indicating prolonged occupation of the area in the Middle Stone Age (50,000 years ago). Weapons, adornments and digging tools indicate the presence of hunter-gathering communities in the Late Stone Age (from 10,000 to 2,000 years ago), displaced about 2,000 years ago by farmers using iron tools, who kept livestock and lived in villages.

LOCAL HUMAN POPULATION Ethnic composition of the people living in the falls area outside the parks is a mixture of recent immigrants and long-term occupants. The Tonga people have been living in the area for at least seven centuries, latterly with Subiya, Leya, Toka and Totela (and with smaller numbers of Nanzwa, Yeyi and Mbukushu). More recent immigrants included Lozi, Kololo, Ndebele and English language speakers.

VISITORS AND VISITOR FACILITIES This is one of the most frequently visited national parks in Zambia. Facilities include an hotel, two restaurants, a non-catering camp (70 beds) and a camping ground. The park is 11km from Livingstone, where further tourist facilities are available, and which is accessible by road, rail and air. There is a series of footpaths in the falls area, including to Knife Edge Bridge, and a field museum which displays some of the archaeological excavation.

SCIENTIFIC RESEARCH AND FACILITIES Apart from the archaeological museum there are no research facilities within the park, although facilities are available at Livingstone Museum in nearby Livingstone.

CONSERVATION VALUE The Mosi-Oa-Tunya/Victoria Falls National Park is one of the world's most spectacular waterfalls. The falls and associated gorges are an outstanding example of river capture and the erosive forces of the water still continues to sculpture the hard basalts.

CONSERVATION MANAGEMENT The principal objective guiding management of the park is to conserve the falls area in its natural state. Mosi-Oa-Tunya is not regarded as a major area for wildlife conservation, although the policy is that wildlife should be protected and visible to tourists insofar as is possible. In the 1970s there was a 1,000ha fenced zoological park up-river from the falls, containing both exotic and native species. However, this was closed to the public in 1981. The remaining area is protected by law against hunting, and destruction of vegetation or geomorphological features. In keeping with the primary objective, development in the immediate vicinity of the falls themselves is largely restricted to the provision of footpaths, and to Knife Edge Bridge. The management plan drawn up for the park under the auspices of the National Conservation Committee, sets the overall management objectives of the park, and specific priorities for five identified zones. However, although the plan has been approved in principle, the financial and administrative resources required for its implementation are not available at present.

The Governments of Zambia and Zimbabwe are currently carrying out an environmental impact assessment for an area 30km around the falls. Phase II of this project will involve developing a master plan for the area. The project is being funded by CIDA and is being coordinated by IUCN. The report is expected to be completed by the end of the year (National Heritage Conservation Commission, pers. comm., 1995).

MANAGEMENT CONSTRAINTS There has been quite a range of development within the park, much before its establishment. Buildings include an hotel and other leisure facilities (lodge, chalets, boat club, field museum, and a curio sellers shelter), the HEP station and ancillary works, housing for national parks and ZESCO staff, and certain old homesteads and villages. Some of the development associated with the power generation facilities is particularly intrusive. The railway line and road between Livingstone and Kazungula run through the park above the falls, and the road and rail links between Zambia and Zimbabwe bisect the park, and then cross the river in a spectacular bridge over the second gorge (Falls Bridge). Zambian customs and immigration services have facilities within the park. Cattle grazing has become well established within the park boundaries, and there is gradual encroachment of small-scale cultivation of maize and sorghum. The town of Livingstone is expanding rapidly, and local people and businesses are not currently motivated towards nature conservation. The situation is perhaps exacerbated by insufficient funds and manpower available to the park authorities. The 'rainforest' is vulnerable to disturbance by trampling, which allows penetration by ruderal species such as *Lantana camara*, and when grossly disturbed the forest cannot

regenerate easily, giving way to xeric scrub. The proposed construction of a third dam on the Zambezi River would flood several gorges within the park (J. Thorsell, pers. comm., 1993).

STAFF No current information

BUDGET No current information

LOCAL ADDRESSES

Wildlife Ranger, PO Box 60174, Livingstone. Under the terms of the Decentralization Act (1980), administrative responsibility is vested in Livingstone District Council (PO Box 60048, Livingstone), although management is undertaken by the Department of National Parks and Wildlife.

The Natural Heritage Conservation Commission, Heritage House (formerly Kent House) Musi-o-Tunya Road, PO Box 60124, Livingstone, Zambia (Tel: 260-03-320 481; Fax: 260-03-324 509).

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DATE 1984, revised April 1989, October 1995

Monday, July 31, 2006

VICE-PRESIDENT LAYS LEGACY FOUNDATION STONE

On Saturday 29 July 2006, Vice-President Lupando Mwape laid the foundation stone of the Legacy Holdings, Mosi-oa-Tunya Hotel and Golf Estate development in the World Heritage Site in Livingstone, saying “The planned provision of permanent jobs by this Legacy Holdings project is really commendable because this sector is reported to be riddled with vices of casualisation and payment of slavery wages. Government will not hesitate to deal firmly with any investor found practicing this form of abuse and exploitation of the Zambia people. Those who have been hero-worshipped somewhere else based on misdirected superiority complex will not be worshipped in Livingstone and the country in general and I therefore direct Haakayobe (PS) to submit a report on these culprits within seven days so that government puts a stop to these managers’ honeymoon”.

He said the proposed project has been allocated 200 hectares of the national park.

1 August 2006

The Global Anti-Golf Movement (GAG'M)

PRESS RELEASE

FOURTH WORLD NO GOLF DAY, 29 APRIL 1996

On 29 April 1996, the Global Anti-Golf Movement (GAG'M) - an alliance of groups and individuals concerned with environmental, consumer and human rights issues -will again celebrate their annual No Golf Day aimed at lobbying decision-makers to enforce a world-wide moratorium on golf course construction and stop the promotion of golf tourism.

While trillions of dollars have been invested in massive golfing schemes all over the globe, there is increasing acknowledgment that local people, especially in Third World countries eager to develop their tourism industries have suffered immeasurable losses and hardships resulting from such mega-projects. For instance, the United Nations' Economic and Social Commission for the Asia-Pacific ESCAP) and the Asian Development Bank (ADB) point out in their recently published report 'State of the Environment in Asia and Pacific 1995:

"Perhaps the best example of die impacts of mass commercial tourism is provided by the promotion and massive growth of golf tourism. Golf course construction has created widespread negative social, cultural and environmental impacts, particularly in the developing countries of the region. Typical impacts include forest destruction and air, water and Soil pollution

caused by the excessive use of chemicals. Furthermore, in some cases, local people have been deprived of rights to land, disrupting communities and endangering their livelihoods. “(page 334)

In addition, it has become utterly clear that the golf boom cannot be sustained in the long term. The most obvious example is the economic fiasco in golf-crazed Japan Which currently has 2,158 golf courses. Course construction there has drastically slowed down since 1991. The membership market has slumped, and many clubs are now facing bankruptcy. According to a study by Nihon Keizai Shimbun, the number of golf players on Japanese courses nation-wide dropped in 1994 by almost three percent from the previous year, for the second straight year of decline and the number of people per course fell 5.2 percent during the same period.

As a result, a whole range of golf-related businesses have also been pushed into crisis: the equipment industry, driving ranges, tournaments, golf magazine publishers, etc. The dramatic situation of the Japanese golf industry has shown considerable impacts on overseas operations as well as many Japanese companies have ceased from further investments in Southeast Asia and sold large golf resort projects in Hawaii, California, and at the Australian Gold Coast. In addition, less Japanese are going on golfing holidays abroad. Thailand, which was at the forefront of the Southeast Asian golf boom in the beginning of the 1990s and one of the most ambitious golf tourism promoters, has been hit especially hard by the sluggishness of the Japanese industry, with plummeting prices for golf club memberships and no new golf projects taking off.

Yet, the most powerful and financially strongest corporations are still trying to impose their unsustainable and economically risky schemes whenever they expect large profits. Japan Airlines (JAL) is a case in point. The airline has been subject to an international consumers' boycott since last year because of its stakes in the controversial golf resort called "The Villages of Hokukano" at South Kona on Hawaii Island. Local citizens with support of the Japan-based Global Network for Anti-Golf Action (GNAGA) have been fighting the project in court and with protest action because this massive 1,540 acre beach-site resort, including over 1000 luxury homes and a 27 hole golf course designed by Jack Nicklaus would most likely destroy the fragile coastal ecosystem and damage the adjacent National Marine Life Refuge which is a unique whale and dolphin habitat. Furthermore, many of the 800 culturally significant archaeological features in the area, among them burial sites of indigenous Hawaiians, would be bulldozed and desecrated. Following the strong resistance and long delays due to several lawsuits filed against them by local residents, JAL has recently established a direct air link between Tokyo and Kona in Hawaii, hoping it can in this way push through the embattled golf resort venture soon. However, this move has only given new ammunition for more protest actions to be carried out in Hawaii and Tokyo on the forthcoming No Golf Day.

Since last year, Mexico has become another symbol of the destructive and exploitative nature of the golf industry. In September 1993, the whole town of Tepoztlan, located south of Mexico City, raised up to battle a US\$500 million mega-golf resort to be built inside Tepozteco National Park. In what has become known world-wide as an unprecedented

“Golf War”, the mayor of Tepoztlan had to resign after he was held hostage for days by villages armed with sticks and machetes, because he had illegitimately given approval to the golf course project. And as with the disputed Hawaiian project, the designer of the Mexican golf course is Jack Nicklaus - the famed “Golfer of the Century” who has already been denounced by social and environmentalist activists in many other countries (i.e. Thailand, Indonesia, the Philippines and Japan) due to his involvement in the most damaging and scandal-burdened golfing schemes.

Golf course construction at Tepoztlan will irreversibly transform an ecological intact conservation zone and the communal property of local peasants into an artificial landscape, disrupt wildlife habitats, squander scarce water resources, threaten the small-town way of life and vandalise the cultural heritage of the Indian population. On the occasion of this year’s No Golf Day, GAG’M calls on the Mexican President Ernesto Zedillo, golf course designer Jack Nicklaus, and the developing companies, the Mexican KS Group and the US GTE Data Services to exercise their influence to immediately stop this ruinous project which has already sparked off tremendous conflict and even violence.

Last December, the matter was brought to a head when a man was shot dead in Tepoztlan and, subsequently, three project opponents were imprisoned for alleged murder, although there was no evidence for their guilt. As arrest warrants issued in this case appear to be motivated by vested political and economic interests related to the proposed golf course development rather than legitimate public interest, a worldwide campaign,

titled “Golf War” Political Prisoners, has been launched by concerned people’s organisations and individuals urging the Mexican government to release the three imprisoned men. The campaign also calls for the establishment of an independent human rights commission to bring the case to justice.

The Mexican “Golf War” just exemplifies what can happen when local communities are not consulted over mega-development projects which will investigate their natural and cultural heritage. In many parts of the world golf resorts catering to super rich recreationists and tourists continue to prompt evictions of residents and human rights violations. Very often, golf developers collaborate with state authorities to harness and intimidate poor people who try to defend their land and customary rights.

In view of this, the latest drive of the golf lobby especially in Northern countries, such as the US Golf Association (USGA) and the European Golf Association’s (EGA) Ecology Unit, to design and promote environmental strategies for golf courses are completely out of context. Such proposals for purportedly ecologically sound course management - i.e. improvements of landscaping and methods to reduce high consumption of water and chemicals - are obviously incomplete, superficial and Cosmetic, as they are limited to mostly technical measures concerning course construction and maintenance. The real problems with golf courses, however, start much earlier, namely with land acquisition for such projects: when biodiversity-rich nature reserves, wildlife sanctuary and public recreation areas comes under attack by golf course construction: when farmers, cattle herders and fishermen loose their livelihoods because

developers take over agriculture fields, grazing areas, coastal stretches, river banks and wetlands; when indigenous peoples are deprived from their customary rights in forests, mountains and other ancestral territories.

There is no doubt that from the perspective of local people, such projects profoundly infringe on public needs and interests just to meet the demand of a privileged few, and thus, it is a folly to claim that golf courses can be made environmentally friendly and socially acceptable. Given these realities in combination with the severe economic crisis of the golf courses, it is highly irresponsible that governments still allow new golf course investments in their countries, especially economically less advantaged regions such as Indochina, South Asia, Latin America, Africa and Eastern Europe. Therefore, the Global Anti-Golf Movement (GAG'M) reiterates its continuing call for World No Golf day 1996:

"THERE IS NO MORE PLACE ON EARTH FOR DESTRUCTIVE PROJECTS LIKE GOLF COURSES!"

For more information, please contact the GAG'M Secretariat: do APPEN, 27, Lorong Maktab, 10250 Penang, Malaysia. Tel: (60) 4 2276930 Fax: (60) 42275705

Letter to The Post: 1 August 2006

Ten years after the press release preceding this note today, Angelus Mubita wrote this letter to The Post newspaper of Zambia:

Being a Livingstone born and raised Zambia citizen, I vividly recall the old times when my companions and I rode along the banks of the Zambezi from the boat club to the Victoria Falls, seeing elephants and crocodiles along the way. It makes sad news to hear that the tourist capital's conveniently located Park will be developed into a country club, hotels and a golf course. That development implies that the park will be no more (correct me if I am wrong). In turn, many low and middle class locals like me will be deprived of our nation's wildlife sights, which we can manage to visit at minimal costs given that we cannot afford visitations of the far-flung national parks, much as 300 paying jobs will be generated.

In the meantime, ZAWA is now 'selling out' the precious park to businessmen who will externalize the estimated US\$67.5 million that will be generated from tourists per year. I urge ZAWA (and the Zambian government through the Vice-President) to rescind this decision before the US\$9 million down-payment from Legacy group is spent on projects that will not benefit neither the locals nor the animals in other parks!

THE GLOBAL ANTI-GOLF MOVEMENT MANIFESTO

THE GLOBAL ANTI-GOLF MOVEMENT MANIFESTO

1. Golf courses and golf tourism are part of a “development” package which includes infrastructure (multi-purpose dams, airports, ports, roads, bridges), mass tourism, expensive housing, entertainment facilities, export-oriented agriculture (flowers, exotic fruits and vegetables), and industrial parks/zones.

2. At the heart of the golf industry is a multi-billion-dollar industry involving transnational corporations, including agribusiness, construction firms, consultancies, golf equipment manufacturers, airlines, hotel chains, real estate companies, advertising and public relations firms as well as financial institutions.

The transformation of golf memberships into a saleable commodity has resulted in widespread speculation and dubious practices. In many countries golf course/resort development (including time-sharing resorts) is in reality often a hit-and-run business. The speculative nature of memberships and associated real property transactions also makes the industry very high risk.

In the wake of the current slowdown in the Japanese economy, many golf course and resort companies have become bankrupt, with investors and banks bearing the losses.

The bulk of the foreign exchange earned from golf courses and golf tourism does not stay in the local economy. The benefits

which do remain are reaped by a few business people and their patrons.

3. The green golf package can be compared to the Green Revolution package in agriculture.

Golf courses are in fact another form of monoculture, where exotic soil and grass, chemical fertilizers, pesticides, fungicides and weedicides, as well as machinery, are all imported to substitute for natural ecosystems.

These landscaped foreign systems create stress on local water supplies and soil, at the same time being highly vulnerable to disease and pest attacks. Just as the Green Revolution is collapsing in country after country, the Golf Green is also fraught with ecological problems.

The environmental impacts include water depletion and toxic contamination of the soil, underground water, surface water and the air. This in turn leads to health problems for local communities, populations downstream and even golfers, caddies and chemical sprayers in golf courses.

The construction of golf courses in scenic natural sites, such as forest areas and coral islands, also results in the destruction of biodiversity.

4. In addition to environmental damage, golf course and resort development often creates skewed land use, displacing local communities or depriving them of water and other resources. In a number of countries, the victims of such projects are subject to police or military intimidation when they protest against the destruction caused by golf courses.

5. The golf industry aggressively promotes an elitist and exclusive resort lifestyle and notion of leisure.

This globalization of lifestyle is also a form of exploitation, the victims being the wealthy urban population who are encouraged to spend their surplus dreams and illusions, at the expense of the environment and other members of society.

Golf course and golf tourism development violate human rights in every sense of the word.

6. In the face of growing criticism of the adverse environmental impacts of golf courses, the industry is promoting the notion of “pesticide-free,” “environmentally-friendly” or “sensitive” golf courses. No such course exists to date, and the creation and maintenance of the “perfect green” comprising exotic grass inevitably requires intensive use of chemicals.

7. Similarly, the increasingly touted Integrated Pest Management (IPM) system as an alternative to the use of pesticides on golf courses is not a solution. In practical terms, application of pest control through IPM is impossible to achieve and should be viewed as nothing more than a hollow attempt to make golf courses appear less toxic than they are.

The danger is that IPM will be taken seriously by officials involved in the approval of golf courses. Under scrutiny, the theory of IPM can be easily discredited.

It should also be stressed that considerable amounts of chemicals are used in the preparation of a golf course and in fertilizing

the grass.

These are toxic, too, and thus make golf courses a threat to the environment and health.

GLOBAL ANTIGOLF MOVEMENT CLAIM:

1. An immediate moratorium on all golf course development.
 2. An open and public environmental and social review/audit of existing golf courses.
 3. Existing golf courses should be converted to public parks, and where they lie in forest areas, wetlands and islands, there should be rehabilitation and regeneration of the land to its natural state.
 4. Investigations into illegalities in the golf industry, including illegal occupation of public lands and encroachment into protected forests, diversion of water, violation and evasion of corporate regulations and corruption. We call on governments to prosecute the violators
 5. Laws should be passed to prohibit the advertising and promotion of golf courses and golf tourism.
 6. Overseas development assistance , from countries including Japan Australia and European public funds should not be used for the promotion of golf courses and golf tourism or the construction of infrastructure related to such development.
- o We appeal to golfers to be fully informed and aware of the adverse environmental, health and social impacts of golf tourism.
- o We supported the decision of the International Olympic

Committee (IOC) to reject the inclusion of golf as an Olympic sport in the 1996 Atlanta Olympic Games. We call on the IOC not to change this decision, for it would amount to the legitimization and international recognition of a sport which destroys the environment, creates social disruptions and which is financially unsound.

- o We reject the myth of “pesticide-free,” “environmentally-friendly” or “sensitive” golf courses.

The adoption of the U.S. Golf Association specifications as the international standard for golf course construction and maintenance inherently requires a total package of exotic grass, toxic chemical fertilizers and pesticides, high water consumption, turf equipment, etc.

- o This is by its very nature destructive of the environment and the entire ecosystem. Toxic chemicals used at the golf course construction stage, for example, include hydrogen peroxide to harden soil before turfing.

- o Even if it were technically and economically feasible, determined by a full cost-benefit analysis, to construct and maintain pesticide-free golf courses, the industry is still unacceptable due to the wide range of social problems and other environmental impacts (e.g. water depletion, inappropriate land use) that are generated.

- o We also reject the myth of Integrated Pest Management because it is experimental, the conditions for its application cannot be achieved and it still relies on toxic chemicals.

This Manifesto was written in 1993 by Mr. Gen Morita (Japan).

Tuesday, August 01, 2006

A ghost of yore comments...

I read the blogs on Livingstone and it is a sad scene really. The lack of self respect or concern for the wonderful assets that attract the mass of entrepreneurs that appear to be completely unaccountable is so damaging in every regard. I found it impossible to reconcile the public and private money grubbing with the extraordinary spread of enterprises ranging from Tongabezi's sepulchral order to the baboons picking through the piles of garbage at Customs and Immigration. Safari parExcellence seemed somewhere in the middle. Having breakfast by the Zambezi was fine but the accompaniment of the microlights was awful. The two tales about further development within the park and mis-use of the lion are tragic indeed and how to deal with such matters when power is in the hands of those who do not see the problems is a conundrum that can only be tackled if there is really strong political will and leadership that can control the heavyweight vested interests involved.

2 August 2006

Mosi-oa-Tunya National Park

The Mosi-O-Tunya National Park is a shared resource – it is shared between the animals and the tourism industry. National Parks are by definition an area of land set aside for animals; humans are merely visitors. But in today's world where money rules, we have to come to some compromise with the animals that inhabit our National Parks, because, somehow, they have to pay their way.

The Mosi-O-Tunya National Park is the smallest park in Zambia, and, as far as I know, earns more for ZAWA coffers than any of the other 18 National Parks. Because the Park is so small it is very sensitive to change. We all remember the drought years recently when the animals were all dying of starvation. ZAWA, in order to alleviate this situation, agreed to extend the old Zoological section to cover the whole of the Park and, hence, we now see the second attempt to fence the Park in its entirety. This extension is meant to give the animals more area on which to feed.

If we now try to allocate much of this land for tourist development, one wonders whether we are defeating the object of the extension. Not only are we to see many more lodges within the park but we will also have the necessary infrastructure to support these developments – roads, car parks, etc. And, of course, so many more people. With the Legacy Development, we will also have a golf course. Are we are trying too hard to make money out of our animals ... in their park.

When there is so much land available outside the Park, one can only wonder why Legacy have decided to choose the park environment for their development. Their expenses will be so much higher within the park than a piece of land around Livingstone, but outside the National Park. One can only assume that it is the proximity to the Falls that is the attraction; it cannot be the environment as they will have to destroy it to construct their golf course.

Sun International held many meetings with local residents prior to their development. They showed plans of their development to everyone. They allocated money for an archaeological dig of the area to map out ancient sites and to collect whatever Stone Age tools they could find. The plans for the Legacy development are not even available for viewing in Livingstone. Also, the Legacy site needs even more attention as it has never been a hotel site before. The tree and bird studies that have been done by the WECSZ show that there are unique features in the area. We also need other studies, especially archaeological ones to make sure that cultural heritage is not lost.

I think we should tread very carefully while all the preliminary research has been done. We do not want to destroy a whole tract of the National Park and then find that we have made a mistake. It is very easy to destroy our natural heritage and almost impossible to get back. And, as the Park belongs to the animals, maybe we should put them first.

Gill Staden

Chairman of Livingstone branch of WECSZ comments:

Mike Musgrave said...

We need to be realistic about what an EIA will do and what role it plays in the whole process. An EIA makes recommendations to reduce the impact of development at a particular location. It would be very unusual for an EIA to recommend that a site not be developed at all, given that the project is at such an advanced stage. If an EIA did make that recommendation, it is unlikely to have much force, since the planning authorities and ZAWA are more likely to be in a position to push this through. Ultimately, an EIA is a very weak document and once the recommendations have been made, even if the EIA has been accepted by the ECZ, they are even harder to enforce. The developers will know this.

While I agree the WECSZ should do all it can to stop this development, we may ultimately be forced to play a role in getting some recommendation in the EIA which reduce impact, and then acting a policeman to make sure they are followed. One of the most important to me, in the context of the KAZA TFCA and its emphasis on landscape connectivity and elephant movements, is to make sure elephants can still move through the area

Chapter 204. Environmental Protection and Pollution Control Act

FOURTH SCHEDULE

(Regulation 9(4))

GUIDELINES FOR DEVELOPERS IN CONDUCTING ENVIRONMENTAL IMPACT ASSESSMENT

STAGE 1: PRELIMINARY ACTIONS

(1) The description of the project which is done in the project brief submitted

to the Council under regulation 5.

(2) The developer appoints a co-ordinator for the environmental impact study.

The qualification of the co-ordinator depend on the nature of the project.

(3) Together with the co-ordinator the developer selects the experts that will

comprise the team that will undertake the study. Preference should be given to

experts with specific knowledge of local or similar conditions. The team shall

include at least one person resident in the potentially affected area.

(4) The co-ordinator allocates work to the team member of the purpose of

carrying out the scoping exercise.

(5) The team reviews and determines the applicable laws, regulations and standards.

(6) The developer, the co-ordinator and the team identify the various

alternatives for the development of the project (sites, technology and design).

STAGE 2: SCOPING (OR IDENTIFICATION OF IMPACTS)

(1) The team under the guidance of the co-ordinator identifies all the possible

environmental impacts of the project.

(2) The co-ordinator, the team and the Council determines which of the impacts

shall be the subject of the study based on the following criteria:

(a) magnitude, including the impact of the project on environmental

resources;

(b) extent, including the geographical extent of the impact;

(c) significance, including the actual effects of the impacts on the

environmental resource; and

(d) special sensitivity, including impacts which are significant in the

specific local economic, social and ecological setting (see Regulation 8).

(3) The developer submits the names and qualifications of all persons to carry

out the study to the Council for approval.

STAGE 3: BASELINE STUDY

The team undertakes a detailed description of the existing environment including

the social and economic activities of the population resident in the potentially

affected area.

STAGE 4: IMPACT EVALUATION

The team predicts and evaluates the various predicted impacts and ranks them in

order of importance on the basis of two criteria:

(1) Quantitative change where change can be quantified.

(2) Qualitative change where change cannot be quantified, but instead the

impact of the project depends on the environmental acceptability of the project.

STAGE 5: PUBLIC PARTICIPATION IN ENVIRONMENTAL IMPACT STUDY

(1) The team seeks the view of the communities which are likely to be affected

by the project.

(2) The views sought in (1) are considered in the development of mitigation

measures (regulation 11).

STAGE 6: IDENTIFICATION OF MITIGATION MEASURES

(1) The team identifies measures for the elimination (where possible), or

reduction, of environmental impact for the various alternatives identified in

the study such as:

(a) engineering works in noise reduction, prior treatment of effluent air

pollution reduction measures and solid waste minimisation through reclamation,

recycling and any other appropriate measures.

(b) management measures especially in the areas of natural resources,

reforestation, control of soil erosion, desalinisation, desilting.

(2) The team includes the cost mitigation measures into the impact evaluation.

(3) Where necessary the team will create a new alternative based on the mitigation.

STAGE 7: ASSESSMENT (OR COMPARISON OF ALTERNATIVES)

(1) The team compares all alternatives on the basis of economic, socio-cultural and environmental gains and costs.

(2) The team ranks and recommends the various alternatives to the developer on

the basis of sound environmental and economic analysis.

STAGE 8: DECISION MAKING BY THE DEVELOPER

The developer makes a decision choosing one alternative and giving reasons for

the rejecting of other alternatives.

STAGE 9: SUBMISSION OF THE REPORT TO COUNCIL

(1) The team completes the environmental impact statement (see regulations 11 and 12).

(2) The developer submits the report to the Council.

STAGE 10: IMPLEMENTATION OF THE PROJECT AND POST ASSESSMENT AUDITS

(1) If the Council approves the environmental impact statement (under regulation

21) the developer may implement the project.

(2) The team shall carry out a post assessment environmental audit between 12-36

months of the commencement of the project (see regulation

28).

PART X. NATURAL RESOURCES CONSERVATION

Chapter 204. Environmental Protection and Pollution Control Act

PART X

NATURAL RESOURCES CONSERVATION

75. In this Part, unless the context otherwise requires-
Interpretation

“derelict land” means land that is damaged by extractive or other industrial or

agricultural activities or that is unsightly and is incapable of reasonable

beneficial use;

“land use” includes an activity that has an impact on land, water, soil, air,

fauna and flora;

“natural resources” shall have the meaning assigned to it in the Natural

Resources Conservation Act; and

“rehabilitation” means the restoration of natural resources to their original

state or to a reasonable state acceptable to the Inspectorate.

76. The Council shall-

(a) conduct or sponsor research on land use practices and their impact on

natural resources, and such other studies which shall be the

basis for better

conservation and protection of natural resources;

(b) establish and review land use guidelines;

(c) with the approval of the Minister, make regulations for the conservation

and protection of natural resources;

(d) monitor dereliction of land and where derelict land exists, assess the

nature of rehabilitation works required;

(e) monitor land contamination and where such contamination exists, assess

the nature of any rehabilitation works required;

(f) carry out campaigns to increase public awareness about natural resources

conservation;

(g) take stock of the nation's natural resources and their utilisation in

liaison with other relevant agencies and experts dealing with natural resources

conservation; and

(h) do all such other acts and things as are necessary to carry out the

purposes of this Part.

Responsibilities of Council
77. (1) The Council may direct any person responsible for land dereliction or

contamination to carry out rehabilitation works, within a reasonable specified

time, to the satisfaction of the Inspectorate.

Rehabilitation works
(2) Where the Inspectorate believes that land contamination warrants immediate

correction, it may carry out rehabilitation works and may charge all or part of

the costs of those works to the person responsible for causing the dereliction

or contamin-ation who shall pay such costs within a specified reasonable time.

(3) (a) Any person who fails to comply with a directive made by the

Inspectorate under this section shall be guilty of an offence.

(b) A court, in addition to any other penalty which it may impose, may make an

order requiring that person to comply with the directive within a specified

reasonable time.

78. An inspector may-

(a) make such inquiries and examinations as are necessary to ascertain

whether this Part is being complied with;

(b) carry out surveys and interviews which will assist in the proper

management and conservation of natural resources;

(c) inspect land uses to determine their impact on the quality and quantity

of natural resources; and

(d) publicise land use guidelines and natural resources conservation

regulations. Powers of inspectors relating to natural resources

79. Subject to section eighty, Parts I, II, III and VIII of the Natural

Resources Conservation Act are hereby repealed. Repeal of certain Parts of Cap.

156 of old edition

80. Notwithstanding section seventy-nine ministerial orders, conservation

plans, and regulations made by statutory instrument under the Parts I, II, III

and VIII of the Natural Resources Conservation Act shall remain in full force

and effect until they are amended, rescinded or replaced by orders, conservation

plans, or regulations under this Act.Savings

Wednesday, August 02, 2006

THE ZAMBIA WILDLIFE ACT NO.12 OF 1998

Part vi (32)

1) Any person who has reasonable grounds to believe that any proposed or existing government plans or activity of the Government or any other organization or person may have an adverse effect on any wildlife species or community in a National Park, Game Management Area or open area, such person may request the Authority through the Director-General that a wildlife impact assessment be conducted

2) Whenever the Authority receives such a request, it may within thirty days of receipt thereof require the Government, organization or person to conduct the assessment in accordance with the procedures specified by the Environmental Council

under the Environmental Protection and Pollution Control Act taking into account -

a) existing or anticipated impacts upon wildlife, including an account of the species, communities and habitats affected and the extent to which they are or may be threatened; and

b) any endangered or endemic species which are or may be affected

Thursday, August 03, 2006

Livingstone residents with NO FREE ACCESS AT ALL to the Zambezi River.

The small fenced area of the National Park used to be set back away from the river, allowing residents a lovely riverside drive, where they could see the river, watch animals and have picnics or just a nice scenic drive or walk. A few years ago this was included in the fenced area of the park to allow the animals access to the river, particularly during dry periods. Access to this fenced area of the park is now K35,000 per person for residents, plus K12,000 for the vehicle. This is out of reach for the majority of Livingstone residents. So I do not include this as 'free access' to the river, although it is the only part which is not privatised.

The development will take up a large stretch of the river bank,

the only stretch left in the park, apart from the fenced area, which is not already developed. Both the Park and the World Heritage Site were made to protect the unique habitats of the falls and the river above and below. If we destroy all this and leave the surrounding areas, what are we trying to achieve?

Many of us would not object if Legacy put their golf course and hotels up on the hill to the South-East, such as on the road to Mukuni Village, away from the river, but still with a wonderful view of the river and the Falls.

Clare

Friday, August 04, 2006

LEGACY BWANA MKUBWA

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Sunday, August 06, 2006

Harrington advises govt to consult over Mosi-oa-Tunya park development: The Post, Friday August 4. 2006

The Post has quoted William Harrington, former Minister of Tourism (and other ministries) and scion of H.T. "Chiana" Harrington - who put down the slave trade in Northern Zambia, as saying that Government should address the concerns of various stakeholders to ensure environmental sustainability in the development of the Mosi-oa-Tunya National Park. He

said that it is likely that elephant would attack golfers in the park and that ZAWA would then have to retaliate by killing them. He also welcomed assurances by the Director-General of ZAWA (appointed in May 2006), Dr Lewis Saiwana, that despite ZAWA signing a Tourism Concession Agreement (TCA) with Legacy Holdings Zambia, that the project would not go ahead until the environmental impact assessment report was submitted and approved by the Environmental Council of Zambia (ECZ)

World Heritage

Heritage is our legacy from the past, what we live with today, and what we pass on to future generations. Our cultural and natural heritage are both irreplaceable sources of life and inspiration. Places as unique and diverse as the wilds of East Africa's Serengeti, the Pyramids of Egypt, the Great Barrier Reef in Australia and the Baroque cathedrals of Latin America make up our world's heritage.

What makes the concept of World Heritage exceptional is its universal application. World Heritage sites belong to all the peoples of the world, irrespective of the territory on which they are located.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity. This is embodied in an international treaty called the

Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by UNESCO in 1972.

UNESCO's World Heritage mission is to:

- encourage countries to sign the World Heritage Convention and to ensure the protection of their natural and cultural heritage;

- encourage States Parties to the Convention to nominate sites within their national territory for inclusion on the World Heritage List;

- encourage States Parties to establish management plans and set up reporting systems on the state of conservation of their World Heritage sites;

- help States Parties safeguard World Heritage properties by providing technical assistance and professional training;

- provide emergency assistance for World Heritage sites in immediate danger;

- support States Parties' public awareness-building activities for World Heritage conservation;

- encourage participation of the local population in the preservation of their cultural and natural heritage;

- encourage international cooperation in the conservation of our world's cultural and natural heritage.

EIA and SEA

The process of Environmental Impact Assessment (EIA) and Strategic Environmental

Assessment (SEA) are recognised as two of the key tools in support of sustainable development. The ultimate objective of the EIA/SEA is to ensure that government decision-makers and/or private sector proponents are provided with information and indications as to the likely consequences of project activities (Wathena, 1988). In Africa, the introduction of requirements for projects (including policies, programmes and plans) to undertake an EIA or SEA has historically been driven by the international donor agency. Over the past decade however most of the Southern African Development Community (SADC) member states have made significant progress in the development of legislation and local tools introducing formal systems for the implementation of EIA and SEA. The evolution of EIA and SEA has provided an avenue through which stakeholders are afforded the opportunity to engage a government and/or private sector proponents in the decision-making process. While some view such participation as a necessary moral responsibility of the decision-making process, effective participation has the added advantage of being able to impart a sense of project ownership and improve development outcomes as a result. Used effectively, Public Participation (PP) is able to harness the skills and enthusiasm of the public, leading to better decisions. The process of Public Participation does not itself guarantee that everyone will be happy with a decision, but can ensure that individuals are given the right to voice their grievances and needs so that these are considered during the decision-making process.

The extent of Public Participation required within an EIA or SEA in the SADC region varies from country to country. Some member states offer greater opportunities for engagement than others in an effort to promote democratic reform and good governance (SAIEA, 2003). Recognising this, the Southern African Institute for Environmental Assessment (SAIEA) is undertaking a project over two years to enhance civil society participation in decision-making in Southern Africa called the Calabash Project. The objective of the Calabash Project is:

The capacity of, and opportunity for, civil society in Southern Africa to effectively contribute to decision-making related to sustainable development in SADC through meaningful public participation in EA is recognized, respected, and enhanced.

SOUTHERN AFRICAN INSTITUTE FOR ENVIRONMENTAL ASSESSMENT

PRESS STATEMENT BY LEGACY HOLDINGS ZAMBIA

PRESS STATEMENT BY LEGACY HOLDINGS ZAMBIA LIMITED ON THE PROPOSED “MOSI-OA-TUNYA HOTEL AND COUNTRY CLUB ESTATE PROJECT” IN LIVINGSTONE .

The Post, Friday April 21, 2006

Legacy Holdings Zambia Limited is a joint venture between the local tourism empowerment company, Tourism Investments Zambia Limited and the Legacy Group of South Africa. The

Legacy Group of South Africa own and operate an international chain of 4 and 5 star hotels, bush lodges, and resorts including the 'iconic' 33-storey Michelangelo Towers at Nelson Mandela Square, in Sandton, Johannesburg. Further information on the Legacy Group can be found on their website at www.legacyhotels.co.za. On Friday the 10th of March 2006, the Board and Management of ZAWA approved the application by Legacy Holdings Zambia Limited for additional land in the Mosi-oa-Tunya National Park to develop the "Mosi-oa-Tunya Hotel and Country Club Estate Project. This hotel development is to be anchored by the following key components:

1. The 4 star "Mosi-oa-Tunya Hotel and International Conference Centre"
2. The 5 star "Queen Victoria Hotel.
3. The "Queen Victoria Country Club and Golf Estate" which will have an 18 hole golf course, luxury villas, health spa, gym, swimming pool, tennis and squash courts etc.
4. A Marina on the Zambezi River for the "HM Maramba" Boat Cruise and docking point for other boats.

The Road Map for the implementation of this project is now as follows:

- Signing of the Development Agreement between Legacy and the Zambian Government
- Commencement of the Project Environmental Impact Assessment which will run concurrently with the Detailed Design Work and the Bankable Feasibility Study,
- Project Financial Close,
- Construction Work and Procurement,
- Project Commissioning and commencement of operations in Zambia.

Legacy Holdings Zambia Limited intends to commission the “Mosi-oa-Tunya Hotel and Country Club Estate Project” in 2008 before the 2010 FIFA World Cup that will be hosted by South Africa. The project is expected to create 2000 jobs during construction and 1000 permanent jobs thereafter.

Legacy Holdings Zambia Limited is looking forward to working closely with the Government, the people of Zambia and all Stakeholders in order to realize this exciting project.

JJ Sikazwe, Chairman Legacy Holdings Zambia
Bart Dorrestein, Chairman Legacy Group

Renatus Mushinge (01232978), who is the Legacy Holdings Development Director

...tells us that a scoping meeting will be held in Livingstone on Monday 14 August, 2006 and that invitations are going out

Tuesday, August 08, 2006

Questions on Mosi-oa-Tunya

From: Jacqui Jansen [mailto:jjansen@legacyhotels.co.za]
Sent: 04 August 2006 10:45 AM
To: 'mwizalodge@zamlet.zm'
Subject: Questions on Mosi-oa-Tunya Hotel

Dear Mr. Sikazwe,

I trust this finds you well.

Allow me to introduce myself. My name is Jacqui Jansen and I work for Legacy Hotels & Resorts International in South Africa. I manage all the media relations, advertising and promotional aspects of the properties within Legacy's portfolio.

A journalist freelancing for Africa Geographic, contacted me with some sensitive questions relating to the Mosi-oa-Tunya project in Zambia. We would value and appreciate your feedback and comments on these questions put to us by the journalist and the answers (in red) that we have compiled below.

1. As per your verbal confirmation of the telephone, can you confirm in writing that Legacy Hotels & Resorts International, through a subsidiary company Legacy Hotels Zambia Limited (LHZ), is proposing to develop an 18 hole golf course, two hotels, a club house and chalets in the Mosi-oa-Tunya National Park?

To clarify, our telephonic conversation was merely an introduction to one another. I neither confirmed nor denied anything to you telephonically.

Legacy Hotels Zambia is a subsidiary of Legacy Group Holdings (PTY) LTD, as is Legacy Hotels & Resorts International (PTY) LTD.

2. On what grounds does the Legacy group believe such a

development is justified?

Zambia has much to gain in terms of socio-economic advancement.

The project is expected to create 3,000 jobs during construction and 2,500 permanent jobs after.

3. Is the Legacy group aware that this national park is a World Heritage Site and that because of this status, UNESCO, the UN body tasked with managing World Heritage Sites, lays down stipulations and conditions to the way it is managed?

The Legacy Group is fully aware that the site, as well as the national park in which this development is proposed is a heritage site. As well as UNESCO's terms, conditions and policies governing the management of such sites.

4. Did LHZ consult with UNESCO before submitting the plans and what was the response of UNESCO?

Such consultations have not been entered into and will not be initiated until a fully Environmental Impact Assessment has been concluded.

5. Where any other sites considered for your proposed development, and if so, why were these turned down?

Not to Legacy Hotels & Resorts International's knowledge.

6. Has LHZ consulted with local bodies such as the Livingstone

City Council and the local office of the Zambian Wildlife Authority (ZAWA) on their proposed plan and what were their responses?

On Thursday 27 July, Legacy Group Holdings signed a Tourism Concession Agreement with ZAWA. Thereafter, Legacy will finalise the EIA which will be submitted to the Environmental Council for approval. Once the EIA has been approved, the next step will be to prepare detailed drawings for submission to the Livingstone City Council.

7. I am led to believe that ZAWA has already signed an agreement with LHZ on leasing land to the company - Is this correct?

Yes – pending a few conditions.

8. I am also led to believe that Patson Zulu, Inspectorate Manager for the Environmental Council of Zambia (ECZ) is on record as stating that the EIA tendered by LHZ was rejected and that the company has been asked to resubmit - Is this correct?

The Draft EIA for the Legacy project has not been rejected by the Environmental Council of Zambia (ECZ). LHZ has had several meeting with the ECZ who has made comments on the draft EIA document. LHZ will submit the final EIA document which will address the comments from the ECZ together with the comments that will be received from the Stakeholders at the EIA Scoping Meeting that will be held on the 14th of August 2006 in Livingstone. The ECZ can be contacted for confirmation in this regard.

9. If your EIA has been rejected, on what grounds does LHZ believe it is correct to go ahead and sign a lease agreement?

If the EIA is not successful, the lease agreement will fall away.

10. Can you confirm that one of LHZ directors is Renatus Mushinge, the brother to the ex-Director General of ZAWA, Tom Mushinge?

Tom Mushinge is the currently a Director with ZAWA and is the Brother to Renatus Mushinge who is one of LHZ Directors. Tom declared interest right at the beginning of the negotiation process and Renatus Mushinge from LHZ was never part of the negotiations of the lease with ZAWA. The LHZ negotiating team was headed by the Chairman of LHZ Mr. JJ Sikazwe and a Team of Lawyers.

11. You indicated to me on the telephone that this development was only proposed for sometime in the distant future - With this in mind, is it true that the foundation laying ceremony has already taken place?

The development is only proposed to begin in 2007 once the EIA has been approved by the Environmental Council of Zambia . The laying of the foundation stone was merely ceremonial to signal the signing of the TCA between LHZ and ZAWA.

12. I have browsed your Company Profile on the website, and find no reference to your outlook on conservation and environmental management. Can you please furnish me with

your companies conservation and environmental management outlook or mission statement?

Certain properties within the Legacy Hotels & Resorts International portfolio belong the Heritage Environmental Rating Programme.

Legacy Hotels & Resorts International is committed to ensuring a holistic approach is given to preserving our environment where we operate, combining socio-economic goals and environmental consensus congruously.

Legacy Hotels & Resorts International's subscribes to achieve sound environmental practices across their operations, to comply fully with all environmental legislation, to minimise use of energy, water and materials, to minimize waste and to reduce, re-use and recycle the resources consumed by the business wherever practical, to reduce pollution to a minimum and, where appropriate, to treat effluents, to invite customers, suppliers and contractors to participate in the hotels' efforts to protect the environment, where possible, to work with others in the tourism industry, in public agencies and the community to achieve wider environmental goals, to provide all employees with the training and resources required to meet their objectives, to openly communicate policies and practices to interested parties, to monitor and record environmental impacts on a regular basis and compare performance with policies, objectives and targets

Many thanks and kind regards

JACQUI JANSEN

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www.legacyhotels.co.za

9 August 2006

LEGACY HOLDINGS...

We would be most obliged if you could put this information on your website ahead of our EIA scooping meeting in Livingstone next week:-

The size of the Mosi-oa-Tunya National Park is 66 km² whilst the site allocated to legacy for this project is 200 hectares which represents about 3% on the total area of the MoNP. The golf course will most probably affect 10 - 20% of the 200 hectares allocated to Legacy whose natural vegetation will be substituted with landscaping and water features.

Part of the 200 hectares allocated to Legacy has been reserved for the traditional elephant corridor along the northern side of the Marimba river and will remain undeveloped.

The National Heritage Conservation Commission will be contacted for them to identify any particular sites within the

estate that have historic and cultural significance.

Once the EIA has been concluded, Legacy will commission its Architects to prepare detailed drawings for submission to the Livingstone City Council.

It is important for us all to take cognizance of the substantial imbalance that exists in the number of hotel beds and tourism infrastructure between Livingstone and Victoria Falls Town in Zimbabwe. It is probably correct to assume that most of the hotels in Zimbabwe have zero capital cost meaning that they have most likely paid of their initial investment costs and as such have already a competitive advantage over us going forward.

Zimbabwe may be down at the moment but can re-emerge and reverse whatever positive gains Zambia is currently enjoying in the tourism sector if there is no immediate substantial investment in the number of hotel beds and in tourism infrastructure on the Zambian side.

What the Legacy project will do is to create a world class resort that will have the scale required for Zambia to compete regionally and internationally. Legacy has the pedigree and track record to deliver on such projects. Please feel free to visit the legacy website on Legacyhotels.co.za

The Zambian economy is on the up and up and with the expansion of the Livingstone Airport funded by the European Union as well as the SEED project funded by the World Bank, the timing for this project is right. A copy of my recent power

point presentation on the economic impact and development gains of the Livingstone project is attached herewith for your perusal. Please be kind enough to put it on your website.

Obviously we need to look after our environment as we develop this project because we owe it to our future generations to do so. Notwithstanding the foregoing, like all things in life, we must strive to achieve the right balance between the environment and sustainable economic activities.

Lastly, Legacy is an organization that respects the laws and regulations of the countries where ever they operate. We are therefore looking forward to working very closely with you and all the other stakeholders in order to realize this exciting development.

We also look forward to seeing in Livingstone on Monday next week.

Regards,
Rennie Mushinge

Wednesday, August 09, 2006

I received this note this morning:

- >
- > What I have learned in my dealings re EIA's is that "according to the Act they
- > are site specific" and it is this interpretation that those seeking to develop

> Zambia's protected areas appear to hide behind. Rather than a holistic look at

> all the varied impacts of any one development on all the surroundings (i.e.

> how it would affect the entire Mosi oa Tunya NP and all its stake holders in

> this case) they tend to put on blinkers and only look at the direct impacts

> within the boundaries of the site of the development. It is my view therefore

> that during the meeting to which you have been invited, a call is made for an

> independently run, more in depth environmental study that takes into

> consideration the more far reaching impacts the development might have as well

> as the studies required per the Environmental Act (which I have not made a

> study of)."

>

The writer is absolutely right. Site-specific EIAs tell one nothing, hence the development of SEAs (Strategic Environmental Assessments) and the requirement for comprehensive participatory actions: workshops, hearings and so on. ECZ, within the SADC framework, should adopt the standards put forward by the Southern African Institute of Environmental Assessment, a holistic view which leaves nothing out and certainly is not merely a legal rubber stamp for any specific development. Those with a vested interest in development – without sustainability, are happy with this framework and

therefore support it. - ZAWA's response on requirements for an SEA on the Zambezi NP being a case in point, and its response to the Legacy development in the Mosi-oa-Tunya National Park being another example. A holistic view and requirement is also implicit in our international commitments regarding the proposed Kavango-Zambezi TFCA, and for the World Bank SEED project in the Mosi-oa-Tunya, which appears to have gone very quiet and where calls for civil society participation have not been met.

Friday, August 11, 2006

MANAGEMENT PLAN REQUIREMENT

Part II (4):5 (d) of the Zambia Wildlife Act No. 12 of 1998 states that the function of ZAWA is... "to encourage the general development of National Parks..., including the development of facilities and amenities within these areas in accordance with management plans."

12 August 2006

Latest map and note from a Livingstone member

THE BATTLE FOR VICTORIA FALLS - PART 1



Here is a scale map of the Legacy site superimposed on the topographical map. I have assumed some of the boundaries as we don't have the information but it measures at 202 hectares so it must be nearly right.

I have included the Livingstone Golf Club (54.5 hectares) for comparison of size. I do not believe their golf course is going to "affect only 10-20% of the 200 hectares". Maybe they mean this will be the size of the putting greens! Livingstone Golf Club does not have any wasted space. Add hotel rooms (not multi-storey) and chalets for over 1000 visitors and all the other things they are planning and we will be lucky if there is any room to squeeze an elephant! Note the stone age sites marked within the proposed area

A WECSZ member comments...

I just went through the Power Point presentation from Legacy and was struck by this:

"The Marketing of Zambia's Eco-tourism and Zambia's Wildlife Estate :

The Mosi-oa-Tunya Hotel and Country Club Estate Project will bring in about 300,000 tourists in total per annum. After Livingstone, these Tourist will be expected to visit other National Parks in the country in order to enjoy Zambia's wildlife experience and Eco-tourism."

So eco-tourism and wildlife is for other national parks, not ours!

12 August 2006

President of WECZ to Legacy Director of Development

I am the President of the Wildlife and Environmental Conservation Society of Zambia (Pope) and although there are major concerns about the development process for your proposed properties, the Society's official position is to work with developers to achieve sustainable solutions.

... an adequate scoping for the EIA is crucial, but Monday is very short notice. To provide a constructive input and the right people in Livingstone on Monday will be difficult. We would greatly appreciate it if the meeting could be postponed a few days.

... the Society's issues are twofold:

1) the development is in contradiction to both the World Heritage Site Convention and the park General Management Plan. While the latter was never formally approved, it is a consensus position accepted by all stakeholders – at considerable expense and thus must represent the planning format for the park until something better takes its place. To flout these regulatory structures undermines their validity everywhere; and

2) related to this we believe that to issue a TCA before consultation was inappropriate of ZAWA. A draft agreement subject to EIAs and Council planning approval fine, but to sign an agreement in these sensitive circumstances is not in the

spirit of national park development and something many other developers would love to get. Although the Society does not pursue personal issues you are probably aware that talk on the street is of why the Chair of the TCZ and the brother of the Commercial Director of ZAWA have managed to obtain this approval so quickly – and we all need to be able to respond to these “chatter” issues constructively and positively.

Let me stress that the Society wishes to support a positive outcome to this situation and one that will benefit your development, but it is important that we can dialogue in an open and constructive manner. If you cannot change Monday's arrangements so be it, but it would be useful to be able to meet outside that framework anyway.

Is it unsustainable?...a reader comments...

It is unlikely that the people & businesses of Livingstone, the various societies and other stakeholders & ECZ will support something that can be shown as clearly unsustainable and damaging to the only remaining undeveloped part of that portion of the Mosi oa Tunya NP. The company will also be hard pressed to convince its shareholders to support an unsustainable development.

Legacy Holdings to President of WECSZ

Many thanks for your e-mail. I wish to provide the following answers to your queries which I strongly believe for the purposes of transparency should be put on your website:-

We have had several meetings with ECZ during the EIA process and have also consulted extensively with the National Heritage Conservation Commission who have given us a lot of information and background concerning the World Heritage Site Convention. The Commission has confirmed in principle that our project does not violate the World Heritage Site Convention, especially given the fact that our site is further upstream from the Victoria Falls as opposed to the sun International development which is right on the lip of the Victoria Falls. We also understand that the National Heritage Conservation Commission is in communication with their offices in Europe following the presentations that have been made by some 'interest groups' from Zambia who have expressed their views against the Legacy project in Livingstone,

The Legacy project is in a national park which is managed by ZAWA in accordance with the Wildlife Act and the Laws of Zambia. ZAWA is therefore the bona-fide legal body and starting point in terms of project negotiations and agreement in connection with any TCA in a national park,

The TCA Legacy has signed with ZAWA has pre-conditions which make it incumbent upon Legacy to obtain approval of the EIA from the ECZ before project implementation,

Concerning my relationship with Mr. Mushinge at ZAWA, I recently responded to an enquiry from a freelance journalist working for the national geographic that I copied to the members of your society that Mr. Tom Mushinge at ZAWA declared interest right in accordance with corporate governance procedures right from the first time Legacy / TIZL applied for land in the MoNP. Furthermore, the ZAWA negotiations that lead to the recent signing of the TCA were headed by the Director General of ZAWA with the full blessings of their previous Board. During the same negotiations, Legacy was represented by Mr. JJ Sikazwe and a team of lawyers.

Concerning the TCZ Chairman Mr. JJ Sikazwe's involvement with Legacy, you may wish to note that he is 100% Zambian and nothing stops him or indeed any other Zambian or indeed an investor or interested party from outside the country from participating in the wildlife sector which has for many years been dominated by only one sector of the Zambian community since time in memorial,

Legacy is working to an agreed implementation schedule, therefore the Scoping Meeting for the EIA will proceed as planned on Monday the 14th of August 2006. We has already dispatched invitation cards to all the interested and affected parties from government and the private sector including members of your society,

In our earlier e-mail to you and some of your members, we have indicated that Legacy is open to dialogue and welcomes stakeholder views that will help us to develop an eco-friendly, economically viable and sustainable project.

Mike Musgrave's thoughts...

... although a lot of communications and press reports have appeared in the last two weeks concerning this development, none of these represent the official viewpoint of the Wildlife and Environmental Conservation Society of Zambia, although we share many of the concerns which have been expressed. The blog which appears at <http://victoriafallsheritage.blogspot.com> (Ian Manning) has not been posted by WECSZ, although we share some of the opinions expressed therein. We have many members with strong opinions and they as individuals are free to express those opinions, but they do not constitute the official position of the society. For reasons of clarity it may be easier in the future to communicate either with myself as Chairman of the Livingstone branch, or Adam Pope, as President of the Society and not individual members (at least when it comes to the official stand of the society).

Richard Sheppard comments...

As an interested party I would like to highlight some of the positive and negative impacts of the Legacy development. Please feel free to pass this on.

1) With the right planning and approach the hotel development could be undertaken with out enormous prejudice to the local environment. We can see a very similar development in Kasane with Mwana lodge.

2) The area downstream of the Maramba has no access for Humans at all. The area upstream is little used due to difficult

access and a high crime rate. Therefore the loss of access to the river should not be a major concern. There is no boat launch site in this area.

3) There is justified concern about this being one of only two crossing points for the elephants and this development would block this unless well planned. However would the Elis find a new crossing. I am sure that we have precedence for this somewhere.

4) As can be seen from the attached plot the land away from the river banks is very dry and has no large trees that would need felling.

5) This development would give Livingstone the critical mass which it does not have at the moment thus opening up the area for serious tourism and protecting the Zambian side against a re-emergence of the Zimbabwean side.

6) This development will create a large number of very badly needed jobs in an area with a high unemployment rate.

7) The taxes and levies applied would help to uplift the livingstone area.

8) The advertising produced would have a seriously positive effect on Zambian Tourism.

9) The potential loss of world heritage status needs investigation.

10) There would be a very positive impact on many marginal tourism businesses in the area.

11) There seems to be concern that this development will have a negative effect on the park in general. However as pointed out earlier very few people ever go to this area and there will be no effect what so ever on the Zoological area of the park frequented by tourists.

Over all the positives outweigh the negatives by some considerable margin. I think you will find that the vast majority of people in the area are pro this development as long as the environmental impact is given the consideration that it deserves.

Richard Sheppard.

MD

AFRICAN HORIZONS LTD

Another WECSZ member voices concerns...

...there can be no compromise on a development of this scale in a National park. Not only does it set a precedent for other parks but it also is too fragile an area to allow any development (hence the Park Plan and the IUCN report both insisting on no more development in this area). The REASON Livingstone is the Tourist capital of Zambia is because of the Victoria Falls. Destroy this ecosystem and forget Tourism in the Real Africa we may as well become another Sun City. The other major highlight for tourists is the wildlife which still moves freely around the area. Drive to Kazangula or to the Victoria Falls from town and you are sure to meet elephant. Block the elephants corridor and we may as well all move to Lusaka.

Having been down to the crossing point at the Maramba Confluence over the last week (the exact site where the 4 and 5 Stars are to be built) we have witnessed the crossing of elephant at THIS point daily! It is the shallowest point in the river and the series of rocks there help the elephant cross safely. Block this with a resort and the elephant are left only with their crossing

point into the Zoological Park which is already under threat from elephant destruction. Yesterday there were 38 elephant in the proposed site area. With the current poaching in Zim these nos will grow. ZAWA's recent plan to enlarge the park was to help alleviate elephant pressure and the effects of overgrazing... some members spent a lot of time and effort helping ZAWA source feed and transport during the last drought to try and save the wildlife in the fenced area from starvation. The Mosi o Tunya park needs to be bigger, not smaller if it is sustain itself. The land up near the airport is marginal (mopane) with no water.

Legacys committment to the environment judging from their environmental programme is basicly superficial, and will probably include handmade soaps and recycled paper! The fact is that a development on this scale is massive and the impacts on the Park, wildlife and Heritage Site will be irreparable. (The 4 star "Mosi-oa-Tunya Hotel and International Conference Centre", The 5 star "Queen Victoria Hotel, The "Queen Victoria Country Club and Golf Estate" which will have an 18 hole golf course, luxury villas, health spa, gym, swimming pool, tennis and squash courts etc and a Marina on the Zambezi River for the "HM Maramba" Boat Cruise and docking point for other boats). Interestingly we are expecting a document in which SAfpar applied for the same land 3 years ago for a golf course. They were turned down because it was a wildlife corridor.

We appreciate Legacys comittment to Zambia in the form of a \$9 million downpayment. We all need development and Legacys contribution to employment and the economy and tourism in the area is welcome. But, please look for another site

for a development on this scale and let us protect the precious resources that we have.

Saturday, August 12, 2006

WECSZ President to DD Legacy Holdings

Thank you for your reply and for your clarifications and comments on the governance issues that, as I mentioned, seem to have worried a number of people. It is useful to clear the air.

Regrettably the national office of the Society has yet to receive an invitation, but we understand your need to proceed and will be represented at the meeting on Monday. Regrettably I will not be able to attend.

As I mentioned in my mail, the Society is here to act in the interests of civil society and the rule of law, but our policy on environmental issues is for constructive and supportive engagement with all responsible developments, not an obstructive and confrontational approach that your some of your Legacy colleagues have implied! We hope that the Group will identify membership of the Society as part of its portfolio of corporate responsibilities.

Regarding the development issues, our Executive has met to-day and approved an approach that will follow through your environmental and planning process with interest and constructive suggestion. This does not mean that we will agree with everything you will be proposing (and we look forward

to seeing your detailed plans for your development) – that would be a highly unlikely outcome in any interaction of this kind. But where we do have differences we intend to share our experiences and knowledge with you and to make constructive suggestions for realistic and financially viable alternatives.

Our greatest concern is that the ecological viability of the Mosi-oa-Tunya National Park as a coherent entity is retained - and where possible enhanced by your development. As such disruption to fundamental natural processes and important wildlife transit routes should be avoided - issues that we believe can be resolved through adequate consultation, use of local knowledge, technical expertise, foresight and innovation.

We look forward to a stimulating and mutually satisfactory process towards a world-class environmentally friendly, sustainable and profitable product.

Adam Pope

13 August 2006

SEED PROJECT which includes Livingstone and Mosi-oa-Tunya NP

Environmental and social assessment - final report, Volume 1 of 2

Author:

HABICO Planning and Architecture Ltd.; Global Development Solutions LLC;

Country:

Zambia;

Credit No:

Q300; Q341

Document Date:

2003/06/30

Document Type:

Environmental Assessment

Language:

English

Major Sector:

Energy and mining; Industry and trade

Rel. Proj ID:

ZM-Support For Economic Expansion And Diversification
(Seed) — P071407;

Region:

Africa

Report Number:

E841

Sector:

Mining and other extractive; Agro-industry; Other industry

SubTopics:

Environmental Economics & Policies; Crops & Crop Management Systems; Agricultural Research; Health Monitoring & Evaluation; Tourism and Ecotourism

Topics:

Health, Nutrition and Population

TF No/Name:

TF026797-PHRD-ZAMBIA: SUPPORT TO ECONOMIC
EXPANSION AND DIVERSIFICATION (SEED) T

Volume No:

1 of 2

Abstract: This environmental assessment (EA) aims at developing a systematic process for assessing potential environmental, and social impacts due to the implementation of the Support to Economic Expansion and Diversification (SEED) Project, and, at ensuring full compliance with Zambia's environmental legislation, and the Bank's operational directives. While by and large, the project will generate positive impacts, this EA has identified potential adversity, proposing the following mitigation measures. The creation of an integrated, and coordinated institutional framework is critical to ensure in project areas that stakeholders' interests be considered in the planning, implementation, and management of the project, which includes as well appropriate institutional arrangements, and resources allocation. Social issues address the need for capacity building and training assistance, to sensitize communities, and promote new employment opportunities, through the private sector participation. Public consultation should further ensure the due process, and opportunities for stakeholders to express their views. An environmental screening, and assessment procedures are recommended, to address each project component, i.e., tourism, agribusiness, gemstone processing, and small and medium scale enterprise development. To prevent soil erosion,

adversity on natural habitats, wildlife, and on cultural and traditional sites, it is suggested that a) technical specifications, and environmental guidelines be specified for contractors to comply with; b) firebreaks along corridors, or in critical habitats be minimized as possible; and, c) an archaeological survey be conducted prior to construction works, and heritage sites be avoided, or, as needed, the Archaeological authorities be notified. To prevent deforestation, tree harvesting permits should be strictly enforced. Yet, the traditional means of obtaining honey is an issue, and it is suggested to promote the use of hives built from boards. Solid waste disposal requires the provision of facilities, to be monitored regularly, discouraging inappropriate disposal or burning. Several other measures further address issues concerning noise abatement, cattle grazing, wildlife disruption, access to water, and rivers, loss of riparian vegetation, vegetative propagation, in addition to impacts on groundwater, soil, and irrigation systems, among others. The second volume specifically addresses pest management practices.

World Bank SEED Project PID 2001

Report No. PID10445

Project Name Zambia-Support to Economic Expansion and
Diversification (SEED):Tourism

Region Africa Regional Office

Sector Other Industry

Project ID ZMPE71407

Borrower(s) MINISTRY OF FINANCE AND ECONOMIC

DEV.

Implementing Agency

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Environment Category B

Date PID Prepared May 3, 2001

Projected Appraisal Date July 31, 2002

Projected Board Date December 30, 2002

1. Country and Sector Background

Government strategy Tourism development has been a priority for a

number of years in Zambia but its growth has been on a relatively small

scale. As traditional industries have come under pressure (mining and

tobacco and cotton), Government has started to focus on tourism as a

source of growth and diversification of the economy. The Government is

also mindful to avoid the negative impacts tourism might have if

unfettered growth of tourism were allowed to proceed. Moreover, it

recognizes that the sector must address environmental, social and cultural

heritage issues if tourism is to be vibrant and sustainable. Zambia has

undertaken many macroeconomic reforms, which have produced the stability

conducive to private investment; and its citizens live in peace under the

rule of law. The basic economic framework is conducive to private

investment, including tourism. To encourage investment, however, the

Government recognizes that it: (a) must be a catalyst for growth by

ensuring that public institutions dealing with tourism are transparent and

effective; (b) build confidence in the private sector to make the

investments which will lead to enriching the range of tourism products and

services the country has to offer; and (c) provide basic infrastructure

such as roads, water and sanitation. This is demonstrated in the last two

years' budget where tourism was sighted as a top priority

along with high

value added agriculture as the lynch pins of the new Zambian economy. A

study under European Union (EU) funding has led to a framework for tourism

that has found acceptance in both the public and private sectors. The

interim PRSP strongly endorses tourism as a source of growth and a way of

alleviating poverty through support for SMEs serving tourism, employment

creation and foreign exchange generation. The final PRSP is likely to

emphasize tourism as a sector that can create wealth and generate

employment in the poorest parts of the country and thus contribute to

better distribution of the benefits of growth to poorer communities,

provided that efforts are made to include communities in the earliest

stages of planning. The Government is committed to the growth of tourism

and is now ready to make the resources necessary for that to happen -

funding to underpin a strong approach to tourism would confirm the

Government's credibility and the private sector appears ready to do its

part. The Government has identified Livingstone and the Victoria Falls

(the Mosi-O-Tunya or “the Smoke that Thunders”) as a priority for economic

expansion and diversification, based on tourism. The Victoria Falls is a

World Heritage Site. It is a strong magnet that has long attracted

tourists to the falls themselves as well as to its surrounding wildlife

and extraordinary cultural heritage. More recently the area has attracted

those seeking adventure and exotic surroundings in the nearby wildlife

areas, including the Mosi-O-Tunya National Park itself, the Kafue National

Park, Lake Kariba, and the Lower Zambezi Valley. A multi-million dollar

investment has also just been completed in Livingstone, where an

international resort developer has built two luxury hotels

2. Objectives

The project seeks to support the Government of the Republic of Zambia’s

(GRZ) efforts to stimulate diversified economic growth and private sector

investment in the country, using tourism as an entry point. This is to be

achieved through public/private partnership for building an enabling

environment conducive to private sector growth, support for and

community-based development, and by preserving Zambia’s

extensive

cultural, natural and wildlife assets.

3. Rationale for Bank's Involvement

The Bank Group's comparative advantage is in policy, management of public

goods and intervening where markets do not appear to work.

Due to its

capacity to respond to multisectoral needs of the sector in the form of

assistance in infrastructure, policy and capacity development all at once,

the Bank is also uniquely positioned to provide the much needed

coordination of the Tourism/Wildlife sectors in Zambia. The proposed

project covers all these aspects. There are major policy choices to be

made, notably to encourage private sector development in tourism, underpin

public policy with performing institutions and balancing trade-offs in

wildlife, environmental and community needs. Management of public goods

in the national park and wildlife system are central to the project's

sustainability and support for SMEs to "kickstart" tourism is crucial as a

new source of growth and diversification. The Africa Region recently

completed a study on "Tourism in Africa" and many of the lessons of that

report are incorporated in project design. The synergies within bank

- 2-

funded operations (i.e. ROADSIP, EDP, ESP, ERIPTA, UR-WSP) and between the

Bank, IFC (SME Group), FIAS and MIGA would be utilized. A number of

proposals for private sector development have already been communicated to

IFC and MIGA to explore the role these institutions can play in supporting

tourism investment promotion and guarantee operations. Discussions are

ongoing with the Business Partners for Development (BPD) group to develop

partnerships with active private sector operators in the sector (SUN

international). The project will also seek support from the new SME

department and focus the policy skills of the Bank and the transactions

skills of IFC to encourage greater participation of the private sector in

tourism.

4. Description

a/ Comprehensive development of Livingstone as Zambia's flagship tourism

destination -

(i) Development and rehabilitation of priority infrastructure in and

around Livingstone (including roads, drainage, solid waste/-

landfill

management, water supply, sewerage/sanitation, fire, health and social services.

(ii) Updating of the 1995 Livingstone Strategic Development Master Plan

b/ Securing the Environment for Economic Development - Protection and

conservation of Zambia's national wildlife assets:

(i) Development of the Mosi-oa-Tunya National Park as a model of intensive

economic use and biodiversity conservation.

(ii) Development of the Kafue National Park as a model of extensive

economic use and biodiversity conservation.

(iii) Financial and technical assistance for the development of ZAWA's

wildlife monitoring program in SEED-GEF target areas.

(iv) Support ZAWA's Community Based National Resource Management programs

in SEED program target areas

c/ Strengthen and stimulate creation of small and medium enterprises, and

community based projects in tourism and wildlife through creation of a

revolving fund accessible to small and medium scale enterprises and

community based initiatives in tourism related activities

d/ Regulatory reform and institutional strengthening for efficient

management of the sector and improved service delivery -

Institutional

development and rationalization of mandates and capacity building for

various entities, both public and private:

(i) Ministry of Tourism

(ii) ZAWA

(iii) Livingstone City Council

- 3-

(iv) Zambia National Tourist Board

(v) National Heritage Conservation Commission

(vi) Tourism Council of Zambia

5. Financing

Total (US\$m)

Total Project Cost 35

6. Implementation

An Inter-ministerial Tourism Committee in under consideration by the

Cabinet and can become a critical institutional mechanism for assuring

coordination amongst the various players. It is envisaged to have private

sector participation to ensure liaison with operators and investors in

tourism. It will focus both on strategic and policy orientation. It will

be supported by a Technical Committee whose members will be drawn from

interested ministries, agencies and the private sector - this unit will be

the real engine for execution of the project. Each agency under the

project will be linked to the Technical Committee and appropriate

departments in these agencies will be strengthened to carry out their

functions. In specific cases, appropriate technical agencies will be

responsible for execution of related components (e.g. ZAWA for the SEED

GEF component). Until such time that the Cabinet approves creation of

this Committee, the Ministry of Tourism has agreed to oversee the project

coordination activities and has formed a project preparation team

comprising of representatives of the various ministries involved in the

preparation and implementation of the Project. A project preparation team

has been set-up comprising representatives of the Ministry of Tourism

(overseeing the institutional and policy development aspects of the

project), Ministry of Commerce, Industry and Trade (overseeing the SME

development aspects of the Project), ZAWA (responsible for the Wildlife

management and implementation of the GEF component), the Ministry of

Local Government and Housing (overseeing the Livingstone Master Plan

Development preparation) and the Livingstone City Council

- The Council

(overseeing the implementation of infrastructure developments in

Livingstone), and the Ministry of Environment represented by the GEF

focal point. German Development Services (ded) representative in Zambia

is also part of the preparation team as ded has expressed interest in

participating in project preparation through building the Council's

implementation capacity.

7. Sustainability

The project's objective is to support the Government of the Republic of

Zambia's (GRZ) efforts to stimulate diversified economic growth and

private sector investment in the country, using tourism as an entry point.

Without the project, the natural, architectural and cultural integrity of

the flagship Livingstone area, which attracts 76t of tourists visiting

Zambia, will deteriorate even beyond present levels and tourism will

decline. Unemployment in Livingstone has hovered around 90, recently. The

proposed improvements should generate increased private investment, which

will create income and employment directly and stimulate linkages to

production and service sectors, including in local communities. The

proposed institutional strengthening and capacity building will assist

-4 -

Zambia to improve its management of its wildlife resources and cultural

assets to improve the financial returns from tourism through increased

numbers of tourists, an increase in their length of stay, and greater

expenditures on goods and services, including handicrafts.

8. Lessons learned from past operations in the country/sector

There are no recent Bank financed tourism development projects.

International experience suggests that for tourism to be successful a

comprehensive and geographically focused approach is needed. Other

general lessons from the Bank's private sector development initiatives

are: Government ownership and support. Government commitment to and

leadership for private sector development, in particular, the tourism

sector, are essential to success. It is evident from the work done in

related sectors that the Government supports tourism

development. Leadership and strong implementation agency, with skilled

staff and empowered with appropriate authority an essential

for the

success of any project. Keep stakeholders informed and to engage them from

early on in the project design. Preliminary meetings were held with local

government officials, councilors and chiefs from Mukuni and Luangwa. The

local communities through their chiefs have been consulted and have

assured the project team their communities maximum cooperation. As a

result, a series of public hearings have been scheduled and will be

conducted as soon as funds are available. These hearings and workshops

will move beyond a simple consultative process to engage the stakeholders

into full partnership in decision making and active participation in

implementation of the project in such a way that it would bring true

community support for the program.

9. Program of Targeted Intervention (PTI) Y

10. Environment Aspects (including any public consultation)

Issues Zambia already requires that EAs be undertaken for tourism projects. The objective of the Project is to help the tourism

sector, which is largely based on natural assets, to become more

sustainable. The project will be designed to mitigate existing negative

impacts on the Victoria Falls, nearby Livingstone and on wildlife

stocks;i) update the IUCN 1996 study “Strategic Environmental Assessment

of Developments around Victoria Falls”” on the Zambian side and facilitate

coordination with representatives on the Zimbabwean side of the Falls; ii)

reduce pollution in Livingstone through improved solid waste and sewage

management, improved roads and drainage systems; this will benefit the

entire township not just the tourism sector;iii) introduce land-use and

zoning systems at the Falls, in Livingstone and in the Musi O Tunya

National Park, as well as architectural guidelines and building codes in

Livingstone to improve the visual environment and protect cultural

heritage;iv) assist rural communities to better manage their wildlife and

land resources, through land-use planning; and v) strengthen the capacity

of national and local institutions to undertake EIAs for tourism-related

constructions, particularly in GMAs, National Parks and on rivers.

11. Contact Point:

Task Manager

Mehrnaz Teymourian

The World Bank

-5-

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12. For information on other project related documents
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Web: [http:// www.worldbank.org/infoshop](http://www.worldbank.org/infoshop)

Note: This is information on an evolving project. Certain
components may

not be necessarily included in the final project.

This PID was processed by the InfoShop during the week
ending July 13, 2001.

Before times...

99-year lease for park slashed to 25 years

By Times Reporter

THE Zambia Wildlife Authority (ZAWA) has signed revised
Tourism Concession Agreements (TCA) with Safapar Lodge in
Mosi-oa-tunya National Park.

The agreement effectively cancels the two 99 year-lease title
deeds earlier issued by ZAWA's forerunner National Parks and
Wildlife Service (NPWS) and replaces them with 25-year lease
agreements.

Speaking during a Press briefing in Lusaka yesterday ZAWA director general Hapenga Kabeta said the move was necessitated because the earlier agreement violated the Zambia Wildlife Act, which did not allow people to hold title in the national parks.

He explained that Safpar had a 99-year title in Mosi-oa-tunya National Park on Plot number 14730/m and 14732/m where they intended to construct David Livingstone hotel and tented camps.

Mr Kabeta said that the ZAWA had no powers to recommend the issuance of title deeds in the national parks adding that if a title was issued in a national park then such an area needs to be zoned out and degazetted from the park.

He observed that the TCA given to Safpar would give comfort to the investors and ZAWA as the security of the tenure was guaranteed adding that the Zambia Wildlife Act was not violated.

“This agreement is a win -win situation where the investor is happy and ZAWA is also happy,” he said.

He noted that Kafue National Park had a few investors and as a way of promoting investments, ZAWA had prepared a tender bid document and placed advertisements inviting investor to invest in various national parks.

He said so far ZAWA had conducted negotiations and signed several TCAs in Kafue, South Luangwa, Nsumbu and Mosi-oa-tunya national parks.

Speaking earlier, Safari Par Excellence director Xen Vlahakis said the hotel development project his company wants to undertake was estimated at US\$14 million which he said would be another major tourism and hospitality project in Livingstone.

He said the 160-bed four star hotel facility would be situated on the present Adventure Village site, which was being relocated to a new downstream adding that the hotel would be constructed on two levels within the tree-line.

The Lowdown...

The Gecko, like everyone else believes in development. A country needs to better itself. There is need for a people to move forward; to better jobs, a conducive environment and all the good things that development promises. But at what cost should this come?

In a developing country like Zambia, weighed down by poverty and joblessness, the investor, whatever he promises may override every other consideration. Many times, not much thought is given to the implication an investment, either in construction or tourism, may have on the people and the environment. There are cases in point: Plans to build a state of the art shopping mall at Freedom Park in Kitwe is a good example. The company was given the go ahead by Kitwe City Council, but was stopped by the government which reminded the local authority, that the park was, besides being of social and significant importance

– a heritage site. Liuwa and Sioma National Parks in Western Province were supposed to be taken over by a foreign company. The proposals were however shot down by a united voice of the local leadership which saw too many disadvantages in the plan.

It is obvious that the reasons why these plans failed had something to do with the way the natural habitat would be affected.

For those who regularly read the papers, the Gecko would like to draw their attention to an advert which has been running, concerning a company that calls itself, “Legacy Holdings Zambia limited.”

It has proposed, what it calls the “Mosi-oa-tunya Hotel and country club estate project”. Under this project, the company will build a 4 and 5 star hotel, International Conference Centre, a five star queen Victoria hotel, golf estate with 18 holes, luxury villas gym tennis and squash courts. This is what development is made of – Massive investment, that results in job creation and adding value to wherever place such a project will come up.

The Gecko however has its own misgivings with the Legacy Holding plans.

Why? Simple. The company plans to lay out its magnificent dreams in the Mosi-oa-tunya national Park.

Anything that has to do with a National Park, the Victoria Falls

or indeed a site of eminence raises interest.

Questions like, how much of the National habitat will be disturbed or affected, easily come to the fore.

How many animals will be disturbed or displaced and what percentage of the park will be sacrificed?

Will the country club estate be close to the Victoria Falls?

The Gecko has been told that these are the questions that are supposed to be answered after what naturalists call “an environmental impact assessment” is conducted. Could someone out there please reveal what the results of the impact assessment on the proposed project were? This question is raised on account of the importance and significance the natural setting being proposed for such a development has. The National Park and the Victoria Falls are national heritage sites and whatever development that is supposed to take place within their confines is of national interest. Under the Rio Declaration on Environmental Development, the steps to follow in ensuring that development needs do not negate environmental concerns are very clear. So too are the pressures poor countries face when development projects like the Legacy Holdings country club estate are dangled before them.

Zambia has everything to gain in terms of socio-economic advancement, if this project takes hold.

But what will be the cost?

The benefits are obvious. Legacy Holdings says the project is expected to create 2000 jobs during construction and 1000 permanent jobs after. The Holding company says the project will be commissioned in 2008 before the 2010 FIFA world cup that will be hosted by South Africa.

However, it is the environmental impact that should be of concern. Nature has been kind to Zambia. Nowhere in the world has it arranged itself in such a manner as it has done in Livingstone at the Falls and the Park. Where else in the world would you find a “smoke that thunders”; where is it that you will see a curtain of water so thunderous? It is not by chance that Victoria Falls is one of the “seven wonders of the World”. It is by natural design. There is a need to have an environment screening that must address some major components like tourism, the natural habitat, wildlife, cultural and traditional sites and the vegetation.

The Gecko knows that there are people out there for whom matters of the environment mean nothing. But everyone alive today is accountable for whatever happens to this country because you hold it in trust for future generations. This generation inherited all that you see but what will it pass on?

What the Gecko sees is that there is a danger of the country selling off its heritage in the name of investment.

Sunday, August 13, 2006

From the Livingstone Structure Plan 2006

Here are some extracts from the Livingstone Structure Plan (Development Framework Final Report) produced by consultants under the SEED project and approved by Livingstone City Council on 27 June 2006.

This is the Vision and Mission Statement for the Council:

1.2.4. Vision and Mission Statement

The vision that was formulated to guide future development reads as follows:

Livingstone, as the main tourism destination in Zambia, must strive to

become the preferred tourism destination in Southern Africa, through

provision of a quality tourism experience, by resolutely protecting the

World Heritage Site and its surrounds, and actively promoting this

unique environment and thereby improving the economic situation

and quality of life of the residents.

The mission for the Livingstone City Council is:

The mission of the Livingstone City Council is to provide minimum

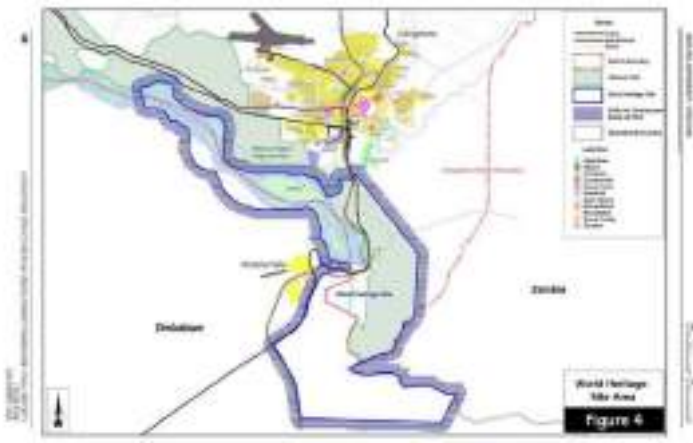
level of services that are affordable and to ensure that the costs of

such services are recovered in order to protect the environ-

ment of

this World Heritage Site and promote sustainable development.

This is the map of the World Heritage Site area:



Map of World Heritage Site

This is the map of proposed tourism development:



Map of proposed tourism development

Margaret Whitehead
Livingstone

Tuesday, August 15, 2006

Legacy Holdings Planned Development

Note particularly the “elephant corridor” along one side of the Maramba River (shown with red dotted arrow and labelled “elephant right of way”), and the 400 villas shown in red, which will constitute over 1,300 rooms.

The white patch in the middle is the existing Maramba River

Lodge. The road along the top edge is the Livingstone-Falls Road.

Clare Mateke

From “This week in Livingstone - 7-13 August”, the Livingstone Tourism Association (LTA) weekly email newsletter by Gill Staden.

Legacy Hotels Scoping Meeting

The meeting was held yesterday at the New Fairmount Hotel. The meeting was supposed to be invitation only and when members of the Wildlife Society arrived en masse, there was a bit of confusion. Finally everyone was allowed in ... only Bob the Birdman, who arrived later, had to go!

Rennie Mushinge and Jacob Sikazwe represented Legacy. Dr Saiwana attended as ZAWA representative. The PS and Chief Mukuni were also present.

The meeting started with presentations from Legacy and their environmental consultants. The Environmental Impact process was explained and then Legacy showed their plans for the site and showed other Legacy developments in South Africa. Their commitment to the economic value of their development was stressed. The plan of the site showed two hotels either side of the Maramba River on the Zambezi. A conference centre was shown in the area around Maramba River Lodge. The whole development is surrounded by a golf course and 400 houses - I assume timeshare.

Although there was an attempt to stop too many questions

from the Wildlife Society, everyone finally had their chance to speak. It was extremely interesting as everyone who spoke, from whichever walk of life, was passionate about their love of the park. Nick, our Chairman, gave a good speech about the necessity using all authorities who have jurisdiction in the Park - NHCC, ZAWA, Council, UNESCO, IUCN, etc. He said that without approval from all authorities, the project could not go ahead smoothly.

Dr Saiwana stated that ZAWA had full authority in the Park but this was disputed, not only by Nick but also by Margaret Whitehead, Mr Shalwinde (NHCC) and the Council Planner.

The Wildlife Society, although concentrating their remarks on the elephants also stressed the need to preserve the area for other animals, plants and insects (this from Benjamin Mibenge). Mike Musgrave said that, although a narrow corridor for the elephants along the Maramba River was to be set aside, it would be difficult to train the elephants to use the corridor!

Clare Mateke asked why alternative sites had not been considered as, although Livingstone wanted the development, we did not want to lose this part of the Park. She suggested that the area towards Mukuni Village would be ideal.

Nick Katanekwa also brought up the fact that the World Heritage Site was, not only the Victoria Falls but also the wilderness area surrounding the Falls - ie the Park.

Clement (LCC) mentioned that the traffic increase was going to be serious. Now that the bridge has been re-opened to trucks Livingstone was already trying to cope with a huge traffic problem. He also mentioned that the overflow for the sewage still goes into the Maramba River.

Mike (NHCC) felt that the EIA should consider, not only the impact of the development in that particular area but also take

in a wider view to look at the overall impact on the Park and Livingstone.

Kinny Ntambali asked why 9 other applicants for this part of the park - applications which were spread over the previous 5 years, or so - had not been allowed to develop the area.

A reporter from Radio FM commented that she was not allowed to go into Sun International to wander around the park there and she assumed that the same would now be the case at the Legacy development. She wondered, as a member of the younger generation, why she should inherit the total commercialisation of the riverbank from the older generation.

A reporter from ZNBC asked for straight answers to the questions, as most of the answers seemed to be very vague. He was basically told not to be so confrontational.

I think you get the idea ... there were lots more questions and few satisfactory answers. The Livingstone community repeated all the time that the development was good and that Livingstone needed it ... but, please not in that particular section of the park.

Chief Mukuni ended the meeting with an impassioned speech saying that Livingstone needed the development to provide jobs for the people. He could see no reason why it should not be in the park and did not want it up in his area.

I think Legacy will go back to Lusaka a bit surprised over the passion of people in Livingstone. There will be a public debate at a later stage.

I will be sending out a more detailed report as soon as I have finished it, but I think this about sums it up. Apologies to those

who have already received it through Gill.

Clare Mateke

Wednesday, August 16, 2006

Victoria Falls threatened

Livingstone residents from all walks of life have overwhelmingly rejected the proposal by Legacy Holdings Zambia Limited to construct two hotels and a golf course in the Mosi-Oa-Tunya National Park.

This is on account that major interested parties were not involved from the beginning.

They rejected the project at a Scoping Meeting of the Environmental Impact Assessment organised by Legacy where they said the company should find another site for the project to protect nature and heritage sites.

Director for Conservation Services at the National Heritage Conservation Commission, Francis Shalwiindi said the United Nations Educational, Scientific and Cultural Organization UNESCO World Heritage Centre may withdraw the World Heritage status on the Victoria Falls and the surrounding area if the project goes ahead.

Mr. Shalwiindi said UNESCO has already written to the

NHCC expressing its concerns over the proposed project and asked why Zambia is abrogating international and regional conventions.

Livingstone Tourism Association Chairman, Cornellious Katenekwa said tourists who support eco-tourism will start boycotting the Victoria Falls area when it loses its wilderness value, if the project is not stopped.

The Director General of the Zambia Wildlife Authority, Lewis Saiwana and Legacy Holding Zambia Limited Chairman, Jacob Sikazwe failed to provide satisfactory answers to many questions raised in the meeting.

Dr. Saiwana said ZAWA will use its legal powers to make sure that the project goes ahead after addressing all the concern

Southern Province Permanent Secretary, Darius Hakayobe said the project should not be shot down but stressed that its impact should be defined.

Senior Chief Mukuni of the Toka-Leya people said the project should be supported because it will create employment.

ZAMBIA NATIONAL BROADCASTING CORPORATION

16 August 2006

Officially...

Zambia: Livingstone Investments Bolster Economy

The Times of Zambia (Ndola)

Edward Mulenga

ONCE again, Livingstone has witnessed and celebrated the coming of another huge venture and continued investment inflow into the tourist capital by the Legacy Group, which will create more than 3,000 jobs. This \$200 million mammoth project has accentuated hopes of achieving a broader economic scope of the town and the nation.

Considering the prospects the project holds for Livingstone and the country, the enthusiasm exhibited by the witnesses to this occasion foretold the economic benefits and amount of redemption to be realised by the community from this venture.

July 28, 2006 was not an ordinary day for the Livingstone community as the unveiling of the foundation stone in the Mosi-Oa-tunya National Park by Vice-President Lupando Mwape proved symbolic.

Diplomats accredited to Zambia, chief executives of parastatal companies, investors and various people from all walks of life were there.

The project is being pioneered by a consortium of local businesses and Legacy Group of South Africa.

Legacy Holdings Zambia chairman Jacob Sikazwe said the investor would spend over \$200 million to build two five-star hotels, 18-hole world class golf club, villas and a country club estate.

The two five-star Hotels, Mos-Oa-Tunya and the Queen Victoria with a world class 18-hole golf course, country club, arts and crafts centre and several villas, will ultimately contribute 1,790 rooms to the current bed capacity.

This development will definitely go beyond mere promotion of tourism in Livingstone.

Mr Sikazwe said at Zambezi Sun Hotel after the unveiling ceremony that the project would change the paradigm of the tourism industry which Government prioritised as second to agriculture.

And Legacy Group chairman Bart Dorrestein from South Africa hailed Zambians' passion for their country and was excited to be part of the project.

Legacy Group director of development Renatus Mushinge said construction of the first hotel would commence next year, but the entire project will be completed by 2010 in time for the World Cup in South Africa.

More than 3,000 permanent jobs will be created, 2,500 of them during construction and another 7,500 through various supplies and contracts.

Apart from these benefits to individuals, the project, through different statutory obligations and spill-over effects will create huge revenue for the Livingstone City Council, the National Airports Corporation (NACL), the Zambia Wildlife Authority (ZAWA), Zambia Revenue Authority (ZRA) and others.

Revenue estimates of over K30 billion will be realised every year, which will be significant in reconstructing Livingstone and boosting its tourist activities, bearing in mind the implementation of the decentralisation policy.

Unveiling the foundation stone, the Vice-President commended the Legacy Group for choosing to invest in Zambia, and was happy with the growth of the real estate industry in the country.

He said the 3,000 and more jobs to be created by the construction of two five-star hotels and a golf course, would significantly bolster the economic footing of Livingstone and Zambia as a whole.

The increasing investment into Livingstone and the whole country, he said, was a clear testimony of the confidence investors had in Zambia's enabling environment for business.

Although Zambia offers one of the best investment atmospheres in the sub-region, some of the challenges, which it, however, faces, including inadequate marketing, human resource, poor infrastructure and others, are being addressed through various instruments.

The overhaul of the Livingstone International Airport to increase capacity, enhance infrastructure and boost tourism further is one of the corrective measures.

According to the Vice-President, giving the Legacy Group 200 hectares of prime protected land demonstrated Government's value attached to the project.

Furthermore, no exclusive zones should be created on the new complex and social amenities so as to deny locals access, but be made accessible to Zambians to appreciate their acceptance of the project in their land.

On racism, Mr Mwape sent a strong warning to culprits who were mostly tour operators from Livingstone and tasked Southern Province Permanent Secretary Darius Hakayobe to submit a report on the abuses of workers for appropriate action.

And Ministry of Tourism, Environment and Natural Resources director Judith Wake said the increasing investment in the sector would stimulate rural development, income generation and job creation.

She said tour operators were not following labour laws and resorted to manipulation of workers using different gimmicks, including the Kwacha appreciation to threaten reducing their workforce.

She said reports of abuse were rampant and required them to honour the statutory K268,000 lowest salary threshold set by Government.

Investors must pass on Livingstone's localised incentives to their workers and the community at large.

She said the ministry, in collaboration with other wings, would deal firmly with the reports of abusing workers by tour operators.

Overjoyed by the development, Mr Hakayobe said Livingstone and the people of Southern Province should guard the investment jealously as it would benefit them.

The Zambia Wildlife Authority (ZAWA) has already signed a memorandum of understanding with The Legacy Group authorising the project.

Legacy Plan 4

ZAMBIA THE OPEN PIT



Legacy plan 4

Thursday, August 17, 2006

Parliamentary submission..

Submission by the Hon Minister of Tourism, Environment and Natural Resources on Regulation 24 of Statutory Instrument Number 28, the Environmental Protection and Pollution Control (Environmental Impact Assessment) Regulations, 1997
Background

The Environmental Impact Assessment (EIA) Regulations were formulated as a tool for assessing the impact of developmental projects on the environment, in conformity with international environmental practices and standards. The EIA Regulations outline the complete procedure for developers or projects proponents to undertake environmental impact assessments, and also identify whether or not an Environmental Project Brief or an Environmental Impact Statement should be prepared for assessment of a project.

When a developer has completed the EIA process, the project documents prepared must be submitted to the Environmental Council of Zambia for review. The review takes into consideration any negative impact the project may have on the environment and determines whether or not adequate mitigating measures have been put in place by the developer to counter the same. After reviewing the project documents, the Council renders a decision either authorizing the project to proceed or rejecting the project, and in each case gives reasons for so deciding.

Regulation 24 of the Environmental Impact Assessment Regulations (S.I. No. 28 of 1997)

Regulation 24 prescribed the procedure to be undertaken when a developer or project proponent is aggrieved by a

decision of the Council made pursuant to the EIA Regulations and the procedure referred to above. It provided as follows:

24 (1) "If any party is aggrieved by the decision of the Council, that party may, in writing appeal to the Minister against the decision of the Council within a period of ten days after the receipt of the decision letter from the Council.

24 (2) The Minister shall render his decision within fourteen (14) days of receiving the appeal.

24 (3) If the aggrieved party is not content with a decision of the Minister, he may appeal to the High Court."

Regulation 24 was, however, inconsistent with the provisions regarding appeals as outlined in the principal Act, the EPPCA, which provided, under section 95 as follows:

"95 (1) A person aggrieved with any decision or ruling made by an Inspector under this Act may appeal to the Council within forty-five days after the date of receipt of the ruling or decision.

(2) The Council, within thirty days after receiving an appeal, shall make and convey its decision to the appellant."

Section 2 of the EPPCA states that "Council" means the Environmental Council established under section three. To this end, Regulation 24 of S.I. No. 28 of 1997 shifted the appeal authority by conferring it on the Minister and not the Council.

The Ministry's view

While acknowledging that Regulation 24 was in conflict with section 95 of the EPPCA already referred to, it was perhaps of importance to apprehend the spirit in which the EIA Regulations were formulated. The EPPCA had intended for the ECZ Inspectorate to undertake any and every function of the Council, as prescribed in section 6 of the Act, which revolved mainly around activities addressing pollution control, such as the licensing of facilities and subsequent monitoring for com-

pliance. At the time of enacting the EPPCA, the environmental impact assessment process had not been fully conceived under the Zambia Environmental Regulatory Framework. It should be noted, in this regard, that the EPPCA was only enacted in 1990, while the ECZ as an environmental regulatory body

became operational in 1992. During the enforcement of the EPPCA, it became necessary to legislate for the environmental impact assessment process, which was incorporated into the economic developmental process worldwide. The process of preparation of the EIA Regulations was generally devoid of consideration of inconsistencies and/or conflict with certain provisions in the principal Act such as the appeal process prescribed therein. The justification for inclusion of the Minister in the project approval process was derived from section 6 (4) of the EPCA, which provides as follows:

“The Minister may give to the Council such general or specific directions with

respect to the discharge of its functions as he may consider necessary and the

Council shall give effect to those directions.”

The law provides that an aggrieved party has a right of appeal. In this case, it was appropriate that the Ministry was given authority to re-visit the case and provide guidance to ECZ. Meanwhile, it was the Ministry’s intention to address legislative inconsistencies under discussion herein. To this effect, the Ministry has submitted to the Law Development Commission that it re-visits Regulation 24 of S.I. No. 28 of 1997 in order to facilitate harmonisation with the principal (EPPCA) and related Acts for a coherent appeal process in the Zambian Environmental Regulatory Framework.

In addition, the Environmental Council of Zambia, under

the Copperbelt Environmental Project, was embarking on a review of the Environmental Legislation. The review would be comprehensive and was intended to address gaps, conflicts and/or any inconsistencies currently obtaining in the (EPPCA) and its regulations.

Your Committee informed the Hon Minister that his colleague, the Hon Minister of Justice and Attorney-General, had submitted that Regulation 24 of Statutory Instrument No. 28 of 1997 was ultra vires the principal Act and, therefore, was null and void. In view of this, they asked the Hon Minister to state when Regulation 24 would be repealed in order to bring the Statutory Instrument into conformity with the principal Act.

The Hon Minister submitted that he could not give a time frame as other pieces of legislation being reviewed had taken long to be addressed by the Law Development Commission. Your Committee, however, informed the Hon Minister that amending a Statutory Instrument need not take long as the process did not require the participation of the Law Development Commission.

Committee's Observations and Recommendations

Your Committee observe that Statutory Instrument No.28 of 1998, particularly Regulation 24, is ultra vires the principal law, the Environmental Protection and Pollution Control Act, No.12 of 1990. Your Committee, therefore, recommend that this Statutory Instrument be amended to bring it into conformity with the principal Act. This will ensure that the law, as enacted by Parliament, is respected.

Furthermore, vesting the power of deciding whether a project is environmentally sound in the Environmental Council of Zambia will lessen disputes as has been evidenced in the past.

A case in point is the Zambezi Oil and Transport saga in Ndola and many other cases in Lusaka and Kafue over which the Minister and the Environmental Council of Zambia have differed.

Friday, August 18, 2006

This is the original statement made by WECSZ - not by any individual, reprinted here as a reminder

LEGACY DESECRATION

VICTORIA FALLS PLANNED AND SANCTIONED DESECRATION

The Wildlife and Environmental Conservation Society of Zambia (WECSZ)

21st July 2006

1 INTRODUCTION

The Zambia Wildlife Authority (ZAWA) and its parent Ministry of Tourism, Environment and Natural Resources (MTENR) have sanctioned the building of an eighteen-hole golf course, two hotel resorts, a club house and chalets in the Mosi oa Tunya National Park lying on the edge of Livingstone. On Thursday 27 July, Legacy Hotels and Resorts International are due to sign a Tourism Concession Agreement with ZAWA, and on Friday 28 July, the President of Zambia will lay the foundation stone.

This outrageous planned desecration of what is a United

Nations Educational, Scientific and Cultural Organisation (UNESCO), World Heritage Site has begun despite the rejection of the project's environmental impact assessment by the Environmental Council of Zambia (ECZ) - and a call by it for greater consultations, and the objections of the local ZAWA office and of the Natural Heritage Conservation Commission. No application has been made to the Livingstone City Council, and no consultations of any kind carried out with the Natural Resources Consultative Forum of Zambia (NRCF) - established by the MTENR to oversee natural resource and conservation concerns, or with civil society in general. And, in flagrant disregard for international conventions, approval has not been given by UNESCO for the scheme, threatening its World Heritage status and prospects for the area's conservation and economic development as a major world tourism destination. As the Park is currently receiving the investment attention of the World Bank under the SEED programme, it seems likely that they are not aware of the development.

2 THE AREA

The Victoria Falls and its surrounds - both in Zimbabwe and Zambia, is a World Heritage Site and is therefore protected by international convention. It is also a designated Important Bird Area (IBA) as declared by Birdlife International.

The World Conservation Union (IUCN) management plan (The Strategic Environmental Assessment of Developments around Victoria Falls, June 1996) for the area states categorically that no developments should be allowed within the boundaries of the site, and that the wilderness value and the biodiversity

of the area are prime resources which have to be maintained. This is further endorsed by ZAWA's Mosi oa Tunya General Management Plan (GMP) of May 1999 which inter alia states:

A national park, by definition must possess nationally significant natural or cultural resources and retain a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource;

Section 3 (Planning Guidelines) states clearly:

“Management emphasis in national parks will be to minimize all undesirable human impacts on wildlife populations”;

Section 3.5.1 (Natural Resources) states the priorities for the management of the national park will include:

Protecting and conserving the Zambezi River and its riverine vegetation. Any development – local, national, international – which threatens the integrity of the riverine ecosystem should be opposed in the strongest terms.

Figure 7 in the GMP illustrates the distribution of management zones within the national park.

A narrow river-side path route is provided between the Maramba River and the present Sun Hotel site for pedestrian access. The rest of that sector is designated for general tourism activity where permanent structures cannot be erected without full justification. Permitted activities in the Tourism Zone include only: game drives; escorted walks and picnics.

The narrow, river-side development zone north of the Maramba River will be restricted to existing developments and to jetties, information centres, car parks, toilets and picnic sites. In this area "...no new leases will be considered...These limitations are imposed to keep development to a minimum and safeguard the corridor used by wildlife in this narrow and restricted part of the park."

The resorts are being built on that specifically identified narrow part of the national park where elephant cross the river and move through to the gorges - an area of major conservation importance for water birds and other wildlife, and also the only part of the river near the Victoria Falls accessible to the people of Livingstone. The road that runs from the cultural center along the Maramba River to the confluence is a public road and any change in its status requires that it be de-gazetted

3 THE DEVELOPMENT

The two hotels are to be built on either side of the Maramba River near its confluence with the Zambezi. The golf course will span either side of the Maramba River, surrounding Maramba River Lodge and extend up to the bridge that crosses the Maramba River on the Mosi o Tunya Road. Two bridges are to be built across the Maramba River, one near the confluence and one further along to allow golfers to cross. These developments are all in complete contradiction to the General Management Plan.

On the 20th July 2006 at least three beacons marking, appar-

ently, some of the corners of the Legacy site, were erected. A vehicle belonging to Turner Construction, and some workers constructing the foundation stone near Maramba Cultural Village were also seen.

4 ENVIRONMENTAL CONCERNS

4.1 Wildlife

Elephant frequent the area between Sun Hotels and the Maramba River, their passage hindered by increasing tourist activity and the developments built to support them. The area in question is the last remaining intact area of good vegetation where elephant are free from human pressure. It is crucial that this area remains undeveloped and conserved as a route for animals within the Park and those crossing the river to travel to the gorge and the Mukuni area.

The IUCN management plan states “there should be access to the riverbank and animal crossing points”. The Legacy development ignores this stricture. In the case of Sun Hotels, they failed to solve the baboon and elephant problem and have fenced in order to keep the elephant out. How will Legacy cope with elephant, baboon, hippo if Sun Hotels have failed? ZAWA’s recent directive that all fences in the Park be taken down - including Maramba River Lodge and Sun International, will increase the number of people killed, and that of elephant in retaliation. And an unfenced golf course will place golfers at risk. Should ZAWA relent and allow Legacy to fence the area, it would cut off elephant and other wildlife from the other sections of the Park and the gorges below the Falls. There are already problems of elephant raiding villagers’ crops and destroying life and property due to their normal routes being

disturbed.

Tourism is beginning to expand in Livingstone, and apart from the Victoria Falls, one of the main attractions is the wildlife to be found in the Mosi oa Tunya National Park. The present fenced area of the Park is being seriously degraded by elephant which have stripped and ring-barked trees. The area allocated as a golf course is prime elephant feeding and resting ground with thick forest and undergrowth, giving them some respite from the pressure of helicopters and microlights, tourist activities and lodges, hotels, farms and villagers. The area is also a critically important hippo grazing area, and the Maramba River confluence is important for crocodile viewing and for water birds. As an undeveloped area with minimal road access, the area is crucial for breeding and feeding grounds for a number of species.

WECSZ and the Livingstone Museum has, twice a year for the past ten years, conducted a bi-annual water bird count in July and January along this stretch of the Zambezi and the Maramba. The new development will impact on this study as the count includes the area 10km up river of the Victoria Falls. Already river access for this type of study has been cut off by the Sun Hotels, Waterfront, Boat Club and other developments, so that the Legacy development will leave only the fenced area of the Park, a comparatively small part of the river to conduct a census of water birds (49 species of birds were identified on the north bank on a recent survey by WECSZ).

4.2 Vegetation

The IUCN report states that no mature trees or riparian

vegetation should be cut down. In a study by the WECSZ, a total of 54 species of woody plants were recorded on the right bank of the river. It was found to be heavily infested in places with exotic Lantana, melia and gums (Eucalyptus); apart from these the indigenous vegetation appears intact, *Kigelia Africana*, *Combretum*, *Acacia*, *Diospyrus*, *Terminalia*, *Bauhinia* are just some of the 54 species of trees recorded and are of good size, being undisturbed by human encroachment. Of special interest is tree wistaria, *Bolusanthus speciosus*, a marginal species for Zambia but an endemic monobasic genus of the Zambezian phytochorological region. This species by itself is enough to recommend the site for preservation, as it is of frequent occurrence here and the trees are of good form and height, thus offering Zambians a unique opportunity to see this beautiful tree within their own country.

4.3 People's access to the Zambezi and Maramba Rivers

This stretch of river - particularly between the Maramba River and the Falls, has always been a favourite spot for picnics and social outings – though it has reduced recently because of the thugs and bad roads. It is crucial that this area is kept open for Zambians. The Legacy Holdings Development will permanently remove all the river frontage from the general public.

4.4 Golf courses

The Livingstone Golf Course has just opened in town after a 2 million US\$ renovation. This is the second oldest golf course in Zambia, and is a historic site. The Elephant Hills golf course is opposite the proposed Legacy site across the river. There is no need for another golf course.

5 CONCLUSION

Livingstone residents are not against development. They need and want development. But one of the main attractions for visitors (and hence the thousands of visitors every year) is the Victoria Falls, the Mosi-O-Tunya National Park and the wildlife in the area. IUCN stresses that one of the principle attractions of the area to visitors is its perceived “wilderness” value and “the juxtaposition of natural wild area with modern visitor amenities. If this wilderness is lost due to over-development, then the visitors will not come and the economy and social structures will suffer.” IUCN Victoria falls – Skeleton Management Plan Part 1. Quite simply, if the Park is destroyed through over-development many of the visitors will stay away.

However, as a World Heritage Site it is incumbent on us to protect it for all mankind by respecting and using the planning and conservation frameworks already available in a long-sighted and conscientious manner that are not driven by short-term commercial motives.

More oppose Livingstone plan

ZNBC - Zambia

Spokesperson of the farmers Idson Lweendo said the proposed project is too big to be located in the smallest national park that Zambia has. ...

Tuesday, August 22, 2006

Zambian farmers oppose building hotels, golf course near Victoria Falls

Zambia's small scale farmers around the Mosi-oa-Tunya National Park part of which are Victoria Falls, have joined the crusade to oppose the construction of two hotels and an 18-hole golf course within the world heritage site.

Zambian National Broadcasting Corporation (ZNBC) quoted Monday spokesperson of the farmers Idson Lweendo as saying the proposed project is too big to be located in the smallest national park that Zambia has.

Lweendo said previously the Zambia Wildlife Authority Zambia (ZAWA) even persuaded indigenous people to move out of the Mosi-oa-Tunya National Park in an effort to keep it as natural as possible.

He wondered why ZAWA now has suddenly decided to allow big investors to displace animals and alter the protected habitat which is part of the major tourist attraction.

Recently ZAWA Director General, Leweis Saiwana said trees will not be cut and that the elephant corridors within the proposed project site will remain undisturbed.

ZAWA failed to send a representative to a live program on a local community radio station where the majority of listeners voiced their opposition to the planned project.

The UN Educational Scientific and Cultural Organization (UNESCO) , may withdraw the world heritage status on the Victoria Falls and the surrounding area if the project goes ahead.

Last week the residents in the area rejected the project at a Scoping Meeting of the Environmental Impact Assessment held in the area, south Zambia, saying the company should find other site for the project to protect nature and heritage sites.

Director for Conservation Services at the National Heritage

Conservation Commission (NHCC), Francis Shalwiindi, said the UNESCO has already written to the NHCC, expressing its concerns over the proposed project and asked why Zambia is abrogating international and regional conventions.

The Director General of the Zambia Wildlife Authority Lewis

Saiwana, and Legacy Holding Zambia Limited Chairman Jacob Sikazwe failed to provide satisfactory answers to many questions raised in the meeting.

Victoria Falls is acknowledged as a world heritage site in 1989 because of its scientific and tourism value. Zambian side of Victoria Falls and the adjacent bank of Zambezi is called the Mosi-Oa-Tunya National Park.

Source: Xinhua

26 August 2006

ZNBC says..SEED project to be revised

The World Bank is expected to revise the \$6.5 million loan towards the SEED project in Livingstone.

Livingstone Town Clerk, George Kalenga said SEED is being reviewed in order to increase funding to some of the components of the project.

These include road rehabilitation and the construction of Mukuni Park.

Mr. Kalenga however told ZNBC news in Livingstone that some of the components of the project, such as capacity building in the city council could be dropped.

The SEED project is a loan that the World Bank gave the Zambian government for improving tourism infrastructure in the country.

The implementation of the project started in Livingstone because the city is Zambia's tourist capital.

Currently stakeholders are meeting in Lusaka over the restructuring of the SEED project.

Saturday, August 26, 2006

Gone to SEED??

The World Bank SEED programme (SUPPORT TO ECONOMIC EXPANSION AND DIVERSIFICATION) in 2001, reported:

“The Government is committed to the growth of tourism and is now ready to make the resources necessary for that to happen - funding to underpin a strong approach to tourism would confirm the Government’s credibility and the private sector appears ready to do its part. The Government has identified Livingstone and the Victoria Falls

(the Mosi-O-Tunya or “the Smoke that Thunders”) as a priority for economic expansion and diversification, based on tourism. The Victoria Falls is a World Heritage Site. It is a strong magnet that has long attracted tourists to the falls themselves as well as to its surrounding wildlife and extraordinary cultural heritage...”

In November 2005, with SEED about to collapse and no visible sign of anything having been accomplished, the steering committee of the Natural Resources Consultative Forum of Zambia (NRCF), anxious to see that this did not happen, approached the World Bank official responsible for SEED, Marie Sheppard, of the Africa Private Sector Group, suggesting that the NRCF was the forum through which the rescue plan could be brokered. Marie replied,

” I agree that the only way to make SEED work is to have the stakeholders actively involved in the design, and I’d like to explore some ideas with you and your colleagues on how that might work. We’re at the preliminary and what I consider the

most important stage of restructuring: deciding on the process. How will we move forward, who will be involved and what do we do? This is a decision that we reach with Government, and we will discuss this with them towards the end of the SEED mission (early Dec). My preference would be to have a small team, comprised of a few representatives from the private and public sector, who does the work in consultation with a broad range of stakeholders. The Bank's role, as I see it, is to facilitate the process and, as needed, bring in experiences from other countries that might be helpful (ideally by parachuting in those who have actually done the work).

In terms of next steps, I would like to gather input from yourselves and other stakeholders on the process so that it is one that we all can commit to. I am new to Zambia and not yet familiar with all the players. What is a bit puzzling is the number of players and different associations - it's not clear to me how they differ (e.g. ZNTB, TCZ, NRCF - in terms of goals, strategy and impact) and who to work with. My preference would be to have a discussion on the process and how to organize the team and consultation process. It might be that this work could fit in with the assessment of the NDP chapter on tourism, so as to build from the ground up. If the latter would be helpful, there could be a (dare I say it?) workshop where we bring together the public and private sectors here as well as a few representatives from countries that have managed this successfully (Botswana perhaps? Kenya? You would know better than I). Such a workshop might help you to refine the goals and strategy (as inputs for revising the NDP), the needs going forward (as inputs for SEED and possibly other donor's work), and define how to move these forward.

This might be a way to short cut more studies (which would seem a waste of time, given that all the key players know the situation) and inject some “just in time” focus to the tourism chapter. Based on what I’ve seen, it seems that what is needed is to distill the existing knowledge, clarify the goals and make decisions on a strategy). I don’t know if this is right, but there seems to be a need to bring focus and cohesion. If we can help with this, I’m eager to do so”.

And that is the last that anyone from NRCF has heard from the World Bank, until last week that is, when a rather jazzy report on tourism in Livingstone pitched up on e-mail: no consultations, no stakeholder meetings, no NRCF hosted cross-sectoral workshops, no strategic environmental assessments or project documents giving some idea of what the Bank envisaged doing in Mosi-oa-Tunya, no “...the key players know the situation”. But something had kick-started ZAWA in 2006, the agency responsible for carrying out the SEED work in Livingstone and Kafue National Park, for suddenly the newspapers carried adverts calling for consultants to train ZAWA teams to look after the Mosi-oa-Tunya white rhino (2), to sort out the mangled, in-bred wildlife aberration within the Park, the communities outside... although all three expatriate wardens employed on the SEED programme in Mosi and Kafue had packed their katundu after being without transport for a year - though rumour has it that one still survives, cycling earnestly around on his njinga.

So, how much responsibility must the World Bank bear for the SEED mess, for allowing a tourism lease for such a proposed massive perturbation of part of the Victoria Falls Transbound-

ary World Heritage Site to be issued, for funding consultancies that do not involve civil society, the National Heritage Commission, the Livingstone Town Council, the NRCF, the indigenous and indigent communities, that all of this endeavour is supposed to benefit. And what of the strategic review of ZAWA which they and NORAD are funding, a four-month consultancy given to a local company, supposed to be in touch with the NRCF and other stakeholders. Not a word from them either. And does Chief Mikuni of Livingstone know - he so very keen to see Legacy install a bit of Florida on his chiefly midriff, that the World Bank funded consultancy for the Ministry of Lands has recommended that all customary land should in future fall under the said Ministry, with chiefs relegated to the role of land administrators?

And so, is it the intention of the World Bank to ensure that the people of Livingstone gather daily at the electrified curtain cutting off their town from the Zambezi to watch the Hawaiian-shirted, cigar-chompin' denizens of Legacy swing at little white mabolo upon their now treeless, jumboless ancestral turf; the chiefly custodian of the smoke that pisses, resting nearby under his talkin' tree, sans kapaso, and with no land to administer?

Mosi-oa-Tunya/Chief Mukuni/African Wildlife Foundation

AFRICAN WILDLIFE FOUNDATION'S KAZUNGULA HEARTLANDS PROGRAMME

Botswana, Namibia, Zambia and Zimbabwe

Area: 9,090,507 hectares (35,099 square miles)

Key features: Zambezi River; Victoria Falls; Chobe National Park; Hwange National Park; Mosi-Oa-Tunya National Park; Zambezi National Park; Chobe/Linyanti/Kwando Wetland System

Botswana, Namibia, Zambia and Zimbabwe are represented in the Kazungula Heartland. The mighty Zambezi River is a water artery through the center of this rich African landscape, providing essential water to the spectacular ecosystems contained in this region. World-renowned Victoria Falls is found in this Heartland.

Heartland Conservation Process

AWF's Heartland Conservation Process (HCP) is the framework used to plan, implement, and measure the conservation impact of AWF's programs in Africa. As part of the HCP, AWF uses a landscape-level planning process which was developed with help from The Nature Conservancy to establish conservation goals for each Heartland, identify threats to conservation targets, and to design threat reduction activities, while taking full advantage of opportunities available. AWF then takes the findings from this planning process to develop strategies for each Heartland which leads to the implementation

of priority interventions. The impacts of these interventions on the status of conservation targets and human livelihoods are then monitored and measured which feeds back into further planning and refinements of Heartland strategies.

Partners

USAID Regional Center for Southern Africa (RCSA)

Japan Fund for Global Environment (JFGE)

KAZUNGULA CUSTOMARY AREA TRUSTS

Chief Mukuni of Zambia - one
of AWF's close partner in the
Kazungula Heartland

AWF is currently working with the trusts to bring close to 1 million Hectares of land under conservation; to conserve crucial migratory corridors and dispersal areas that were used in the past by elephants moving between southern Zambia, Zimbabwe, Botswana and Kafue National Park; and to conserve important areas of the Zambezi River frontage. When protected, these area should be able to provide for wildlife dispersal and movement from the overpopulated protected areas in Botswana and Zimbabwe and improve overall landscape conservation. AWF is also supporting the trusts to forge partnerships with the private sector for tourism development that should benefit the communities. Various meetings have already been held with interested private sector partners. AWF has also helped one of the trusts to repossess and designate for conservation prime wetlands that had been fraudulently allocated to the private sector for development of a fishing camp. The community land trust model has not only addressed legal constraints in land

administration and safeguarded communal

land rights and related livelihoods. It has also democratized land management in the chiefdoms of southern Zambia. The work with trusts has also contributed to the ongoing discourse on land reform in Zambia and further provides opportunity for wide replication of this program in Zambia where it is officially stated that 94% of the land is held under customary or traditional tenure.

African Wildlife Foundation

HQ africanwildlife@awf.org

Zambia Africanwildlife@iwayafrica.org

AWF, MOSI-OA-TUNYA AND THE MUKUNI TRUST

At the recent Legacy scoping meeting in Livingstone, Chief Mukuni made an impassioned plea in support of Legacy and its proposed development in the Park. Such flag waving for the entry of the invading development forces bearing large bags of cash is understandable, but, hang on, is the Chief not a partner of the African Wildlife Foundation's Kazungula Heartlands project - in fact the patron of the AWF created Mukuni Trust which has been tasked with its delivery in the Mosi-oa-Tunya area? Of course, such chiefly cerebral felicity, whereby two contradictory views can be held simultaneously, is not unusual among chiefs - as I and the community continue to discover in our troublesome relations with Senior Chief Luembe, my co-director of the Luembe Conservancy Trust; but where is the AWF in all of this? Even though Mosi-oa-Tunya is very much at the core of their programme, they - like the World Bank SEED

programme, appear to have gone underground. Someone has gone to sleep on the AWF watch, a fine organization, but one now in danger of losing credibility. When my friend, John Heminway, was the chairman, they called themselves the African Wildlife Leadership Foundation. Perhaps it is time to bring back the leadership part.

Press Release by the National Heritage Conservation Commission

PRESS RELEASE ON THE PROPOSED DEVELOPMENT OF A RESORT IN THE MOSI-OA-TUNYA NATIONAL PARK/VICTORIA FALLS WORLD HERITAGE SITE BY LEGACY HOLDINGS ZAMBIA LIMITED (The Post, 28 August 06)

Legacy Holdings Zambia Limited is part of the Legacy International Consortium of Hotels, Bush Lodges and Resorts. Legacy Holdings Zambia Limited holds a Tourism Concession Agreement (TCA) with the Zambia Wildlife Authority (ZAWA) to develop the Mosi-oa-Tunya Hotel and Country Club Estate. The project is on lot 14734/M along the Zambezi River in the Mosi-oa-Tunya National Park/World Heritage Site upstream of the Victoria Falls.

JUSTIFICATION

The Zambian Government has made tourism development and diversification as its second priority on the list of resuscitating Zambia's economy. To this end, Government has

embarked on a public facility but private driven initiative as way of accelerating and enhancing tourism development. Cardinal to this initiative is the Public Private Partnership initiative (PPPI) policy. This is the Government's policy of realizing its objective of facilitating development of the industry while the private sector takes a leading role.

MOSI-OA-TUNYA NATIONAL PARK/WORLD HERITAGE DEVELOPMENT

It is in this context that a portion of the Mosi-oa- Tunya National Park, which is also a northern part of the World Heritage site, was tendered for development. The area in question has been earmarked for tourism development as reflected in the Mosi-oa- Tunya Management Plan. This portion among others such as African Queen, Waterfront, Bwaato, Taonga, Batoka Sky and Gwembe Safaris Jetty were presented at the Bi-National Workshop held between the two state parties namely Zambia and Zimbabwe to the World Heritage Protocol.

MOSI-OA-TUNYA/VICTORIA FALLS WORLD HERITAGE MANAGEMENT

The Zambian side of World Heritage Site is co-managed by the Zambia Wildlife Authority and National Heritage Conservation Commission. The two institutions are statutory bodies under the parent Ministry of Tourism, Environment and Natural Resources.

The World Heritage Site is the Southern part of the Mosi-oa- Tunya National Park and is also a Natural Monument under UNESCO classification, thus the co-management by

the two institutions along their respective pieces of legislation as provided for accordingly. The two institutions have further signed a Memorandum of Understanding on how the World Heritage site is to be managed and benefits arising there from co-shared.

Of late, an impression has been created that ZAWA and the National Heritage Conservation Commission are not working together with regard to the management of this national asset. We would like to inform the public that the two institutions are in common agreement with each other for any development that would affect this ecological sensitive area positively or negatively.

As custodians of this Asset on behalf of the State and International Community, Zambia Wildlife Authority and National Heritage Conservation Commission have always ensured and will always endeavour that any proposed development does not impact negatively on this precarious resource. To this end, every effort is made that both the National Laws and International statutes, which are in place to protect this site are enforced and respected

UNESCO'S LATEST STAND ON THE MOSI-OA-TUNYA WORLD HERITAGE SITE

At the recent meeting of the World Heritage Committee held from 7th to 10th July 2006 in Vilnius, Lithuania, the following issues were raised/addressed:

i) The committee noted with great concern the failure to implement the recommendations of the 2002 bilateral workshop

recommendations;

ii) The committee felt that the integrity of the property remained threatened by uncontrolled urban development, pollution and unplanned tourism development;

iii) Both State Parties were urged to urgently follow-up on the recommendations of the 2002 bi-lateral workshop and in particular, the preparation and implementation of an effective joint management framework to address the on-going threats and to set a firm schedule for their follow-up;

iv) The committee also requested the State Parties to invite a joint World Heritage Centre/IUCN mission to assess the state of conservation and progress made on the recommendations of the 2002 bi-lateral workshop.

WAY FORWARD

The two institutions have been implementing the recommendations of the bi-lateral workshop, which relates to the daily management of the site. They have also been engaging Interested and Affected Parties with regard to implementing any development project in the site.

Other aspects of the bi-lateral recommendations that need to be ratified and implemented at higher Government organs have been referred accordingly.

Further, the two institutions have requested UNESCO for technical assistance to produce a Management Plan, specifically for the World Heritage Site as recommended by the bi-lateral workshop. The Plan will be produced jointly with the counterpart institutions in Zimbabwe.

In conclusion, the National Heritage Conservation Commission would like to assure the general public that any proposed development in the World Heritage Site are done within the context of overall Management Plan as agreed by ZAWA and the National Heritage Conservation Commission. Further still, any such developments are within the National and International Environmental Guidelines for such an ecological/cultural sensitive site.

It is in this context that the proposed development by Legacy Holdings Zambia Limited should be understood that all is within the spirit of Environmental Requirements

Mr Donald Chikumbi
Executive Director
National Heritage Conservation Commission

Monday, August 28, 2006

At the recent scoping meeting, 'twas said by NHCC...

Director for Conservation Services at the National Heritage Conservation Commission, Francis Shalwiindi said the United Nations Educational, Scientific and Cultural Organization UNESCO World Heritage Centre may withdraw the World Heritage status on the Victoria Falls and the surrounding area if the project goes ahead.

Mr. Shalwiindi said UNESCO has already written to the NHCC expressing its concerns over the proposed project and

asked why Zambia is abrogating international and regional conventions.

Tuesday, August 29, 2006

The assessment road ahead...

The Environmental Council of Zambia (ECZ) explains the process for the environmental evaluation of the proposed Legacy Holdings development in the Victoria Falls World heritage Site ...

Danny Mwango of ECZ confirmed receipt of the Legacy Holdings Zambia Scoping Report, part of the requirements for Legacy to properly consult with all stakeholders. He explains what will now take place:

1. The Scoping report (for a full Environmental Impact Assessment by Legacy Holdings) includes the c.v.'s of those consultants put forward by Legacy to carry out the report, and the terms of reference (TOR) for the study (this study should have preceded the draft environmental assessment which had been submitted by Legacy Holdings).

2. The Scoping report is then approved – or not, by ECZ

3. Legacy Holdings then carry out the EIA; full consultations with stakeholders being required

4. ECZ carry out an internal review of the EIA, and may decide to call for a further EIA

5. ECZ then make public in the press over a two week period that the EIA is available for inspection at ECZ

6. Then, under a neutral facilitator/chairman, a public

hearing in Livingstone will be held.

7. The ECZ then make a decision.

8. In the event of disagreements, the Minister of Tourism, Environment and Natural Resources makes a decision.

Obviously, those who are in disagreement with such a decision are free to revert to the courts.

Workshop on Mosi-oa-Tunya NP Management Plan

[From a letter from Nasson Tembo, ZAWA Regional Manager, Central Region, dated 22nd August 2006]

Zambia Wildlife Authority (ZAWA) with financial support from the World Bank is in the process of preparing the General Management Plan for Mosi-oa-Tunya National Park. The main goal is to formulate a Management Plan that will contribute to effective conservation, management and development of tourism in Mosi-oa-Tunya National Park.

It is in view of the above that ZAWA [will be holding] a five-day stakeholders' workshop to be held in Livingstone from Monday, 11th to Friday 15th September 2006.

Clare

Wednesday, August 30, 2006

A way forward ?..

Should the alternative Legacy site - details of which should by now be with Legacy Holdings, be acceptable, consideration should be given to an enlarged Park-cum-conservancy (which would include Legacy), managed under a public private partnership between ZAWA and the NHCC, the Livingstone Council, the Mikumi Trust, Legacy, Sun Hotels and WECSZ, with inputs from UNESCO, IUCN, AWF, Fauna & Flora org - as part of the five-nation, Kaza Transfrontier Conservation Area. This would provide the capital and expertise necessary to manage what would be a permanent jewel in the Zambian conservation crown.

Thursday, August 31, 2006

The Daily Mail 30 August 06

Legacy to build hotel in Livingstone
From NDUBI R. MVULA

Continued from last week

QUESTION AND ANSWER SESSION

(Summarised)

Q1. Francis Shalwiindi (National Heritage Conservation Commission - NHCC)

How many stakeholders were consulted before allocating land to Legacy Holdings in the World Heritage Site?

A1. Dr. Saiwana (Director General, Zambia Wildlife Authority - ZAWA)

We have to follow a process. The land needs to be leased out before doing an environmental impact assessment (EIA). Now various stakeholders are being consulted.

Follow up to Q1. Francis Shalwiindi

NHCC is a major player and should have been involved right from the start. The land contains national monuments (protected sites), which were declared long before the National Park was declared. How did Legacy Holdings enter into an agreement without consulting NHCC? Meanwhile, an international agreement was signed by Zambia, Zimbabwe and UNESCO concerning the World Heritage Site. A regional agreement was also signed between Zambia and Zimbabwe. NHCC have just received a submission from UNESCO: "The World Heritage Centre and IUCN note with great concern the threats... and lack of follow up on the 2002 meeting. There is need for a joint management programme. A joint UNESCO-IUCN mission is required to assess the state of the property.

Q2. Mike Musgrave (Wildlife and Environmental Conservation Society of

Zambia - WECSZ)

Who should hold a scoping meeting - Environmental Council of Zambia or the Developers?

A2. Levy Mosho (Legal Council for Legacy Holdings)

Regulation No. 8 of the Statutory Instrument states that an EIA shall be prepared by the developer. To ensure that public reviews are taken into account, the developer shall organise a public consultation process.

Q3. Margaret Whitehead (Former Councillor and Resident of Livingstone)

In the recently approved Livingstone Structure Plan for Livingstone District Council, the vision of the council is given as:

“Livingstone, as the main tourism destination in Zambia, must strive to become the preferred tourism destination in Southern Africa, through provision of a quality tourism experience, by resolutely protecting the World Heritage Site and its surrounds, and actively promoting this unique environment, thereby improving the economic situation and quality of life of the residents.”

And the mission is given as:

“The mission of the Livingstone City Council is to provide minimum level of services that are affordable and to ensure that the costs of such services are recovered in order to protect the environment of this World Heritage Site and promote sustainable development.”

How is a golf course preserving the World Heritage Site? Why was the Council not informed before the foundation stone was laid? And why was permission not requested for change of use of this bit of land?

A3. Dr. Saiwana (ZAWA)

ZAWA is the authority on developments taking place in a National Park. All plans are supposed to be given to ZAWA. When this has been done and the EIA approved, ZAWA will submit plans to the Council. The District Council is not a planning authority in a National Park.

Follow up to Q3. Margaret Whitehead

The question has not been answered. How does Legacy see the project as being compatible with the National Park and the World Heritage Site?

Answer to follow up on Q3.

Jacob Sikazwe (Legacy Holdings)

Heritage is there to be enjoyed for future generations. But how do we enjoy this heritage? We need to be able to enjoy it.

Moderator

NHCC should put their concerns in writing.

Dr. Saiwana (ZAWA)

The area is a national park and therefore ZAWA have full control over it. They do not have to get permission from Council. There are laws governing this. People cannot just make up their own laws. Concerning NHCC, their Act is more recent than the ZAWA Act, so they cannot claim that they have prior rights or control in this area.

L. Muleya (ZAWA)

Make sure a heritage specialist is included on the EIA team, and a wildlife specialist.

Q4. Nicholas Katanekwa (Chairperson Livingstone Tourism Association - LTA)

The LTA is happy when new colleagues come into the business, but also concerned that the development is coming in without looking at issues agreed in various agreements with IUCN and Zimbabwe. There are many documents, which have already analysed the potential impact of increased tourism in this area, such as the IUCN study. Most tourists come to Zambia for the wilderness value. What is Legacy doing for the wilderness value? We are interested in investors, but investment should be properly planned.

A4. Dr. Saiwana (ZAWA)

Your contributions are valid and will be included. All these issues have been taken into consideration.

Follow up to Q4. Nicholas Katanekwa

Let the project not be stopped at some stage because certain

authorities have been overlooked. We need the development but let the planning be done systematically.

The authorities, such as the Council, NHCC, World Heritage Committee, have not been involved.

On the Council boundary, part of this land is under council and the council have jurisdiction.

Follow up to Q4. Margaret Whitehead

The Livingstone District Council boundary includes the whole of the National Park.

Mr. Darius Hakayobe, Southern Province Permanent Secretary's parting remarks (as he left the meeting)

I am very happy about this development for Livingstone. NHCC should not raise questions they should have raised earlier. Can we please define stakeholders. We should include all stakeholders. Please consult widely and give us the way forward.

Q5. Henry Muloongo (Livingstone Museum)

Where have the public been involved in this issue?

The foundation stone has been laid. How binding will the decision by the ECZ be? Will the foundation stone be brought down if the proposal is rejected?

A5. Jacob Sikazwe (Legacy Holdings)

The foundation stone is just a symbol, showing that Legacy has been welcomed and now have a stake in this area.

Q6. Mike Musgrave (WECSZ)

The EIA law is weak. But the process should include the spirit of the EIA, not just depend on laws. We have seen promises in EIAs that have not been kept and the EIAs have not been followed up. For example, Sun Hotels fenced off their hotel from wildlife - was that in the EIA? They have left the elephants with no corridor - was that in the EIA? From your presentation

I am not very clear where you are planning to leave an elephant corridor.

A6. Dr. Saiwana (ZAWA)

ZAWA was supposed to have implemented the EIA for the Sun Hotels. This should be followed up by ZAWA. It is a problem of ZAWA.

Q7. Dr Shanks (Medical Centre)

Is Elephant Hills Golf Course in the World Heritage Site? It is in a national park. It is full of wildlife.

Q8. Mulyokela Kalaluka (Wildlife Consultant)

i) Mosi-o-Tunya has no approved management plan, so how has this development been planned?

ii) Is this site in a development zone?

iii) What is the principal resource value on which the Mosi-o-Tunya National Park is anchored?

iv) Was that land advertised on such a large scale? I thought only small pieces of land were advertised?

A8. Jacob Sikazwe (Legacy Holdings)

The resources of the park include the river frontage, wildlife, islands, falls, heritage sites, land and vegetation, among others.

Dr. Saiwana (ZAWA)

Yes, the land was advertised.

Q9. Namakau Silumesii (Zambezi FM Radio)

i) You say this is a planning session, but it seems to be a sealed done-deal.

ii) How will ZAWA control the elephants coming into the farms if this development goes ahead?

iii) Will our children be able to see the river after this? We cannot see it at Sun Hotel; we are not allowed just to go in to look at the river.

iv) Will this promised job creation really materialise? The

current created jobs are just another form of slavery.

v) We don't mind development, but please take it somewhere else.

vi) Where it is, will it really help the local people?

A9. Moderator

No, it is not a done deal until the EIA is approved.

Jacob Sikazwe (Legacy Holdings)

The issue of jobs applies to all developers.

Q10. Kinny Ntambale (Zambia National Information Services - ZANIS)

How many applicants have been turned down for the same area before

Legacy?

A10. Dr. Saiwana (ZAWA)

The proper tender process was followed. I don't have figures of how many applied.

Follow up to Q10. Kinny Ntambale

I have information that at least 9 applicants for this same piece of land have been turned down over the last five years. They were told that they were turned down because this was a National Park and was not suitable for development. What makes Legacy's application different? There seems to have been a lack of transparency over this whole issue. Furthermore, people come here to see the elephants. Elephants currently use this area. You cannot decide on a corridor for elephants. This apprehension by the people of Livingstone is as a result of their past experiences.

Q11. Martin Hitchins (Livingstone Residents Association)

Livingstone welcomes your investment, but there are a lot of concerns. Sun Hotel was not built as per their original plan.

They had to adjust to the EIA.

Q12. Clement Chisanga (Director of Planning, Livingstone City Council - LCC)

i) First, as a clarification, the 'neck' of the Maramba River has always been part of the Park. However, since the park is on the edge of the planning boundary, the developers still have to get planning permission from LCC.

ii) The issue of traffic also has to be considered. Livingstone already has a traffic problem, and the Livingstone-Falls road is not wide enough to handle the kind of traffic that would result from this development.

iii) The socio-economic impact also has to be considered. Livingstone already has a golf course in town. Will the development complement the city? Do we really need another golf course - to take away potential golfers from the city one?

iv) The developers and consultants should be aware that the Livingstone City Council has a sewage outlet within the site, which is used when there are problems with the other one.

A12. Jacob Sikazwe

Livingstone's population is growing – the golf course will complement

others. Variety is needed.

Q13. Michael Nang'alelwa (NHCC)

There are a lot of weaknesses in the EIA process. It restricts itself to only the site area. But the impacts of the development will not be localised. For example, the corridor for elephants has already been restricted by Sun. This will affect their movements in the whole area. A wildlife corridor is not a narrow path. We need to include the whole ecosystem. Documents already exist, such as the Strategic Environmental Impact Assessment of the Victoria Falls area of 1996, sponsored by the IUCN.

These should be used for reference when preparing the EIA. Concerning the World Heritage Site, last year UNESCO sent a team of experts to do an assessment of the site, since they were concerned about the increasing number of developments in the area.

Q14. Clare Mateke (WECSZ)

i) You said that we need this development to be able to enjoy the heritage. Some of us are already enjoying it - through bird walks, picnics, outings, etc. in this area. If this development goes ahead we will no longer be able to enjoy it. You mentioned that you will take your clients for bird walks - where? There will be very few birds left after this. And you said you will encourage your clients to visit other parks to see the wildlife. Why do we have to destroy this one for the sake of other parks?

ii) How do you plan to fit an elephant corridor within this site? It is already small for an elephant corridor. Most other places on the river are already developed and have blocked elephant movement by fencing or other means. This is one of the only places they have left. If you only leave a very narrow corridor, how are you going to inform the elephants which way to go?

iii) Did ZAWA or Legacy Holdings consider any alternative site to this one, considering that this has been designated as a protected area by so many national and international bodies? Please include in the EIA under the alternatives, the alternative option of moving the development to another site altogether, preferably outside the park, there is plenty of room elsewhere, such as on the road to Mukuni Village, where there is a lovely view.

A14. Jacob Sikazwe (Legacy Holdings)

There will still be birds after construction. As it was mentioned, there is wildlife on the golf course in Victoria Falls, Zimbabwe. We will encourage clients to visit other parks, which will help Zambia in general.

L Muleya (ZAWA)

i) There will be no fencing allowed.

ii) ZAWA identified the sites for development. This was followed by advertising them for tender.

iii) There is no alternative site once the sites have been given out.

Q15. Benjamin Mibenge (Environmentalist)

Why are we only talking about elephants? I haven't heard anyone talking about insect or bird corridors.

This development will affect not only the elephants, but also the whole natural environment - the birds, trees, insects, reptiles and other small animals.

These golf courses will require fertilizer and other chemicals. These will affect many of the existing plants and animals. We need to consider all these. This is the only country we have.

I am speaking on behalf of the silent majority!

Q16. Lackson Nthani (Zambia National Broadcasting Corporation - ZNBC)

I have hardly heard any answers to the various questions that have been raised. So I want straight YES or NO answers to my questions.

(Interjected and cautioned by the Moderator not to be confrontational)

i) The site where the foundation stone was unveiled used to be the Maramba Cultural Village. It was abandoned because the elephants kept damaging the buildings. Has the government now changed its mind?

Answer – Dr. Saiwana (ZAWA)

We have taken note and will address it. The developers are not going to block the elephant corridor, and will not cut any trees. Elephants are going to cross to the island and feed in the national park.

There will be no fencing; animals will be free to move around. ZAWA is going to construct its HQ at the old cultural village.

ii) Has Zambia decided to ignore all the national and international agreements?

(No answer given, except from the moderator that it had already been answered)

iii) Are ZAWA going to refund the US\$9 million down payment from Legacy Holdings if the project is not approved?

Answer – Dr. Saiwana (ZAWA)

ZAWA has not yet received any money from the developers, and will only do so once the EIA process has been completed.

iv) Are the press not stakeholders?

Answer - Moderator

They are part of the process - they disseminate the submis-

sions of the
stakeholders.

Closing remarks from Senior Chief Mukuni

Senior Chief Mukuni ended the meeting with an impassioned speech saying that Livingstone needed the development to provide jobs for the people of Mukuni.

He said he had expected to see the poor people of Mukuni at the meeting. He could see no reason why the development should not be in the park and did not want it up in his area.

He said that Sandton City, in Johannesburg, brought a lot of visitors because of the towers, and that we needed that kind of development in Livingstone to bring in more tourists.

He questioned why the Zambian side of the heritage site had so much protected area, and suggested we be downgraded to allow for more development with less restriction.

The Senior Chief asked why there had been no EIA for the World Heritage Site and why his people had not been consulted. He also questioned why there were no poor people from places like Libuyu or Mukuni at the meeting.

He ended by saying that anyone against the development should leave Livingstone.

Closing remarks from M r. Sikazwe, Legacy Holdings

Contributions and suggestions and future submissions will be considered.

Closing remarks from MWANGALA ZALOUMIS, MODERATOR

The Moderator informed those present that this was the end of the meeting but not the end of submissions.

Written submissions should be sent to the Legacy Holdings address below:

Email: bicon@zamnet.zm

Postal Address: 4 Omelo Mumba Road, Rhodes Park, P. O. Box 39528, Lusaka.

When asked which consultants were conducting the EIA, the two private consultants, Mrs Njeri Kimani and Mr Jacob Chishiba were introduced.

They each gave their background training and experience and said that they were private consultants contracted by Bicon to conduct this EIA.

The consultants and Legacy Directors did not give the company name for consultants but simply insisted that they were private consultants.

The meeting, which had started late at nearly 10:00 hours, ended after 14:00 hours.

Elephant corridor...

(From [www.redorbit.com/news/science/...](http://www.redorbit.com/news/science/))

Posted on: Wednesday, 23 August 2006, 09:00 CDT

Zambian Wildlife Authority to Look into Elephant Corridor
LUSAKA, Aug. 22 (Xinhua) — Zambia has joined four other African countries to start a program to identify the traditional routes used by elephants as corridors, local newspaper Zambia Daily Mail reported Tuesday.

So far, eight elephants in Zambia have been darted and attached with monitoring collars that would assist ecologists in discovering their routes and corridors formed over hundreds of years ago.

Most ecologists and tourism managers have found difficulties in identifying the real corridors for elephants, which could cause human beings to encroach on their routes and natural habitat.

This coupled with tourism developments have resulted into wildlife-human conflicts that are usually seen in African countries.

The program, initiated by the Peace Parks organization headed by former South African president Nelson Mandela, is being implemented in conjunction with Zambia Wildlife Authority (ZAWA) and the Wildlife Environmental Conservation Society of Zambia (WECSZ).

The development follows the signing of an agreement last week between five African countries that include Angola, Botswana, Namibia, Zambia and Zimbabwe.

The five countries are also involved through Peace Parks funding in the Kavango-Zambezi transfrontier park program

on elephants and environmental protection.

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Source: Xinhua News Agency - CEIS

Friday, September 01, 2006

Consult the locals ...

By Chiinga Siavwapa

Post Newspaper, Tuesday August 29, 2006

Authorities, your role it to implement. To this judgement there should be no partiality. And that's how things should be! Graced by the vice president, it has been over a month now since Legacy foundation stone was laid. A symbol that central government, without consulting the local people can sanction anything they deem as "development" to take place anywhere. And just what is the role of democracy? What is the role of local authorities? And most importantly, why does the voice of the people the government claims to serve not count?

I wish to add to the list of those sentiments which have been misconstrued and given a deaf ear. Legacy is welcome in Livingstone, as long as it is located at a site that will not upset the environment. I am surprised to hear some excited about the many (over 1000) rooms Legacy will have. A golf course that might mean cutting down many trees.

The forest is depleting already in the fenced-off area, thus forcing elephants to seek food in the nearby riverside forests. One of their favourite spots is the site earmarked for Legacy hotel. I thought the role of ZAWA is to protect the interests of wildlife and the environment which supports it.

To the contrary, we see double standards here.

Correct me if I am wrong but a few years ago ZAWA was talking about minimizing the number of lodges in the park area. Zambia is, in my experience as a tour guide, still viewed as the real Africa by tourists who have visited the likes of Kenya and South Africa.

We still have a relatively good balance between ecology and commercial activities.

In my opinion, central government (much as this may be an election year in which they need something to show for) should have left the decision to the local authorities.

The local authorities should have consulted the people what they think about it.

After all government's claim is that this development is for us.

The big question is, how many locals in fact will benefit from this investment ? We know from experience that very few of our locals working in the tourist industry are given a living wage (something the labour office should look into by revising the minimum wage policy).

The central office of ZAWA, as custodians of our wildlife should learn to consult local offices on the status of any proposed site. The local office well know that the proposed site is an elephant corridor and I doubt if they would have seconded this notion.

Economic development should go side by side with environ-

mental care.

I would be shocked if E.C.Z. considers this a good place for this kind of development.

In inference, Legacy you are welcome.

We need such an investment but consider the planet above profits.

Borrow a leaf from lodges like Stanley, Lost Horizon, Natural Mystic and those that adapt to their environment unlike the environment adapting to them.

Local Cowboy

My name is Cliff Sitwala Ng'andu, known as Zambezi Local Cowboy, freelancing tour guide on bicycle. I cycle along the Zambezi River, on Riverside Drive, the place where Legacy Hotel will cut us locals out of our inheritance area.

What more, I know a third of Livingstone population who still use the only place left for their lonely times, traditional healing, spiritual healing and game viewing. My cowboy tours not only benefit me alone, but my people too. From two bicycles I have built up a school where we have 60 children who today benefit from the same place.

If today a big hotel is planted there, will they support us? If we ask them to leave a corridor for us and the elephant, I know they can say yes but the truth is they cannot do so. Why? Because Sun Hotel said the same, Zambezi Waterfront, Boat Club, many more ... so we are cut off from our Zambezi River ... where can we go?

Please, please, somebody must help us.

Zambezi Local Cowboy (Greenie)

2 September 2006

Zambia protected areas project affecting
Mosi-oa-Tunya...

GRZ/GEF/UNDP
ZAMBIA PROJECT
PIMS 1937

RECLASSIFICATION AND EFFECTIVE MANAGEMENT OF THE NATIONAL PROTECTED AREA SYSTEM (NPAS)

1. The main purpose of the project is to strengthen the NPAS
2. It is closely allied to the Zambia Poverty Reduction Strategy in respect of tourism development
3. The Zambia Wildlife Authority (ZAWA) is responsible for wildlife and the management of NPAS (including Game Management Areas (GMAs))
4. The Environmental Council of Zambia (ECZ) is responsible for monitoring the state of the environment, and in the 1990s had taken on responsibility for monitoring wildlife populations; and is also responsible for the Ramsar sites
5. The Government (GRZ) has sought assistance from GEF/UNDP to finalize and implement NPAS strategy
6. GRZ will, over the medium term, pursue the following interventions

- ZAWA will concentrate on the management of flagship parks with strong tourism potential: Mosi-oa-Tunya NP, Kafue NP, Lower Zambezi NP and Luangwa NP

- A NPAS reclassification exercise to identify priority areas
- GRZ will pass new legislation to exploit the biodiversity that are not presently possible by creating two new categories of NPAS

- i) Community Conservation Areas (CCA) under the near total control of local communities for tourism development

- ii) Safari Hunting Areas (SHA) - managed by ZAWA for their benefit, where safari hunting will be allowed. This will occur in part or all of NPASs, requiring a change in their legal status

“These two new categories will be developed and validated through a participatory process involving all key stakeholders.”

7. ZAWA will expand PPPs for old and new categories of NPAS

8. Strengthening of core systemic and institutional level capacities of GRZ

9. The project confirms a commitment by GRZ to the Convention on Biological Biodiversity and the Millenium Development Goals

10. Main Goal: A national NPAS system that comprises a representative sample of Zambia’s ecosystems is effectively safeguarded from human-induced pressures through effective management partnerships and serve s to make Zambia into a tourism destination of choice.

11. The project will be executed by The Department of Environment and Natural Resource Management (ENRM) in the Ministry of Tourism, Environment and Natural Resources (MTENR). WWF, Conservation Lower Zambezi, ZAWA and

the Natural Resources Consultative Forum are listed as the main implementers

12. The project steering committee will be represented by the Permanent Secretaries of concerned ministries

13. A Project Coordination Group (Technical Advisory Group) will comprise of 14 individuals drawn from implementing partners etc and will advise on the day-to-day management.

14. A Project Implementation Unit, attached to ENRM, will implement the project (Project Co-ordinator and two international experts in Pas and economics)

15. Two field demonstration units will be set up in Bangweulu and Lower Zambezi

16. Total budget \$7 million

Like SEED, progress is uncertain and the NRCF has not yet been consulted, though it is mentioned as an implementer of the project

Saturday, September 02, 2006

Financing the Park's demise...

Two banks express interest in financing LHZ's project

By Mwila Nkonge

The Post Newspaper, Friday September 01, 2006

LEGACY Holdings Zambia (LHZ) development director Renatus Mushinge has reassured that the company would follow international best practice in implementing its project in

Livingstone.

LHZ has proposed to build two five-star hotels, an 18-hole golf course and golf estate villas in the Mosi-oa-Tunya National Park in Livingstone. However, the project has raised uproar, with the National Movement Against Corruption (NAMAC) threatening to seek judicial review of the proposed project unless contentious issues were addressed.

And Legacy Group chairman Bart Dorrestein has disclosed that the European Investment Bank (EIB) and Development Bank of Southern Africa (DBSA) have expressed interest in financing LHZ's project.

Mushinge told The Post that in developing the project, LHZ would learn from the experiences of other countries that have golf courses and other similar developments in national parks.

He added that before granting the tourism concession, the Zambia Wildlife Authority (ZAWA) has stressed the need to ensure that the elephants' corridor in the area, as well as human access to the Zambezi River front are not disturbed.

"We have undertaken to incorporate all these in our plans and we shall learn from at least seven countries that have similar projects in national parks," Mushinge said.

The seven countries where the project's development will draw lessons from include South Africa, which has the Skukuza golf course, developed in 1972, in the Kruger National Park.

Kenya has two golf courses, Mount Kenya Safari Club in the

Mount Kenya National Park and the Aberdares Country Club in the Aberdares National Park, while Zimbabwe has the Elephant Hills Golf Club in the Victoria Falls National Park on the Zambezi River bank.

Uganda, Croatia, Canada and the United States of America are the other countries with similar developments.

And in a statement, Dorrestein said besides EIB and DBSA, other regional and international financial institutions were interested in funding the project.

“Legacy has received formal Expressions of Interest from the European Investment Bank (EIB) and the Development Bank of Southern Africa (DBSA) to provide some of the financing requirements for the US\$200 million Mosi-oa-Tunya Hotel and Country Club Estate Project in Livingstone once Legacy Holdings Zambia Limited acquires the necessary statutory approvals from the relevant Zambian authorities and meets the banks’ lending criteria,” Dorrestein stated.

Something from the past...The Times, November 2005

SEED project: Livingstone council disappoints Levy

By Times Reporter

PRESIDENT Mwanawasa has directed the Southern Province Permanent secretary’s office to takeover coordination of the World Bank Support to Economic Expansion and Diversification (SEED) from the Livingstone City Council.

Mr Mwanawasa said the local authority had failed to show

accountability in executing the task.

The President said last evening at Wasawange Lodge in Livingstone during a meeting with tour operators and the business community that he was disappointed with the manner in which the council had been handling affairs.

The World Bank has staked US\$6.5 million for the improvement of infrastructure in Livingstone under SEED project.

He said his Government was eager to facilitate successful businesses and urged Zambians to utilise tourism opportunities instead of leaving everything to foreign investors.

He said people should take advantage of the SEED project and commended Sun International which had done so much to market tourism for Zambia abroad.

The President also announced that the Legacy Group from South Africa had recently called on him and expressed interest in building two high-class hotels in Livingstone, on the Copperbelt and in Lusaka.

President Mwanawasa also assured tour operators that all their concerns ranging from taxes to incentives would be considered but advised them to also make submissions for the next Budget.

During the same meeting, Livingstone Tourism Association (LTA) chairman Nicholas Katankwa urged Government to intervene in preserving the wilderness value of the Victoria Falls whose waters had gone down because of Zesco rehabilitation works in which water had been diverted.

He said Zesco rehabilitation had discouraged many tourists from coming to view the falls because it was dry and called for a balance between Zesco's interests and the falls.

Mr Katankwa also commended the Government for the tremendous efforts made in improving tourism in Livingstone

through the uplifting of infrastructure at the Livingstone Airport.

Mr Katanekwa said the improvements at the airport, due to Government's good policies had facilitated tremendous rise in tourism arrivals.

He said there was also need for better roads, as infrastructure was vital to the tourism promotion in the tourist capital.

Mr Katanekwa who also praised on Sun international for marketing Zambia's tourism abroad, asked the Government to increase the tourism development credit facility (TDCF) to enable many more locals to access the fund to further improve tourism.

DBSA for Legacy ?...

The Development Bank of Southern Africa (DBSA) is southern Africa's premier infrastructure development finance institution.

The DBSA envisions an empowered and integrated southern African region free of poverty, inequity and dependency. Towards this end, the DBSA seeks to be a leading change agent for socio-economic development and economic integration in southern Africa, and a strategic development partner to the wider African region south of the Sahara.

Established in 1983 by the government of the Republic of South Africa, the DBSA is one of five existing development finance institutions in South Africa and has a mandate to accelerate sustainable socio-economic development in the region by funding physical, social and economic infrastructure.

In doing so, the DBSA endorses and promotes human resource development and institutional capacity-building.

The DBSA finances and sponsors programmes and projects formulated to address the social, economic and environmental needs of the people of southern Africa in improving their quality of life. The Bank adheres to the principles of sustainable development.

A recent transformation at the Bank saw the institution moving away from being solely focused on development finance and becoming a key national development institution having a threefold role as financier, advisor and partner.

The European Development Bank for Legacy ?...

Environment and safety

The EBRD is directed by its founding agreement to promote, in the full range of its activities, environmentally sound and sustainable development. This requirement is implemented in the Bank through a co-ordinated effort by a number of teams.

The Environment Department

The Environment Department's principal function is to implement the Bank's environmental mandate. The team appraises all projects financed by the Bank to ensure that they comply with the Banks' Environmental Policy and Procedures. The Environment Department also helps develop environmental investments and capacity building projects.

The EBRD Environment Department is organised into three operational support groups, one policy group and one strategy group. Key tasks include:

Appraising both investment and technical assistance projects undertaken by the EBRD to assess the due diligence required to ensure that projects meet the Bank's Environmental Policy commitments.

Assisting banking teams and sponsors on public consultation.

Monitoring the implementation of environmental requirements for each project. This includes reporting, site visits, and interim audits.

Initiating investment and technical assistance projects with specific environmental aims;

Providing policy and project related guidance to the Bank on issues of environment, health and safety.

Investment activities and the environment

All projects financed by the Bank are designed to be environmentally sound. In addition, projects with specific environmental objectives can be financed by any of the Banking Department's business sector groups.

Projects with specific environmental aims include energy efficiency credit lines and waste water treatment facilities. There are also projects where environmental benefits are

incidental as a result of, for example, technology upgrades which improve environmental efficiency. Banking teams with a specific environmental role are Municipal and Environmental Infrastructure and Energy Efficiency. The EBRD also has a Nuclear Safety Department.

Support departments and the environment

The Office of the General Counsel (OGC) drafts and negotiates legal agreements with clients, ensuring that the specific environmental requirements are included. OGC also has a role in policy development.

The Operations Administration Unit monitors submission of environmental reports or other environment-related actions covenanted in agreements. In addition, accidents and incidents are typically first reported to this unit.

The Project Evaluation Department assesses the environmental performance of the sponsor and the EBRD, as well as environmental change after project completion.

The Office of the Chief Economist provides comment and guidance on issues affecting the environment and local communities. Issues include transition impact, and energy and resource efficiency and pricing.

The Administration Department is responsible for several environmental functions within the EBRD's buildings. These include promoting energy efficiency, minimising water consumption and improving waste recycling.

The Purchasing Department considers environmental issues during supplier selection.

The TurnAround Management Programme advises and guides participating companies on cleaner production measures and environmental management systems.

The Chief Compliance Officer processes complaints and grievances on the EBRD's activities and staff.

European Investment Bank for Legacy...?

Role and organisation of the EIB

The task of the European Investment Bank, the European Union's financing institution, is to contribute towards the integration, balanced development and economic and social cohesion of the Member Countries.

To this end, it raises on the markets substantial volumes of funds which it directs on the most favourable terms towards financing capital projects according with the objectives of the Union.

Outside the Union the EIB implements the financial components of agreements concluded under European development aid and cooperation policies.

Sunday, September 03, 2006

Those who came before...

Formation of the Society

The Zambezi Society was formed as a lobby group in opposition to a proposal to flood Mana Pools with the building of a dam on the Zambezi River at Mupata Gorge.

Saving Mana Pools (-1985)

The Society helped mobilise international support against the dam at Mupata Gorge and drafted Zimbabwe's application for World Heritage Site status for Mana Pools. This was successful. Mana Pools was subsequently also designated as a National Park. The Mupata Gorge dam site was abandoned in favour of an alternative site at Batoka Gorge between Victoria Falls and Kariba.

Monday, September 04, 2006

1975 Mosi-oa-Tunya Handbook

"The sensitive visitor will recognise that tourist, commercial and industrial development in the immediate vicinity of the Falls in both Zambia and Zimbabwe already far exceeds that which should ideally have been tolerated. Probably more irrevocable damage to the Falls environment has been done in the last decade than in the whole of the previous century; never

again will man be able to see the wild beauty of the Victoria Falls unmarred by his own thoughtless activities. Let us hope that the visitor will ponder on this despoliation, and that the authorities will in future take a more responsible and long-term view of the need for constant surveillance if the beauty and scientific interest of the Victoria Falls are to survive for future generations.”

David W Phillipson

formerly Inspector of the Zambia National Monuments Commission and now Curator of the Museum of Archaeology and Anthropology, Cambridge University.

Tuesday, September 05, 2006

ZNTB backs Legacy but.....

The Zambia National Tourist Board (ZNTB) has welcomed Legacy Holdings intention to build a hotel in Livingstone Mosi-o-tunya National park. ZNTB Managing Director, Charity Lumpa said once, completed the hotel will create employment opportunities for Zambians.

Ms. Lumpa said the building of the hotel will also see an increase in tourist arrivals in the country. She however said there is need to find solutions to address concerns raised by stakeholders over the construction of the hotel in the national park. The intention by Legacy to build a hotel in the park has raised much dust locally and from international concerned bodies.UNESCO which recorgnises the Victoria Falls and areas

around, as one of the World's Heritage sites has already aired its concern.

Zambia National Broadcasting Corporation

The Banks which are considering lending to Legacy...

The Development Bank of Southern Africa (DBSA) is southern Africa's premier infrastructure development finance institution.

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threefold role as financier, advisor and partner.

EUROPEAN INVESTMENT BANK

Environmental and Social Safeguards

Date of Release : 19/06/2006

Environmental assessment

Environmental protection and improvement, and benefits to people's welfare form key operational priorities for the European Investment Bank, the European Union's long-term lending institution. The EIB's environmental and social safeguard policies are based on the EU approach to environmental sustainability. The principles, practices and standards derived from these policies are highlighted in the Declaration on the European Principles for the Environment (EPE), agreed to by the EIB and four other European multilateral financing institutions[1] in May 2006. The EIB aims to maximise the environmental benefits and to minimise the environmental costs of the projects that it finances through appropriate screening, mitigation and compensation measures.

Environmental considerations are taken into account at all stages of the project cycle. In the case of co-financing with other institutions, the Bank may agree to apply the environmental standards of the co-financing institution, where these are comparable to EU standards, in the light of local conditions. However, the EIB will always carry out its own independent assessment.

The EIB's environmental safeguard measures include that:

- the Bank's approach to financing projects is based on the "precautionary principle", preventative action rather than cura-

tive treatment should be taken, environmental damage should be rectified at source and the polluter should pay, according to the “Treaty Establishing the European Community”

- all projects financed by the Bank are the subject of an Environmental Assessment (EA), normally carried out by its own staff, but if by others according to the requirements of the Bank. For this purpose, projects are screened into four categories, based on the guidelines of the EU Environmental Impact Assessment (EIA) Directive:

- § Cat. A - those for which an EIA is mandatory (Annex 1 of the Directive);

- § Cat. B – those for which the competent authority determines the need for an EIA according to specified criteria (Annex II of the Directive, with ref. to Annex III);

- § Cat. C – for which a limited environmental assessment, if any, is required according to any likely adverse environmental impacts of the project (projects outside the scope of the Directive);

- § Cat. D – no environmental assessment required.

- all projects financed by the Bank are also screened according to their potential impacts on sites of nature conservation. Where the impacts are expected to be significant, a special biodiversity assessment is carried out, according to the principles and practices of the EU Habitats Directive (ref. Art. 6 of the Directive)

- Bank projects are assessed for their expected impacts in terms of greenhouse gas emissions; the scope for improvements in energy efficiency and the need for measures to adapt to climate change are also reviewed

- the principles, recommended practices and standards of the EU Water Framework Directive and EU Waste Framework

Directive are applied for projects financed by the Bank in the sectors of water and waste, respectively

- according to the sector, projects should comply with the relevant standards laid down in EU law, for instance those of the Large Combustion Plant Directive in the power generation sector and the Integrated Prevention Pollution and Control Directive in the industry sector

- the Bank is also guided by recognised good international practices, such as those laid down by the World Commission on Dams (WCD) and the Extractive Industry Review (EIR)

- all projects financed by the Bank should comply with the requirements of relevant multilateral environmental agreements (MEA) to which the host country – and/or the EU in the case of a EU Member State – is a party, including the Montreal Protocol (on ozone depleting substances), the UN Convention on Climate Change and the Kyoto Protocol (on greenhouse gas emissions) and the Aarhus Convention (on environmental information).

Environmental resources

The main responsibility for scrutinising the environmental aspects of projects lies with the Bank's Projects Directorate, which has about 80 engineers and economists, all with adequate environmental skills, who undertake the environmental assessment of projects at the EIB. The project teams, made up of engineers, economists, financial experts and lawyers, have front-line responsibility for managing environmental issues. They bring together significant cross-sectoral and cross-regional resources, experience and professional knowledge.

However, environmental management is further reinforced by a number of dedicated support units to provide direction

and advice on the Bank's environmental policy, ensure a consistently high quality of assessment, improve awareness and create stronger capacity for external dialogue with relevant third parties:

- The Environmental Steering Committee (ENVSC) that advises on environmental policy development and environmentally complex projects. The committee comprises high-level staff members from the different Directorates within the Bank.

- The Environmental Assessment Group (ENVAG) safeguards the application of the environmental policies and procedures of the Bank and examines each project. ENVAG has some 10 members (environmental experts from the principal sectors in which the Bank operates).

- The Environment Unit (ENVU), in conjunction with ENVAG and ENVSC, develops policy, procedures and guidelines, provides training, disseminates information and works closely with the European Commission, especially DG ENV, other financial institutions and governmental and non-governmental organisations.

- A Centre of Expertise for the Environment and Energy in the Directorate for Lending Operations in Europe aims to develop the environmental lending of the Bank through appropriate financing instruments and to reinforce the application of good environmental management practices to all financing activities in Europe. Similar arrangements exist in the Directorate for Lending Operations outside Europe.

The Bank also maintains an extensive professional training and awareness-building programme on environmental and social issues for its staff.

Social issues

The EIB has taken social safeguard issues into account for many years as part of its overall environmental assessment of projects. Social issues are now also assessed in their own right, where necessary, as part of an integrated assessment. For projects mainly located outside Europe, internal guidelines are based on internationally accepted good practices, and in developing countries related to the Millennium Development Goals. They focus on labour standards, occupational and community health and safety (including major communicable diseases), population movement (including involuntary resettlement issues), minority rights (including indigenous people, women and vulnerable groups), public consultation and participation, and cultural heritage.

In large complex projects co-financed with other International Financing Institutions (IFIs), responsibilities for appropriate social assessment is often shared and the Bank may utilise other co-investors' existing social safeguard policy frameworks.

Clare

ZAMBIA'S NATIONAL POLICY ON ENVIRONMENT

Final draft, May 2005. Still requiring ratification.

Pg.30

4. Environmental Impact Assessment, Audits and Monitoring

a) Objective To develop a system and guidelines for Environmental Impact Assessment (EIA) and Initial Environmental Examination (IEE), audits, monitoring, and evaluation so that adverse environmental impacts can be eliminated or mitigated

and environmental benefits enhanced.

b) Guiding Principles

- EIAs will be required as deemed necessary to ensure that public and private sector development options are environmentally sound and sustainable and that any environmental consequences are recognized early and taken into account in project design, and implementation.

- Obligatory IEE screening will precede EIAs to determine whether full EIAs are required for the specific site in question.

- EIAs will consider not only biophysical impact but will also address environmental impact in terms of existing social, economic, political and cultural conditions.

- Environmental Mitigation Plans for social and environmental impacts will be required for all activities where the EIA has determined a negative environmental threshold.

- Environmental Audits, including inspections, record-keeping and monitoring will be required for activities as determined by the mitigation plans or otherwise.

- Environmental Impact Assessments and Statements shall be made public and public comments on them invited and taken into consideration.

- EIA procedures should be cost effective, appropriate, reasonable and commensurate with the size, scope and relative impacts of the project or programme in question.

- Obligatory decommissioning plans are required for mining operations and major industrial undertakings for specific locations

c) Strategies

- Review guidelines and existing standards for IEEs and EIAs in light of the National Policy on Environment.

- Gazette the types and sizes of all projects for which environmental impact assessment may be required.
- Require that any person, private or public organization desiring to develop a project for which an environ

Draft National Policy on Environment

Pg.62

5. Heritage Resources

Heritage resources are important for purposes of fostering national identity, education, research and as a record of social, cultural, scientific and overall development of Zambia. The Nation is rich in natural and cultural heritage sites. In many instances these resources are threatened by developmental projects. This is attributed largely to a lack of awareness about the value of heritage and recognition of its significance. At present there no adequate conservation and monitoring of heritage programmes and associated laws are poorly enforced.

Zambia is a signatory to the World Heritage Convention, which governs the conservation of world heritage sites of which Victoria Falls is the only one in the country at the moment. New heritage sites are being proposed for UNESCO listing as World Heritage Sites thereby increasing the relevance of the National Policy for Environment.

The Zambian Heritage Sites are administered through the National Heritage Conservation Commission Act Cap 173 of the Laws and are administered by the National Heritage

Conservation Commission which is a statutory body under the Ministry of Tourism Environment and Natural Resources. Some of the heritage resources in Zambia are managed as collections in the various National Museums under the National Museums Board, with a different law and mandate from the NHCC and also some as Private or Community Museums. There has been no participation in heritage management by local communities and private sector making it difficult to have a symbiotic relationship. Heritage resources are seldom well conserved since local communities have no tangible benefits from the existence and use of most of these sites.

There is a pressing need to coordinate developmental activities with conservation activities where heritage resources are concerned so that they are not wantonly lost through insensitive developments.

Wednesday, September 06, 2006

THE ROLE OF CIVIL SOCIETY !! (NPE Draft, May 2005)

Pg. 63

D. The Role of Civil Society

Whilst it is axiomatic that the Central Government and local authorities, non-governmental organisations, traditional rulers and chiefs, and the private sector have a major responsibility in implementing the National Policy on Environment, there

is an over-arching responsibility for the general public and civil society. In the quest for sustainable socioeconomic development much should hinge upon national awareness and collective attitude towards environmental problems and their solution.

An appreciation of the role of civil society in helping maintain a healthy environment in Zambia is generally lacking. This is clearly evident in the deterioration of many national parks, the incidence of uncontrolled bush fires, loss of biodiversity especially vulnerable and valuable species, littering in towns and pollution of water sources and degradation of river catchments by deforestation. Public awareness campaigns and information, education and communication strategies can be used to good effect to raise the public conscience and create a better understanding of the environmental situation. Despite this optimistic scenario it is clear that there should always be people who should disregard their responsibilities and to deal with this the controlling legislation with attendant mechanisms for accountability, should have to be in place and the regulatory bodies should need to move into action.

TOURISM LEASES OCTOBER 2005...

ZAMBIA WILDLIFE AUTHORITY

BIDDING DOCUMENT

TENDER NO: ZA WAIDCS/OOI/05

TENDER FOR THE LEASE OF TOURIST SITES IN ZAM-

BIA'S WILDLIFE PROTECTED AREAS.

October 2005

5.0 MOSI-OA- TUNYA NATIONAL PARK

5.1 Location and Size

Mosi-oa-Tunya National Park, located between 17°49' - 17°50'S and 25°41' - 25°55'E, is the smallest in Zambia, covering an area of 6,600 ha (68.8Km² in extent. The area of islands and the Zambezi River, as well as the inclusion of a de facto portion of land centrally (Titled land), currently combine to give a surface area of approximately 7,275 ha. The park is situated in Southern province totally surrounded by Livingstone and Kazungula Districts. It is approximately 20km long and a maximum of 5 km wide

The park is in very close proximity to the Livingstone City, which is served by air, road and rail transport systems.

5.2 Natural Resource Endowment

The Victoria Falls and the gorges are spectacular features recognised as the most important natural resources of the park and of outstanding international significance. Mosi-oa- Tunya was originally a prime wildlife habitat with large mammals as the most significant fauna. There are 415 bird species in the area and the gorges are breeding sites for the threatened Taita falcon and the Black Eagle; 69 reptiles and 23 amphibians, and 30 fish species have been recorded in the Victoria Falls area ..

5.3 Description of the Sites on Tender

10. Site No. 3 (Palmgrove)

Located in the southwest part of the park about 2km from the Zambezi River, the site is on an elevated terrain, which offers a good view of the Zambezi River and the Victoria Falls.

11. Site No. 4 (West of United Air Charter- Knight Drive

Road)

Located in the southwest part of the park about 2km from the Zambezi River, the site is on an elevated terrain, which offers a good view of the Zambezi River and the Victoria Falls. Its proximity to Mukuni Village gives the site a competitive advantage in cultural tourism

12. Site No. 5 (West of United Air Charter - Knight Drive Road)

Located in the southwest part of the park about 2km from the Zambezi River, the site is on an elevated terrain, which offers a panoramic view of the Zambezi River and the Victoria Falls.

13. Site No.6 (Songwe Gorge) & Site No. 7 (Rapid 7)

Both sites are located in the extreme south-eastern part of the Park. Both sites are close to Songwe Gorge that drains into the Zambezi River below the Victoria Falls and forms the park Boundary. Site No. 6 is an existing picnic site, which needs to be upgraded to a campsite.

14. Site No 1 (Imusho)

Located on the Zambezi River Frontage, the site affords excellent scenery. The site is located at an old small village, which was previously occupied by two families for more than 50 years.

15. Site No. 8 and Site No. 9

Located in the north-western part of the park, the two sites are close to the Livingstone International Airport. Both sites are situated on elevated land, which affords a good view of the Zambezi River and the smock from the Victoria Falls.

16. Site No. 10 (Former ZAWA Staff Compound)

The site is situated at the old staff compound, inside the fenced part of the Park. The site has existing old staff houses, which can be converted into chalets.

17. Boating Licenses in Mosi-oa Tunya National Park

ZA W A is offering an additional 5 licenses that will allow operators to conduct boating activities on the Zambezi River in Mosi-oa Tunya National Park. These licenses provide for boats of different capacities from 12 passengers to 120 passengers. However, successful bidders will be expected to make their own arrangements for launching

Thursday, September 07, 2006

Mosi oa Tunya Tourist Sites October 2005

Saturday, September 09, 2006

Land available for golof?

Saturday, September 16, 2006

“Bringing in exotic animals...” Saiwana

The Zambia Wildlife Authority (ZAWA) state they will introduce ‘wildcats’ and other exotics into the Mosi oa Tunya National Park.

Oh, bugger the environment by David Gleason

A general election is scheduled in Zambia for September 28. From all the accounts I've received, it seems that veteran politician Michael Sata of the Patriotic Front may win it. If so, goodbye current president, Levy Mwanawasa.

Sata's arrival in Lusaka's State House will usher in yet another new broom – he'll be the third since the ruling United National Independence Party, led by Kenneth Kaunda, was dumped after 28 straight years in power back in 1991.

And, among Sata's immediate problems will be what to do about a proposed tourism development planned for the Mosi-oa-Tunya National Park. This may sound as though it is a storm in a teacup — but it has the potential to develop into a right royal diplomatic dust-up.

The Park abuts the Victoria Falls National Park, one of the world's seven natural wonders and both Parks were inscribed on the World Heritage List in 1989. The Park comprises the left bank of the Zambezi River above the Falls and a series of deep gorges below the Falls.

SA-based Legacy Hotels & Resorts, led by Bart Dorrenstein, intends to construct an 18-hole golf course, build two five-star hotels, a country club estate with villas and, in total, add almost 1 800 rooms to the existing bed capacity — all within the confines of the Mosi-oa-Tunya Park. The project is to be undertaken by Legacy's Zambian subsidiary, Legacy Holdings

Zambia and the intention is to begin construction next year with completion scheduled for 2010, ahead of the World Soccer Cup and its expected tourist influx.

And the project has sparked fierce opposition. The National Movement Against Corruption has threatened to obtain a judicial review unless contentious issues are addressed. The Zambian Wildlife Conservation Society has described the plan as a “sanctioned desecration,” and is canvassing vigorously to stop the scheme in its tracks.

Legacy grew out of Stocks Hotels & Resorts which was suspended from the JSE in November 1999. A consortium led by Dorrenstein and Bruno Corte purchased the company for R98m with backing from Beirut-based investment holding company, Ensemble Hotel Holdings.

A major problem with the development — aside from the fact that it is located inside an area on which no development is supposed to be permitted — is that it carries all the hallmarks of having been created in secret. It seems that a private company, Tourism Investments Ltd (Zambia) originally sought and was granted a 4 hectare plot in the Park. It then asked for more land — which was granted. Then it entered into partnership with Legacy which expanded the idea and demanded more land — and has been allocated something of the order of 200 hectares.

It is alleged these demands were channelled to “higher offices” [by which is meant, I presume, Cabinet Ministers and the State President], bypassing the Zambian Wildlife Authority.

As one observer has commented: “Zambia is a signatory to several international conventions — once you join the “club” you can no longer do whatever you choose. The development is in flagrant disregard of the conventions.

“Legacy, with several influential people in government, is determined to go ahead with the development despite local and world-wide opposition. There is no concern for the impact this project will have on the environment. The inhabitants of Livingstone [the nearby town] have not been consulted and there is overwhelming support for the project’s rejection.”

According to a report in the Zambia Daily Mail (September 1), Legacy has submitted a draft Environmental Impact Assessment. The final document needs to be made available for public comment but despite this, the Zambian President has very publicly laid a foundation stone commemorating the Legacy project (July 28). If nothing else, this certainly seems to suggest that the decision to permit the development is done and dusted.

Meanwhile, Dorrenstein has told the Daily Mail that expressions of interest have been received from the European Investment Bank and the Development Bank of Southern Africa to finance some of the required \$200m.

Extraordinarily, this appears to fly in the face of a warning delivered by a Zambian Heritage Conservation Commission director, Francis Shalwindi, who said the UNESCO World Heritage Centre said it might withdraw Heritage status on the Victoria Falls and the surrounding area if the project proceeds. Shalwindi said his Commission had received a letter from

UNESCO asking why Zambia was abrogating international and regional conventions.

What a dreadful farrago this has turned into.

David Gleason...Gleason Torque, Johannesburg. gleason-torque.com

Sunday, September 17, 2006

Gleason speaks...a Zambian!

In this week's Gleason Letter (September 18, 2006)

The Torque column on:

- Sasol has turned in exceptional results — but the company and the sector face almost as many problems as they do opportunities. It is worth examining some of these — falling oil prices [perhaps down to \$50/bbl] are being predicted by knowledgeable international analysts; Sasol has been hit by project cost overruns and delays; the threatened windfall tax matter hasn't been resolved; Sasol needs to get down to planning another major coal-to-fuel refinery in this country; and there are rumours it may be a takeover target for multinationals. Despite all these, the company is in good nick and should be present in every portfolio.

- Now that its mineral resource base has been so thoroughly depleted, Zambia doesn't have much going for it. Its survival will depend on realising its agricultural potential (which is considerable) and enhancing its undoubted tourism sector. But

it won't help if a development planned by SA-based Legacy Group, led by Bart Dorrenstein, is allowed to go ahead with its plan to envelop the Mosi-oa-Tunya National Park with a golf course, two hotels and a few hundred houses. The warnings are already being sounded — if the project proceeds, UNESCO may withdraw World Heritage status from this Park and the adjoining Victoria Falls.

PLUS: Matthew Turner from London on what looks to be a radical change of heart on the part of central bankers to gold. A few years ago they couldn't sell their holdings fast enough. All of a sudden, they've become rather coy.

Wednesday, September 20, 2006

Movements of Three Collared Elephant in Mosi oa
Tunya National Park between 17 - 28 August 06

Thursday, September 21, 2006

Where are our Cogi people?

The Cogi tribe of Colombia recently walked for two days from their mountain redoubt down to the sea. Was it for a holiday of sea, sand and gawps at the akweriuhm? No!. They came to protest at some hotel chappies building a large hotel resort and

18 hole golfcourse on the beach and draining the mangroves to support it. “Jobs!’ crieth the developers in hard hats. “Sanity, sanctity..!” replied the repositories of man’s soul. And where be Chief Mukuni and his briefcase carriers in all of this??

11-15 September 2006

GENERAL MANAGEMENT PLAN WORKSHOP for MOSI-O-TUNYA NATIONAL PARK

Zambia Wildlife Authority (ZAWA) Stakeholders’ Workshop
on the Preparation of the

GENERAL MANAGEMENT PLAN for MOSI-O-TUNYA
NATIONAL PARK

PROPOSED ZONING OF MOSI OA TUNYA NP

We now have here the final report prepared by Clare Mateke on the ZAWA workshop - held recently over five days, to prepare a management plan for the Mosi oa Tunya National Park

Friday, September 22, 2006

ZAMBIA NATIONAL BROADCASTING CORPORATION says...

Mosi oa Tunya Workshop

ZAWA's new plan for Livingstone

The Zambia Wildlife Authority (ZAWA) has pledged to develop a comprehensive General Management Plan for the protection and development of the Mosi-Oa-Tunya National Park in Livingstone.

ZAWA Head of Protected Areas, Zook Muleya said a General Management Plan is important to ensure, there is transparency and accountability in the way the Mosi-Oa-Tunya National Park is managed.

Mr. Muleya was speaking in Livingstone, at the close of a five day workshop.

The workshop was organized by ZAWA, which is developing a new General Management Plan to replace the draft plan that has raised a number of controversies on how the Mosi-Oa-Tunya National Park is managed.

Senior Chief Mukuni of the Toka-Leya people said ZAWA has been using an outdated and draft General Management Plan that needs to be updated to suit the new development challenges.

The Chief said the heritage status of the Mosi-Oa-Tunya National Park must be recognized in the management plan

and stressed the need to involve the local people.

ZNBC

Sikazwe of Legacy Holdings...

The Times. Zambia

Thursday, September 21, 2006

11 picked to serve as citizens economic empowerment commissioners

By Times Reporter

PRESIDENT Mwanawasa has appointed 11 Zambians to serve on the Citizens Economic Empowerment Commission.

State House legal advisor Darlington Mwape said the commission to be chaired by a Mr J Sikazwe includes Secretary to the Treasury Evans Chibiliti, Commerce Permanent Secretary Davidson Chilipamushi and Labour Permanent Secretary Ngosa Chisupa.

Others are Ms Chipili Katunasa, Efreda Chulu, Prisca Sikana, Ian Mkandawire, David Samutela, Stephen Moyo and Chola Kafwabulula as commissioners.

Mr Mwape said the main function of the commission would be to promote the empowerment of citizens that were marginalised or disadvantaged.

Beneficiaries would include those whose access to economic resources and development capacity has been constrained because of various factors such as race, sex, educational background, status and disability.

“The commission shall among other things ensure equal opportunities for all and where necessary ensure preferential treatment to targeted citizens, citizens empowered companies, citizens influenced companies and owned companies,” Mr Mwape said.

He said this was done in accordance with Section 7 (1) of the Citizens Economic Empowerment Act number 9 of 2006.

Temporary cancellation of tourism leases...

Yesterday ZAWA posted an advert cancelling its tender for numerous tourism leases in National Parks - about four of them in Mosi oa Tunya, saying that the ad would soon reappear.

Tuesday, September 26, 2006

VICTORIA FALLS LEGACY ...

The interview on 19 September by John Robbie - a talk-jock at Radio 702 Joburg, of David Gleason (gleasontorque.com, publisher, financial editor & journalist, former senior bwana at mining group, Anglo American in Zambia, former Chairman of the Wildlife and Environmental Society of Zambia, organizer of the funding for the Black Lechwe project...), had a bit of rugby about it: a hard pass from the former Greyhounds and Ireland scrummie smacking Gleason in the eye, being introduced by Robbo as “the former columnist with Business Day who was fired and now has his own independent column”, then being

given a sound bite to express his concern at the proposed Legacy move of two hotels, a golf course and 300 or so riverside chalets into our tiny Mosi oa Tunya National Park in Livingstone, Zambia, the equivalent of Legacy Hotels moving their Sandton Michael Angelo hotel out to Joburg Zoo Lake under a bit of enrichment camouflage. This brief engagement with a carrier of environmental and business concern was followed, after an agonizing assault of advertising and an interesting interview of an attorney on credit issues, by a soft, slightly forward pass from Robbo right on the tryline to good old Bart Dorrenstein ranging up alongside, Legacy's Big Man 'imself, "Good to see you again, Bart Dorrenstein, now what is this all about...?" Bart replies, kindly, reasonable, bending doubtless forward in unctuous capitalist sincerity – "No, no...we have had no dealings with politicians, only the Zambia Wildlife Authority (ZAWA). Of course, I did meet the Zambian President, a fine gentleman, but only in a group. And of course we are submitting an environmental impact assessment, and so on..." And so on. And no more Gleason...did he have to hang on to the phone for an hour while all this was going on? Finally, Robbo, in a repeat of the time he and old Nasty Booter and good old Dan Retief were gathered on the DSTV rugby programme, Boots and All, to give whatfor to the Griqua Emperor-President of the South African Rugby Union, the formidable nut-squeezer of Griqua scrums, Brian van Rooyen, but then deciding through a pheromone infusion process that driver ants use to communicate, that discretion and a bit of sycophancy was collectively in order, sums up by saying, "Well, Bart, good luck with the project!" Nice.

Not much here, really. Except that on Saturday 29 July 2006, -

before the go-ahead of the Livingstone Town Council, the National Heritage Conservation Commission, the Environmental Council of Zambia and the people of Livingstone and other operators – let alone UNESCO, who are in charge of World Heritage Sites, had been obtained, Vice-President Lupando Mwape of Zambia laid the foundation stone of the Legacy Holdings, Mosi-oe-Tunya Hotel and Golf Estate development in the World Heritage Site in Livingstone, assuring the gathered notables (Chairman of Legacy Holdings Zambia, J.J. Sikazwe, who ushered in the Citizens Economic Empowerment Act into Zambia; Renatus Mushinge, the Legacy Holdings Development Director and brother of the Financial Director of the Zambia Wildlife Authority, Tom Mushinge – who issued the TCA (Tourism Concession Agreement) to Legacy; and Bart and other Legacy Joburg Directors, of course) that “Those who have been hero-worshipped somewhere else based on misdirected superiority complex will not be worshipped in Livingstone” referring to paleface tourist operator investors who because of a precipitous fall in the dollar were having to reduce staff, now appearing so infinitesimally small and mean-spirited in the glare of the Legacy empowerment boast that they would provide permanent employment for 1000 Zambians. Now who put the Veep up to this one?

And the Environmental Council of Zambia, as of yesterday, had still not received the EIA from Legacy, promised them at the end of August, and there is no news from our Livingstone team of the long awaited scoping exercise which requires that civil society be consulted. And the recent five-day Mosi oa Tunya National Park workshop held by ZAWA was abysmal by all reports, the organizers announcing in the middle of the

workshop that they were putting out more lodge sites for tender in the Park and could not wait for the finalization of a park management plan in order to do so.

Now the thing is that we all want Legacy to come to Livingstone, but not in the Park, not close to Livingstone so that their projected 300 000 visitors a year will bring all traffic to a standstill on the one road available, lock-out for ever the people from an area used by them for a few centuries and block for all time the main elephant migration route. There is an alternative site available. Why don't Legacy do us all a favour and pack their wagons and trek over there?

A Vice-President in waiting says...

Sakwiba denounces L/stone hotels project

By Times Reporter

UNITED Liberal Party (ULP) president Sakwiba Sikota (above) has said the US\$200 million investment by Legacy Group to build two five star hotels and a golf course should not be allowed in the Mosi-Oa-Tunya National park as it will disturb animal movement and distort the environment.

Mr Sikota said the project would ruin the national heritage.

Speaking at a Press briefing in Livingstone yesterday, Mr Sikota said people's fears about the effects of the investment on the environment and animals were justified and advised the project be taken elsewhere.

"Twenty six days from now, you will have a sensible govern-

ment which will stop that project. If by chance we do not take over government, we will go to court and stop the development,” Mr Sikota said.

Vice President Lupando Mwape last month commissioned the foundation stone in Livingstone and the Legacy Group is currently conducting an environmental impact assessment.

At a recent meeting aimed at seeking people’s views on the location of the project, several stakeholders opposed the location of the investment in the park saying it should be taken elsewhere, with likely minimal distortion to the environment and disturbance on animals’ welfare.

He said Government had shown clearly that it cared more about money than the people by allowing investors to invest in wrong places.

He claimed that Sun International had taken the space occupied by three hotels and fenced off thereby disturbing the movements of animals, especially elephants which resorted to using the cultural village route, where the Legacy foundation stone had been erected.

“We have heard stories of some people being trampled by elephants, it will even be worse,” he said.

Mr Sikota said it was wrong for Government to allow destruction of the environment for money and called for morality on the part of leaders.

27 September 2006

Mukuni Trust...

The Mukuni Trust was one of five community trusts created by the African Wildlife Foundation as part of the Kazangula Heartlands Project. While Chief Chikuni supports the Legacy proposed development, AWF has remained silent on the matter.

Thursday, September 28, 2006

Norway propping up ZAWA...

ZAWA receives 25 motor vehicles

By Times Reporter

NORWAY has advised the Zambia Wildlife Authority (ZAWA) to actively share its vision, successes and problems with key partners to continue being a trusted partner.

Norwegian ambassador to Zambia, Terje Vigtel, said the embassy was encouraging transparency and openness, a shift from policing to dialogue with local communities on borders with protected areas, and the devolution of authority to field offices.

Mr Vigtel was speaking yesterday during the handover of 25 motor vehicles donated by the Norwegian government and the World Bank under the Seed project.

“On this particular occasion, the World Bank and Norway are here to officiate the handing over of over 25 motor vehicles to be used in Kafue, Mosi-oa-Tunya and South Luangwa National Parks, all valued at US\$578,000.”

From the Norwegian experience with the wildlife sector in Zambia, there was a lack of coherent guidance resulting from frequent changes coupled with improper instructions from management.

Mr Vigtel advised ZAWA to establish a strict monitoring scheme regarding the use of the vehicles to benefit the intended programmes.

He said he was happy with the growing number of dedicated lodge owners in the park and surrounding areas who had invested in high-quality tourism activities resulting in many employment opportunities.

Tourism ministry Permanent Secretary Russell Mulele appealed to cooperating partners to consider expanding their support to other wildlife estates in Zambia.

Mr Mulele said the support from cooperating partners had greatly reduced poaching in Kafue and other national parks.

The Post 29 September 06

Some word at the end left out are:

...not to mention their habitats, are not unduly endangered
by human activity
edjokotoe@yhoo.com

Efforts are being made to obtain some sort of comment from AWF, a query being sent to its President in Washington, Patrick Bergen, concerning the conflicting views and actions taken by their trustee, Chief Mukuni, of the AWF created Mukuni Trust. It would also be nice to hear from WWF and IUCN

The Lowdown of September 06

Jake da Motta

The Lowdown's Gecko of September 06 wrote...

Friday, September 29, 2006

Norway sends a welcome message to the trusted partners...

NORWAY has advised the Zambia Wildlife Authority (ZAWA) to actively share its vision, successes and problems with key partners to continue being a trusted partner

Tuesday, October 03, 2006

A previous application...

ASSAULT ON VICTORIA FALLS WORLD HERITAGE SITE
(Down the Wires, August 2006)

"We applied for this very piece of land 3 years ago and were advised by both Council and ZAWA that it was " non

development zone.... and a protected game corridor” Steve McCormick, Safari Par Excellence

Monday, October 09, 2006

Mosi oa Tunya NP new tourism lease tenders

On the 5th October 2006, the Zambia Wildlife Authority advertised an additional six tourist sites for lease, totalling 11.5 hectares:

- Two sites West of United Air Charters on Knight Drive
- Songwe Gorge
- Rapid Seven
- Northwestern part of park
- Staff compound

Friday, October 13, 2006

Africa Geographic Magazine...

Call for a review of Legacy EIA...

REVIEW OF ENVIRONMENTAL IMPACT ASSESSMENT
(EIA) REPORT SUBMITTED BY LEGACY HOLDINGS ZAM-
BIA LIMITED FOR THE PROPOSED MOSI-OA-TUNYA
HOTEL AND COUNTRY CLUB HOTEL IN MOSI-OA-

TUNYA NATIONAL PARK - LIVINGSTONE

Legacy Holdings Zambia Limited is proposing to set up a Hotel and Country Club Estate on Lot 14734/M along the Zambezi River and across Maramba Stream in Mosi-Oa-Tunya National Park, Livingstone. The total area of the proposed site is 220 hectares and the proposed project will comprise the following:

A five (5) Star Hotel with 280 rooms, an International Conference Room sitting 500 delegates, 100–seater restaurant, a car park, two tennis courts, an outside sitting area with about 250 seats and other associated facilities. Another five (5) Star Hotel with 200 rooms and associated facilities. An eighteen (18) - hole international signature standard golf course with 450 luxury villas, a country club, floodlit tennis courts, squash courts, water points and other associated facilities. A conference center sitting about 1000 delegates. An arts and crafts center. A marina. A clinic and a doctor's room.

The operation phase will involve water supply & sewerage systems management, Pesticides & Toxic Substances management and solid & hazardous waste management by the Developer.

This notice therefore, serves to inform members of the general public, interested and affected parties that an Environmental Impact Assessment Report for the proposed Mosi-Oa-Tunya Hotel and Country Club Hotel Project has been received by the ECZ for review, in line with the provisions of the Environmental Protection and Pollution Control Act Number 12 of 1990 as read with the Environmental Impact Assessment Regulations; SI. No. 28, of 1997 and is available for scrutiny at

the following places:

ECZ Information Documentation Centre in Lusaka

ECZ Offices in Ndola

ECZ Office in Livingstone

Livingstone City Council – At the Civic Centre

Chief Mukuni's Palace – in Livingstone

The report will be available for inspection during office hours from 09:00 hours to 16:00 hours. Interested and affected parties may send their written submissions to the undersigned by 20th November, 2006

The Manager Inspectorate

Environmental Council of Zambia

P. O. Box 35131, Lusaka

E-mail: pzulu@necz.org.zm

Tel: 01 254094/254130

Fax: 01 254164

Wednesday, October 18, 2006

LEGACY HOLDINGS EIA: EXECUTIVE SUMMARY

ENVIRONMENTAL IMPACT ASSESSMENT ON PLOT
1473/M IN THE MOSI-OA-TUNYA NATIONAL PARK

FOR THE PROPOSED "MOSI-OA-TUNYA HOTEL AND
COUNTRY CLUB ESTATE PROJECT" IN LIVINGSTONE,

ZAMBIA

Introduction

This Environment Impact Statement Report on the proposed Mosi-Oa-Tunya Hotel and Country Club Estate Project has been prepared to comply with the requirements of the Environmental Council of Zambia (ECZ). It is the intention of the developers to follow the “eco-tourism” guidelines produced by the Livingstone Tourism Association. Visitors will be encouraged to enjoy the many activities in the area which will be offered such as walks, white water rafting, canoe trips, river cruises and game drives in the vicinity of the site.

The Mosi-Oa-Tunya Hotel and Country Club Estate will be an environmentally sensitive tourism development along the banks of the Zambezi River as well as the Maramba River. The construction of all the new building structures on the site will comply with the specified building line recommended by the existing legislation.

The Mosi-Oa-Tunya Hotel and Country Club Estate Project will employ about 1000 permanent staff and an estimated 18000 jobs overall to the economy to cater for the increased tourism traffic that will be generated by the project and most of the members of staff will be drawn from the Livingstone area. The project intends to target clients from the local regional and international market for its two 5 star hotels.

Tourism Potential in Zambia

Zambia has vast potential for sustainable economic development through effective exploitation of its natural resources. One of these areas through which this can be achieved is the tourism sector. Until recently, Zambia’s tourism industry has

been treated as an insignificant component of the nation's economy. However, the Government has reclassified it from a social sector into an economic sector due to its role in national development. The tourism sector has greatly contributed in employment creation, foreign exchange earning, local economic growth and it has also acted as a catalyst for rural development among others.

Tourism is the largest income generating activity in the Victoria Falls area with a total of 36 operational accommodation units on both sides of the river. In comparison with regional neighbours Zimbabwe in particular, the Zambian side is far less developed a fact that is seen to enhance the visitor experience in Zambia. With the opening of other International and local lodges in Livingstone, there are now slightly over 1000 beds available on the Zambian side as compared to 3000 beds on the Zimbabwean side of the river. With the collapse of the manufacturing industry in Livingstone, tourism has become the main contributor to employment creation and the local cash economy.

Project Background

Legacy Holdings Zambia Limited holds a Tourism Concession Agreement "TCA" with the Zambia Wildlife Authority ("ZAWA") to develop a 220-hectare site (Lot 14734/M) along the Zambezi River in the Mosi-Oa-Tunya National Park upstream of the Victoria Falls in

Livingstone, Zambia. The development of the site aims to position Zambia, Livingstone and Victoria falls as a leading tourist destination and create critical mass for Zambian eco-tourism. The developers also hope to create a world-class development to act as a catalyst for the promotion of tourism

in Zambia and to maximize on the tourist and entertainment potential of the site's prime location on the Zambezi River in an environmentally friendly and responsible manner. The estate will include the development of luxury lodges and hotels within the property.

Objectives of the EIA

The main objective of this EIA is to examine impacts on ecological units and ecological

processes of the project area including impacts on physical, biological, socio-economic and cultural environment and to provide mitigation measures for identified impacts.

Expected Civil Works

The actual construction of the Mosi-Oa-Tunya Hotel and Country Club will take place in the construction phase. The period for construction is expected to last twenty-four months. This phase will involve the following activities on the environment:

- i) Clearance of the existing natural vegetation and trees;
- ii) Removal of the top soil around the foundation area;
- iii) Construction of access road and internal roads within the project area;
- iv) Installation of surface water drains;
- v) Construction of buildings

The activities will be undertaken using front-end loaders, graders, wheelbarrows, shovels and picks. The soil removed from the foundation area will be stockpiled in designated areas for future re-vegetation.

Methodology and Baseline Information

Baseline data was collected through field appraisal, discussion

with relevant agencies and institutions in the concerned areas and consultation with local communities and individuals in the project area. The proposed design of the various components of the project was studied and discussed with the members of the Project team. The results were compiled and analysed to enable the preparation of this Environmental Impact Statement.

Potential Impacts and Mitigating Measures

The construction of the Mosi-Oa-Tunya Hotel and Country Club Estate Project is expected to lead to some direct and indirect environmental problems and significant social-economic changes which may have implications for the local environment. The major negative environmental impacts have been identified as:

- Disruption to Elephant/animal corridors
- Disfigurement to the landscape from construction wastes and borrow pits
- River siltation from eroded soil and silt from runoffs in disturbed soil areas
- Oil and gasoline spills from construction equipment and activities
- Littering domestic refuse and sewerage waste from construction camps
- Increased particulate matter (diesel) and dust.
- Increased air pollution from vehicle emissions (Hydrocarbons, carbon dioxide, carbon monoxide) due to increased traffic.
- Increased noise pollution both during construction and operational phases
- Irreversible environmental destruction from construction activities such as deforestation, borrow pit digging and camping site for construction workers

- Changed human settlement patterns due to increased population by people who may be attracted to the area

The following positive impacts are anticipated:

- Creation of employment opportunities during the construction phase

- Increased trade opportunities in the community with increased population

- General improvement in local livelihoods due to synergistic impacts of positive effects of the project

- Increase in revenue to local authorities and institutions from tourism, communications, land rates, licences and personal levy

The following major social negative impacts are anticipated of this project:

- Increase in sexually transmitted diseases

- Pressure on limited social facilities such as health care centres

The above socio-economic impacts need to be taken into account and the positive implications of the project need to be exemplified if the project has to be of practical benefit and appreciated by the local community. This entails that:

- The technical work should not disrupt elephant/animal corridors;

- Silt the main sources of water for the communities;

- The technical work should not subject the communities to excessive air pollution;

- The technical work should not encroach on areas of cultural and historical importance;

- The project should employ the local people;

- The project should consider technical ways of reducing the anticipated accidents;

- The project should work with the local leaders in identifying

sites such as for camping
and getting material; and

- The project should be implemented together with the campaigns against HIV/AIDS.

Environmental Management and Monitoring Plan

The study has proposed an Environmental Management and Monitoring Plan (EMP) to address the management of the identified environmental issues associated with the project. The plan consists of implementing the following:

- Implementing the Impact Mitigation Plan
- Monitoring the implementation of the EMP
- Institutional Framework for Monitoring, Reporting and Supervision of EMP

Environmental monitoring and enforcement are stated along with the output from such

monitoring activities. Monitoring responsibilities are specified for the responsible authorities,

EMU and the Contractor.

Conclusion and Recommendations

The site, as the above assessment has shown, is not only a World Heritage Site but it also in a national park and hence a sensitive area. The site should be developed with strict adherence to recommendations of this report if the ecology of the area is to be maintained. It should also strive to follow guidelines provided by ZAWA and NHCC in the development to ensure that the site does not lose its ecological and archaeological value. A summary of the public consultation meetings and the discussions with the government agencies indicates that the socio-economic benefits of the project to the communities in the project area of influence outweigh

the “no-development” scenario. The project is therefore being recommended for implementation assuming the incorporation of the recommended mitigating measures and implementation of the Impact Mitigation Plan and Environmental Monitoring Plan.

Thursday, October 19, 2006

Notes on Legacy Holdings EIA of their tourism concession area in Mosi oa Tunya NP

EXECUTIVE SUMMARY

This Environment Impact Statement Report on the proposed Mosi-Oa-Tunya Hotel and Country Club Estate Project has been prepared to comply with the requirements of the Environmental Council of Zambia (ECZ). Baseline data was collected through field appraisal, discussion with relevant agencies and institutions in the concerned areas and consultation with local communities and individuals in the project area.

COMMENT:

Their requirements are narrow in scope and do not incorporate a strategic environmental impact assessment which requires them to consult with all stakeholders – not just local ones: UNESCO, Zimbabwe, KAZA and so on, clearly not complied with.

EXEC SUMMARY cont.

The Mosi-Oa-Tunya Hotel and Country Club Estate will be an environmentally sensitive tourism development along the banks of the Zambezi River as well as the Maramba River. (Then they state the impacts):

- Clearance of the existing natural vegetation and trees;
- Irreversible environmental destruction from construction activities such as deforestation, borrow pit digging and camping site for construction workers
- Disruption to Elephant/animal corridors

COMMENT:

So, they agree that 220 hectares of a 66 km² National Park and WHS will be completely altered from a natural state to a totally man made environment, not only cutting off elephant movements, but other animal life as well; and the river/land interface will be completely overrun with infrastructure (450 houses) and the requirements for considerable boating and other use of the river

EXEC SUMMARY cont.

A summary of the public consultation meetings and the discussions with the government agencies indicates that the socio-economic benefits of the project to the communities in the project area of influence outweigh the “no-development” scenario. The project is therefore being recommended for implementation assuming the incorporation of the recommended mitigating measures and implementation of the Impact Mitigation Plan and Environmental Monitoring Plan.

COMMENT:

The results of the stakeholder meeting in Livingstone do not support this statement; even were they to do so, to conclude that socio-economic considerations are paramount when considering “irreversible” perturbations in a World Heritage Site and National Park - which happens to be one of the seven wonders of this world, will cause amazement and concern for all those who cherish the Victoria Falls and who strive to bring sustainable development to Zambia.

CHAPTER 1 1.1

It is from this background that ZAWA identified a portion of the Mosi-Oa-Tunya National Park, which is also a northern part of the World Heritage site, and tendered it for development. The proposed site has been earmarked for tourism development as reflected in the Mosi-Oa-Tunya Management Plan.

COMMENT:

Was the full 220 ha - having been expanded from the Tourism Investment Ltd 2 ha. apportionment, ever part of the Management Plan ?

CHAPTER 1 cont.

Legacy Holdings Zambia Limited is a joint venture between a local tourism company called Tourism Investments Zambia Ltd and the Legacy Group of South Africa. The local shareholders are Zambians.

COMMENT:

Legacy Holdings got permission from ZAWA and its Board to expand from the Tourism Investments concession of 2 ha to an area a hundredfold larger. Did they tender for it?involved.

1.2

Over a period of ten years they have successfully completed the development of seventeen world-class properties

COMMENT

Legacy Resorts & Hotels has made many investments, not always successfully. Of Tourism Investments Ltd we are told nothing, so presumably the venture is totally dependent on Legacy Resorts as the financing and management partners. Presumably what Tourism Investments had to 'deliver', was the 220 ha. of the Park, symbolized by the laying of a foundation stone there.

1.2

The overall objective of this EIA is to examine impacts on ecological units and ecological processes of the project area including impacts on physical, biological, socio-economic and cultural environment and to provide mitigation measures for identified impacts for the construction of the proposed Mosi-Oa-Tunya Hotel and Country Club Estate in Mosi-Oa-Tunya National Park in Livingstone

COMMENT

Given that Legacy Holdings state that the area will have all its natural vegetation removed and that 'irreversible environmental destruction will occur' the EIA is intellectually, morally and scientifically absurd

1.6

The scope of the study is outlined in the Scoping Report and Terms of Reference (August 2006) as reviewed, commented

upon and approved by Environmental Council of Zambia in the letter dated September 4th, 2006. The output from the EIA process is this Environmental Impact Statement (EIS) comprising of an Environmental Management and Monitoring Plan (EMP).

COMMENT

ECZ stated that they had been handed a draft EIA, but that a scoping report was supposed to have been done. Legacy only began the scoping exercise (woefully incomplete) after this

1.7

Tourism Investments Zambia Ltd and the Legacy group tendered and got this portion of land in response to the favourable policies in the tourism sector in the country.

COMMENT

They only won the 2 ha area on tender, the 220 ha. being given out at the behest of the ZAWA Board. ZAWA should now provide for scrutiny - as should the National Heritage and Conservation Commission, of the legal instruments used to excise 220 ha from a National Park for 75 years – there being no difference from a leasehold tenure having been awarded. Thus effectively precedent is set for all national parks and forest areas in Zambia to be alienated on long lease should ‘socio-economic’ interests require it.

1.8

ALTERNATIVE OPTIONS FOR THE PROJECT DEVELOPMENT

Option A: Doing Nothing

Option B: Develop Mosi-Oa-Tunya Hotel and Country Club Estate

COMMENT

No mention is made of alternative sites and their availability. Why not? This tends to negate all Legacy's socio-economic justifications put forward for a development in Livingstone. If they were good for Mosi, why not an alternative site outside of the Park. Legacy are being disingenuous, one cannot do an EIA on something which is totally destroyed i.e. 220 ha of a World Heritage Site and a National Park. No amount of ameliorative flannel, even 360 pages of it, will persuade otherwise.

1.8.3

A summary of the public consultation meetings and the discussions with the government agencies indicates that the socio-economic benefits of the project to the communities in the project area of influence outweigh the "no-development" scenario. The project is therefore being recommended for implementation assuming the incorporation of the recommended mitigating measures and implementation of the Impact Mitigation Plan and Environmental Monitoring Plan.

COMMENT

This is an extraordinary assertion of developmental arrogance having no regard for conservation or international standards of environmental care. No amount of mitigation can alter the fact that the 220 ha area will be irrevocably changed, and that the damage to the park as a whole, and to regional conservation development, devastating.

1.10.3

Scoping

The scoping exercise included consultative meetings and discussions with relevant government institutions at national, provincial and district level, local communities, Headmen, representatives from NGOs and community based organisations and residents from communities along the project area. Letters stating the objectives of the project and requesting local participation and consultation in the process were also distributed. Responses from the consultations and discussions provided the relevant background information and helped identify major environmental concerns of the communities along the road for the detailed EIA process.

COMMENT

A bit of hyperbole. ECZ sent Legacy back to do the scoping properly. From a perusal of the list of those interviewed, this aspect is incomplete, barely begun.

1.10.7

EIA Team

R. MUSHINGE Civil Engineer and Team Leader

J. CHISHIBA Ecology/Environmental Management Specialist

N. KIMANI Environmental/Economics Specialist

L. TUMBAMA Socio-economist/Cultural Environment Consultant

A. SIMUNKANZYE Water and Sanitation Engineer

COMMENT

As this team was led by a Director and shareholder of Legacy

Holdings, clearly it is biased in favour of a development from which he and his fellow shareholders and directors would benefit. The team leader is also the brother of the ZAWA official who issued the tourism lease. ECZ has admitted that they do not follow the EIA professional certification process as required in SADC countries; guidelines set by the Southern African Institute of Strategic Environmental Assessment. Thus the EIA is totally compromised by not having been conducted by an independent EIA team duly registered and certified within SADC

2.8

APPLICABLE INTERNATIONAL CONVENTIONS

COMMENTS

The consultants appear not to realize that this development flouts all the Conventions to which Zambia is signatory. It also flies in the face of agreements made - and the resulting recommendations, by the Commission for Africa, a commission to which Zambia was a full participant and which led directly to its debt write-off. In addition, this development and its obvious strong support under current legislation - the Citizens' Economic Empowerment Act of 2006 (not mentioned in the EIA), is causing considerable discomfort among donor agencies, investors and NGOs already investing in the National Park. Some of these investors applied for the same site but were turned down - for very good reason.

CONCLUSION

As Legacy itself admits that the development will cause "Irreversible environmental destruction", what makes them

insist on doing this to Mosi oa Tunya National Park when alternative sites are available?

I.P.A. Manning

Steering Committee Member: Natural Resources Consultative Forum of Zambia (MTENR)

Corporate Member: Business Action for Africa (BAA)

Programme: Business Action Against Corruption (BAAC)

Saturday, October 21, 2006

Ian Michler's Diary: Africa Geographic, October 2006

Thursday, November 02, 2006

From the owner of an alternative site for Legacy...

Dear Margaret

Thank you for your email of 16 October. Our intentions are briefly outlined.

Long before the Legacy Project became news, we were a long way down the road in terms of planning a golf and housing estate on the Vincent farm, which we purchased 2 years ago (230 ha on the river front). We submitted detailed proposals to Mr Mwanawasa, The Investment Centre and the Minister of Tourism, Mr P Kalifungwa. We have never had an official

response from the Zambian Government to date.

Regardless of whether the Legacy Group gets involved with us, it is still our intention to pursue a golf and housing estate on the Vincent farm. If the Legacy Group were to show an interest in purchasing our land, then we would sub-divide a 300m x 300m section off on the river and sell them the remainder, at a market related price.

Up to now, I have had a meeting with Mr Sikazwe in Cape Town and given him a copy of our detailed proposal put to the Government. This meeting did not get involved with Legacy buying our property. Hopefully this short outline answers some of your questions.

Kind regards

George

Wednesday, November 08, 2006

UNESCO CENSURES ZAMBIA, ZIM OVER VICTORIA FALLS MANAGEMENT

FROM: [news.africast.com/africastv/article.php?newsID=60357](http://news.africastv.com/africastv/article.php?newsID=60357)

UNESCO censures Zambia, Zim over Victoria Falls management ... from all walks of life in the area of the world famous Victoria Falls the construction of two hotels and a golf course in Mosi-Oa-Tunya National Park, part of ...

“UNESCO WAS PREPARED TO MOUNT A VIGOROUS CAMPAIGN INTERNATIONALLY AGAINST ZAMBIA OR ZIMBABWE AS NO-GO AREAS FOR TOURISTS...”

Africast - Westport,CT,USA

Cartoon by Chiinga, Livingstone



Chiinga cartoon

Clare Mateke writes...

SUBMISSION TO THE ENVIRONMENTAL COUNCIL OF
ZAMBIA ON THE ENVIRONMENTAL IMPACT ASSESS-
MENT FOR THE PROPOSED "MOSI-OA-TUNYA HOTEL
AND COUNTRY CLUB ESTATE PROJECT" IN LIVING-
STONE, ZAMBIA

As a Zambian citizen and resident of Livingstone for 26 years, I am gravely concerned about the proposed golf resort development by Legacy Holdings Limited in Mosi-o-tunya National Park.

I have read the Environmental Impact Assessment Report and have the following concerns:

- **Lack of Consultation:** The Mosi-o-tunya National Park has a large number of Heritage sites and falls under Livingstone District. Therefore, any large scale development such as this one, should not be allowed to go ahead, and even the leasing out of the land, should not have been allowed without prior consultation with all the relevant authorities, including the National Heritage Conservation Commission and the Livingstone City Council. The area has also at several times in the past been under joint management with Victoria Falls authorities in Zimbabwe. To the best of my knowledge, none of these authorities were consulted by ZAWA before leasing out the land and laying the foundation stone. Furthermore, the land was not even advertised by tender according to law. According to the "Project on the Development of the Mosi-o-tunya National Park as a model of Sustainable Economic use and Biodiversity Conservation in a Management Intensive

Environment - 2005 to 2009 (ZAWA), "The Park ... must demonstrate effective management of its multi-purpose roles, including an array of joint management activities with other institutions." This joint management is not being implemented by ZAWA concerning such leases and developments.

- World Heritage Site: The Victoria falls and its surrounds, both in Zimbabwe and Zambia, is a World Heritage Site under UNESCO, and is therefore protected by international convention. The purpose of declaring it a World Heritage Site is because the Victoria Falls is a natural world wonder and should therefore be protected for the entire world to see. In order to protect the Victoria Falls, there is need to protect the area around the Falls and the river which flows into it. There is also need to protect the gorges below the Falls, as they are a unique geological feature and any disturbance to them may affect the Falls. A workshop held in 2002 with UNESCO and authorities from both sides of the border concerning the Site clearly recommended that there should be NO FURTHER DEVELOPMENT in the World Heritage Site. Going ahead with the proposed development would be abrogating international and regional conventions for the protection of the site. A recent meeting (6 November 2006) held with UNESCO and Zambian government authorities in Livingstone made it clear that UNESCO is not happy with the way the Falls is being managed and that if any further development is allowed to go ahead, they would be risking having the World Heritage status withdrawn, and UNESCO would be prepared to mount a vigorous international campaign to discourage tourists from coming to the area. Furthermore, Zambian government authorities have not consulted Zimbabwean authorities concerning the proposed development, which would negatively affect them as

it would risk them also losing the world heritage status.

- **National Park:** The area concerned is designated as National Park, with the main objective being to conserve the environment, particularly around the Victoria Falls, and the Zambezi River. ZAWA's Mosi-oa-Tunya Draft General Management Plan of 1999 states: "A national park, by definition must possess nationally significant natural or cultural resources and retain a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource." It further states that priorities for the management of the park include: "Protecting and conserving the Zambezi River and its riverine vegetation. Any development ... which threatens the integrity of the riverine ecosystem should be opposed in the strongest terms." If this development is allowed to go ahead, ZAWA will be going against its mandate to preserve the natural resources in protected areas, as the EIA report clearly states that there will be significant and irreversible damage to the natural vegetation, aesthetic value and biodiversity of the area if the project goes ahead. According to the "Project on the Development of the Mosi-o-tunya National Park as a model of Sustainable Economic use and Biodiversity Conservation in a Management Intensive Environment - 2005 to 2009 (ZAWA), the area around the Victoria Falls is ecologically and culturally sensitive. It is therefore crucially important that every effort is made to protect is, rather than to destroy it with such a development.

- **Wilderness Value:** The EIA document goes on to state that the park provides the "much needed wildlife experience for tourists visiting Livingstone and the Victoria falls". The proposed development would totally destroy the "wildlife experience" which most of the visitors come to experience. The 220 hectares of wilderness will be turned into a series of large

houses (villas) all crammed together, interspaced with exotic golf lawns and a few trees. It will totally lose its wilderness value which foreign tourist come to experience.

- **River Frontage:** The area which has been leased to Legacy Holdings includes 3 kilometres of Zambezi River frontage and about 1 kilometre of Maramba River frontage (both sides). Out of the 20 kilometre length of the park, this is a considerable portion of river frontage being sold to one private investor. Not only is this a selfish act, denying any other tour operator or local individual to use this long stretch of river, it will also have a significant impact on the biological diversity in the area. The richest diversity of vegetation is found in the riverine woodland along the riverbanks of both the Zambezi and Maramba Rivers. This provides a large number of ecological niches, thus leading to a high diversity of birds and other animals along the river frontage. This national park was laid out along the river in such a way as to deliberately conserve the river frontage and all its diversity. The river also provides links with neighbouring countries. The ZAWA "Project on the Development of the Mosi-o-tunya National Park as a model of Sustainable Economic use and Biodiversity Conservation in a Management Intensive Environment - 2005 to 2009" states: "By maintaining natural habitats along the northern bank of the Zambezi River the Park contributes to preserving this biological diversity, especially if managed as the cornerstone of the economic sector based on biodiversity conservation that serves to open up the linkages between the large parks and community conserved areas in Zimbabwe, Botswana, Namibia, Angola and Zambia." But if this development is allowed to go ahead it will destroy much of this biological diversity as well as the international links to other conserved areas. It will also deny local people, scientists

and tour operators from making use of these large stretches of this scenic river frontage, with its diverse array of plant and animal species, as they are currently doing.

- **Bottleneck:** The area allocated for the development is situated in a critical faunal bottleneck, which provides the only formally protected natural fauna link between the northern and southern portions of the park and of the region. The development will stretch from one side of the park to the other. It will therefore literally cut the park into two, as movement of animals will no longer be possible between the two halves of the park. Already there are problems of movement due to internal fences and small developments along the river. This will severely worsen the situation and prevent all further movement of large animals, since the development will have surrounding and internal fencing as well as rows and rows of large houses with no gaps between them to allow for any animal movement. Even without the houses, the golf course development would destroy the natural vegetation which the animals currently feed on and take refuge in, so they would still be very unlikely to cross the area, which will probably be fenced anyway to protect it from elephants.

- **Elephant Corridor and Crossing Point:** The National Park protects part of a traditional elephant migration route between the Hwange and Chobe areas in the south, where elephants are currently abundant (80-120,000 individuals), and the Kafue area in Zambia in the north, where numbers have been depleted (some 4,000 elephants). Elephants regularly cross the Zambezi River from Zimbabwe. They frequent the area between Sun Hotels and the Maramba River, their passage being hindered by increasing tourist activity and related developments. I have seen clear evidence of this in form of droppings and footprints

throughout the area, every time I have visited it, and have often met herds of elephants there. The area in question is the last remaining intact area of good vegetation where elephant are free from human pressure. It is crucial that this area remains undeveloped and conserved as a route for animals within the Park and those crossing the river to travel to the gorges and the Mukuni area. The IUCN Strategic Environmental Assessment Report of the Victoria Falls Area (1996) states "there should be access to the riverbank and animal crossing points". The elephants currently do not cause any significant damage to trees in this area, because there is enough food for them, particularly grass, shrubs and palm bushes. If the development was to go ahead, all the natural undergrowth vegetation which the elephants currently feed on would be removed and they would be left with nothing but tall trees. So even if there were no buildings and no chilli or other fences, the elephants would likely start uprooting the few remaining trees in order to get at the leaves and also out of anger due to the disturbance of their feeding grounds - as they do in the fenced area of the park when much of the ground cover has been lost due to poor management of the animals, resulting in low regeneration of grass and shrubs. The proposed mitigation measure the allow a narrow stretch of natural vegetation along the Maramba River for the elephants and other wildlife is in no way adequate, as elephants are large animals, often moving in large herds and requiring large feeding grounds. It would be ridiculous to expect them to be satisfied with a 200 m corridor through the concrete jungle of villas, hotels, conference centres and golf greens, with hundreds of vehicles and thousands of people moving about all over the place.

- Hippo and other Wildlife: The area is also a critically im-

portant hippo grazing area, and the Maramba River confluence is important for crocodile viewing and water birds. I have personally observed hippo paths emerging from the river all the way along the riverbank, almost throughout the three kilometre stretch of river, as well as along the Maramba River, and have often seen hippos in the water in this area. I have also observed monitor lizards, which live along the riverbanks, Monkeys, Baboons, Grysbok (small antelope), Night Ape and Cane Rat, a large rodent which feeds on reeds. Also occurring or likely to occur in the area are waterbuck, bushbuck, common duiker, genets, scrub hares, various types of mongoose, numerous rodents, as well as birds, insects and reptiles. Crocodiles are abundant in the Maramba River and Zambezi, especially around the confluence, as the nutrients from the Maramba River combine with those from the Zambezi at this point, producing an abundance of fish and aquatic insects for other animals to feed on. No less than 5 crocodiles may normally be seen basking on the rocks at the confluence at any one time. As an undeveloped area with minimal road access, the area is a crucial breeding and feeding ground for a number of species. With such developments along two river banks, the hippo will no longer be able to come out to feed and other wildlife will be chased away. The EIA report proposes erecting a fence 10 metres from the Rivers to protect the resort from hippos. This will deny the hippos access to their feeding grounds, as they feed on grass far inland from the river. They have already been denied feeding grounds in areas of the Sun hotel complex and the developments upriver. The riverbanks along the fenced area of the park are steep and difficult for most animals to climb. The proposed development area is currently one place which allows easy access from the river for aquatic animals to

come out and feed or breed and for land animals to access water to drink. The EIA report also proposes erecting a chilli fence along the Maramba River to control movement of elephants. How will this and the hippo fence affect movement of other animals? Or is the development only going to keep tame impala that will never be allowed out of the area?

- Important Bird Area: The Mosi-o-tunya National Park and gorge area has been designated an Important Bird Area (IBA) by Birdlife International. The IBA programme protects a global network of sites critical for the long-term survival of bird species and their habitats. About 420 bird species are known to occur in the Victoria Falls area. More than 70 are water birds, dependent on the river. In a ten year study by the Livingstone Museum 53 species of water birds have been recorded in the proposed development area alone, and in a recent study by the Wildlife and Environmental Conservation Society of Zambia (WECSZ), 49 species of woodland birds were identified in two hours on the north bank of the Maramba River. If the development goes ahead, this diversity in bird species will reduce drastically, as much of the habitat will be destroyed. Some important birds in the Victoria Falls area include the Taita Falcon, which breeds in the gorges, Rock Pratincoles, which breed in large numbers on the rocks in the Zambezi River, African Skimmer, White-backed Night Heron, Western Banded Snake Eagle, African Finfoot and Brown-necked parrot. The area is also part of an important flyway for migratory birds between southern and central Africa and beyond to Eurasia. Threats to the biodiversity of the area include the general level of disturbance and the effects of the ever-expanding tourist industry.

- Vegetation: The IUCN report states that no mature trees or

riparian vegetation should be cut down. In a recent brief study by the WECSZ, a total of 54 woody plant species were recorded on the north bank of the Maramba River alone. Of special interest is Tree Wistaria (*Bolusanthus speciosus*), a marginal species for Zambia but an endemic genus of the Zambezian region. This species alone is enough to recommend the site for preservation.

- Access by Local People: This stretch of river, particularly between the Maramba River and the Falls, has always been a favourite spot for social outings by the local residents, because of the scenic river frontage and the wildness of the area. It is also used for scientific research, including a long-term study of water birds. Furthermore, it is used for bird-viewing walks by local and foreign bird-enthusiasts and is used for giving scenic tours to tourists by some local tour operators. Almost all the rest of the river frontage has already been taken up by private tourism investors and is no longer accessible by local people. It is crucial that this area of river frontage is kept open for Zambians.

- Golf Courses and Villas in National Parks: There is concern about how such a large area of land was given out in a very small national park. In the EIA report cases have been sited of golf courses that exist in national parks in other parts of the world. However, none of the other parks mentioned are as small as this one. In all these cases, the golf courses take up a minute fraction of the national park. I don't think any of them take up as much as 3% of the total land area of the park. As far as I know, none of them stretch from one side of the park to the other, take up 5 km of river frontage, are in World Heritage Sites or are adjacent to natural world wonders. Furthermore, national parks in Zambia, by definition, do not

allow residential houses within them. But this development includes 450 2- and 3-bedroom residential houses. These are not lodges or hotels, but houses where families will be living for three or more months, doing their laundry, driving vehicles, having recreational activities, having visitors, etc. Would this normally be allowed in any national park in Zambia? As for golf courses, their mere creation involves removal of natural vegetation, planting of exotic grass, and fertilisation and other chemical treatments. The development will also involve a large labour force and machinery, which will be constantly moving about the area to maintain the condition of the grass. None of these activities are normally permitted within the rules of national parks in Zambia. Why is this an exception? Are we changing the definition of national parks, and do we expect to see all these activities spreading to other national parks?

- Positive versus Negative Impacts:

From the Executive summary of the EIA report the following major negative environmental impacts are expected from the development:

- Disruption to elephant/animal corridors
- Disfigurement to the landscape
- River siltation
- Oil and gasoline spills
- Littering domestic refuse and sewerage waste
- Increased dust
- Air pollution from increased traffic
- Increased noise pollution
- Irreversible environmental destruction
- Changed human settlement patterns

The following are the major negative social impacts expected:

- Increase in sexually transmitted diseases
- Pressure on limited social facilities

The major positive impacts are:

- Creation of employment opportunities
- Increased trade opportunities
- Improvement to livelihoods
- Increased revenue to local authorities and institutions

It is clear to me from this information, that the negative impacts, both social and environmental, far outweigh the positive impacts. And yet the conclusion of the document, surprisingly says the opposite.

• Proposed Mitigation Measures: Although various mitigation measures are proposed to address the potential negative impacts, I am convinced that most of these measures would not be adequate.

For example:

- To control the loss of vegetation, loss of habitat and displacement of birds and animals, it is recommended that less vegetated areas are used. This does not make sense, since the whole area to be developed is quite well vegetated and the current plan is to build (hotels, houses, golf greens, roads, etc), on almost every available bit of land. It would not be possible to only use “less vegetated areas”.

- Disturbance to birds and small animals and loss of habitat - it is recommended to confine construction to the project area and keep noise within working hours. How will this avoid disturbance to the birds and small animals currently within the 220 hectares of the project area, and how are the animals to cope with the high noise levels within “working hours”?

- Reduced access to the river by local people - the mitigation proposed is to construct a public marina. This will allow people owning boats very limited access to a short stretch of river. It will not deal with the issue of church groups coming for fellowship and prayer activities, family groups coming for quiet, scenic picnics along the river bank, school groups coming to learn more about the natural environment, bird enthusiasts coming to watch birds in their natural environment, etc.

- Elephant-people conflict - use chilli fences. This will not provide feeding grounds for the elephant, hippo, antelope and other animals that currently use the area. Therefore these animals are likely to become dangerous, as they will have no access to their former feeding and breeding grounds. It will also disturb the natural movement of elephants across the river, and may lead to them causing more problems in farm and village areas.

- Denied access to traditional sites - leave a way along the river for the Leya people. This was proposed in the Sun Hotel EIA and they promised to do so. They never fulfilled the promise.

- Impact on landscape and aesthetics - the report only mentions the impact during construction. It does not mention the fact that 2 five-star hotels, an 18-hole golf course and 450 large villas will permanently disfigure the natural landscape and aesthetic beauty that currently exists.

- Impacts of quarries and borrow pits - the solution given is to avoid extraction near water sources or heritage sites or national parks or human settlement. Where will it be done then? This definitely excludes doing it on or anywhere near the site, or anywhere near Livingstone or Mukuni Village.

- Loss of vegetation due to construction of camps - limit clearing to the site. How will this limit the loss of vegetation

on site?

- Development: I am not against development in general, and I realise the importance of expanding the tourism industry to provide more employment opportunities, but I am opposed to such a development in an ecologically, socially and culturally sensitive and important area so close to the Falls and the Zambezi River Bank, which has been declared by government as a national park for the preservation of nature and by UNESCO as a world heritage site for the preservation of a heritage resource which is famous world-wide.

- Alternative options: My proposal is that the investors find another site for the project outside these protected areas. There is already a piece of land available upriver, away from the Falls and outside the National Park and World Heritage Site. The hills to the northwest of the proposed site, on the way to Mukuni Village, would also offer spectacular views of the Falls, without destroying the scenic beauty of the river. These areas are not in faunal bottlenecks, so would not affect the movement of animals nearly as much. Being away from major rivers, the area on the hill would run far less risk of pollution of rivers and water sources. The vegetation in these areas is sparser and therefore the damage would be less. Furthermore, these areas are away from the main road between Livingstone and the Victoria Falls and the border with Zimbabwe, and would therefore result in less traffic congestion.

Conclusion:

In conclusion, it is crucially important to protect this important piece of wilderness and world heritage around the Victoria

Falls. If we cannot stop this kind of decision-making, we may soon lose the Victoria Falls itself!

Clare Mateke

Keeper of Mammalogy, Livingstone Museum

Secretary, Livingstone Branch, Wildlife and Environmental
Conservation Society of Zambia

Livingstone Resident for 26 years

Margaret Whitehead writes...

SUBMISSION TO ENVIRONMENTAL COUNCIL OF ZAMBIA

ON THE ENVIRONMENTAL IMPACT ASSESSMENT ON
PLOT 1473/M

IN THE MOSI-O-TUNYA NATIONAL PARK

FOR THE PROPOSED "MOSI-OA-TUNYA HOTEL AND
COUNTRY CLUB ESTATE PROJECT"

IN LIVINGSTONE, ZAMBIA

11th November 2006

As a Zambian resident in Livingstone for 26 years and a City Councillor from 1998 to 2006, I was very concerned when I heard earlier this year about the proposed development of two hotels and a golf course on a major and vital part of our National Park and World Heritage Site. The Council was neither informed nor consulted about this major project. I was even more concerned when I heard that the President was coming to lay the foundation stone when none of the normal procedures for development in Livingstone had been followed,

and when I found out which portion of land was involved, which had been kept secret.

I informed my fellow councillors of what was going on as far as I knew. Most of them had never heard of this project. The Director of City Planning also said he had not had anything official on the project but only learnt about it from the newspaper. We decided at an informal meeting that the mayor should either boycott the event or should explain to the President our concern that the Council had not officially heard of it and felt that procedures should be followed. Unfortunately before the event took place the councils were dissolved prior to the elections.

The Livingstone City Council is the planning authority for the whole of Livingstone District, which includes the whole of Mosi-o-Tunya National Park and the World Heritage Site. No land can be changed in use, leased out or developed without Council approval. I do not believe the ZAWA Act takes away the powers of the Council in this respect. ZAWA's job according to the Act is "to ensure the sustainability, conservation and preservation in the natural state of eco-systems and biodiversity in the national parks". Any change to this requires legislation.

This proposed development is a change of use of the Park, which at a minimum requires public advertisement for objections, followed by Council approval. As this is a National Park and World Heritage Site, Council would not give approval without consultation with appropriate authorities including National Heritage Conservation Commission, IUCN and the Government of Zimbabwe, and approval of an Environmental Impact Assessment by ECZ. It would also be guided by the Livingstone Development Plan, which was approved by Council in 2006. It includes the Vision of the Council to guide future

development:

“Livingstone, as the main tourism destination in Zambia, must strive to become the preferred tourism destination in Southern Africa, through provision of a quality tourism experience, by resolutely protecting the World Heritage Site and its surrounds, and actively promoting this unique environment, thereby improving the economic situation and quality of life of the residents.”

And the mission is given as:

“The mission of the Livingstone City Council is to provide minimum level of services that are affordable and to ensure that the costs of such services are recovered in order to protect the environment of this World Heritage Site and promote sustainable development.”

The laying of a foundation stone normally takes place once all the necessary approvals have been obtained and construction is ready to begin. In itself the construction of the foundation stone pillar, which involved the cutting of trees in the national park, should have had planning permission from the Council.

I have read the Environmental Impact Assessment produced by and on behalf of the proposed developers. It contains a vast amount of material lifted from the Internet and other documents, much of which is inaccurate and/or irrelevant, and has not even been intelligently read by those who compiled it. For example on Page 116:

“The Proposed project may disturb some established human corridors, which are used by the natives as ‘short cuts’ from one community or village to the other.”

On Page 78:

“..bounded on the north by Dambwa Forest Reserve and the town of Maramba (formerly Livingstone) and the trust land to

the south.” (lifted from the UNEP web site)

On Page 118:

“In 2000, Livingstone’s unemployment situation was estimated to be 30.7% of which 28.5% were males and 35.2% females.” (What are the other 40.8%?)

All this material appears to be an attempt to cover up the main issue, which is that such a development should never be allowed in the national park and especially in the World Heritage Site, on which we depend for the future of tourism in Livingstone.

The National Park was not created to protect animals alone but to protect the whole environment of the Victoria Falls, which is one of the natural wonders of the world. We in Livingstone are very privileged to have such a wonder within our district and under the jurisdiction of our City Council, which represents the people of Livingstone, and we must do everything we can, together with Victoria Falls Council of Zimbabwe, to protect it for the benefit of future generations of Livingstonians, Zambians, Zimbabweans and citizens of the world.

Tourism is becoming a major source of jobs and revenue for our city and we must ensure that the Falls, which are the entire basis of our tourism activities, are not in any way degraded, so that tourist and residents alike can continue to enjoy the natural wonders of our environment as God gave it to us.

The World Heritage Site was created to assist us in protecting our marvellous natural resource, by international bodies which are able to advise us on how we can preserve the environment while allowing tourists to come and see what we have to offer them. Funding for preservation can also be obtained through these bodies. We must not lightly throw away this status.

We are not against increasing the tourism facilities in Livingstone. We desperately need more jobs for our people. But this must be done in a transparent, controlled, legal and sustainable manner. There is other land available for hotels and golf courses and there are other companies keen to develop such facilities.

The EIA states on Page 235 and 236:

“The researchers believe that the Livingstone local communities should not only be consulted on their views on tourism development in their area right from the onset of such projects, but should also be fully integrated into the process for instance by providing labour and services.”

“To be sustainable, tourism requires an open dialogue between the government, the private sector, civil society and local communities to ensure consensual decisions and the generation of economic benefits for a broad spectrum of the population.”

Why was no-one in Livingstone consulted from the onset of this project?

The National Park does not belong to ZAWA or the President. It belongs to us the people of Zambia.

We as Livingstone residents must not allow our heritage to be destroyed for the sake of short-term money-making, by ZAWA, Legacy Holdings Zambia Ltd, private individuals or political leaders.

Mrs Margaret Whitehead

Nick Katanekwa writes...

LIVINGSTONE TOURISM ASSOCIATION (LTA) COMMENTS

After a thorough study and debate of the impact statement, the LTA wishes to make the following comments.

VISITOR NUMBERS

Projected Tourism growth by Legacy shows an increase to 150,000 of own generated Tourists in a year 3 of their operations. This will mean over 418,000 Tourists for all accommodation facilities thus taking Livingstone into the super growth scenario according to the IUCN report of 2002-Management of the Victoria Falls Area; Which Way Forward for Zambia and Zimbabwe?

The impact of such an increase in visitor numbers does not seem to be adequately addressed by the statement. Though the economic benefits arising from such an increase are certainly projected to be of major significance an increasing proportion of major economic costs which relate to provision of necessary social facilities and maintenance negate this. The social impacts are likely to be of major significance. These relate to factors such as the adequacy of urban facilities, utilities, poverty and equity issues. Although these can be addressed by appropriate investment commitment by Government and Livingstone City Council such investment has its high economic costs which need to be planned for.

On the environment side such an increase will entail major adverse impact like real loss of resource - loss of habitat, deforestation, loss of biodiversity and destruction of national monument archaeological sites that form part of the story which makes the falls area a cradle of the origins of mankind in the world. These will result in the loss of Wilderness Value with projected (IUCN June 1996) loss of revenue of US\$ 62.6 M for lost return tourist revenue and US\$ 43.6M for lost new tourist revenue annually. The statement has not addressed these major adverse impacts which will actually threaten profitability of the Legacy Hotels as well let alone the entire Tourism Industry at Livingstone if not addressed. Wilderness value is what attracts most tourists to the falls. If it is lost most say they will not come back or recommend the falls to others.

1.

The LTA is also aware that at a major UNESCO sponsored stake holders bi – national workshop of all relevant institutions, affected and interested parties in Zimbabwe and Zambia in 2002 the following was agreed:

AGREED POLICIES

(a) Riverbanks and Riparian areas

- No further construction within the World Heritage Site.
 - Resist further proposals for Hotels and Lodges on riverbanks in the World Heritage site.
 - Enforce minimum distance of 500m between tourist development on the riverbank and 50m away from the river bank

(b) Islands on the river.

- These shall be regarded as specially protected areas – no development should be allowed on them except for tourism viewing.

(c) Mosi – oa – Tunya National park and Zambezi National Park in Zimbabwe

- Stop any further fence erection.
 - Artificial waterholes should not be permitted except for ecological reasons.
 - No lodge and Hotel development.

The proposed Legacy development goes against these nationally regionally and internationally agreed policies. The statement does not even mention them.

It is quite clear that Zambia/Zimbabwe risk the World Heritage status the Falls currently enjoys being removed with severe consequences to visitor numbers. What mitigation measures can the proposed development give to such imminent danger if the project goes ahead as planned. UNESCO and IUCN have already expressed their concern.

LOCATION

If the proposed development was to go ahead as planned then the Mosi – oa – Tunya Park and the World Heritage site are to be divided into two unlinked parts -

the Northern part is to be cut off from the Southern part .This

means the planned improved bio-diversity of the park by the SEED PROJECT is dead and hence the projected increase in length of stay at Livingstone will not be realised. This has severe implications for the sustainability of Tourism at Livingstone.

2.

Furthermore when Sun International was being proposed they were not allowed by ZAWA and NHCC to plan a golf course in the World Heritage site due to limited space and also because the historical Livingstone Golf course was to be improved and serve the purpose. The Golf course is being improved why then the need for a Golf course now and in such a small area and when more land is actually required to improve biodiversity.

We note also that the second Hotel, Golf course and 400 Villas are all planned for development (2009 -2010) in a small riparian area which cannot carry such massive development without creating a distasteful Disneyland situation in that sensitive environment. This will also effectively cut off the people of Livingstone from the river which can cause hatred of tourism by citizens thereby posing a danger to the industry.

The buffer zone of 200m proposed for an elephant corridor is also too small and may cause a desert like situation in the area. The overall effect of this development is that there shall not be any more viable Wildlife Tourism Operations in the park and that Zambia will then lose this type of tourism to Chobe, Kasane in Botswana. Finally this EIA statement is also based entirely on library research, no actual site studies took place.

What is the relevance of such a statement in that a case? All these issues have not been and or adequately addressed by the statement and yet are key.

LTA PROPOSALS

Our proposals as LTA therefore are:

(a) That Legacy should only develop one Hotel - the Mosi-oa-Tunya - on the land which was advertised and for which they won a tender. This Hotel in fact is the major employer of the proposed development yet one with less impact. The other piece of land which were not advertised and tendered for are the most critical in terms of wilderness value of the Victoria Falls area and should be left alone. No amount of mitigation will minimize the irreparable damage such development shall cause to biodiversity and tourism in the site. Legacy can be allocated more land elsewhere in the falls as an alternative.

(b) That environmental impact Assessment studies should only be allowed where issues of land ownership are resolved unlike the case is with Legacy, where land relating to other authorities has been included in an agreement with only one institution. Where is the legality of the study in such a case?

(c) Since the Environmental Council was part of the stakeholder institutions that agreed on the above stated policies and is aware of the current policies in the Mosi –oa- Tunya National Park Management Plan, it needs to bear these in mind in considering the statement since those policies were based on specific professional studies than this statement.

3.

(d) That the 30km radius on the falls suggested by the IUCN study of 2002 be the basis for such type of envitable tourism development to protect the wilderness value of the 7th wonder of the world and thereby ensure the sustainability of the industry at Livingstone.

(e) That Transparency in land alienation in the falls area be the guiding principle for a vibrant corruption free tourism industry at Livingstone which will benefit all.

Nick Katanekwa

Livingstone Tourism Association Chairman

The Times of Nov 8 2006

Times of Zambia (Ndola)

Edward Mulenga

ZAMBIA risks losing its increasing tourist inflow following UNESCO's growing threats to strip the Victoria Falls of the status of world heritage site. This follows the failure by Zambia and Zimbabwe to ratify protocols committing them to joint management of the world wonder. This came to light during a consultative meeting on the management of the falls held at Livingstone's New Fairmount Hotel on Monday.

According to the deliberations, the delay in signing Cabinet

memos committing the Government to the undertakings of joint management of the Victoria Falls with neighbouring Zimbabwe would compel the UNESCO to take a firm decision based on the laid-down punitive measures.

In her presentation to the meeting, UNESCO commissioner, Mulenga Kapwepwe, said the Victoria Falls, which had put Zambia on the tourism world map, risked losing its world heritage status because of the laxity to consider the protocols seriously. She said Zambia was privileged to have 16 of its nationals on the UNESCO committee and needed to show seriousness by ratifying the protocols. Ms Kapwepwe emphasised the need for action to resuscitate the falls, which is deemed to be degenerating. And Zambia National Commission for UNESCO representative, Felicitus Chinanda, said Zambia and Zimbabwe had failed to effectively implement agreed protocols, among them, the 30-kilometre radius of the Victoria Falls. Ms Chinanda said the two countries had also failed to control the mushrooming of new tourism developments around the 30-kilometre radius, a situation that had resulted in the abrogation of the protocols.

Alternatives for Legacy...

Monday, November 13, 2006

The National Movement Against Corruption writes...

14 November 2006

Resolutions of National Consultative meeting on 6 Nov
06

NATIONAL CONSULTATIVE MEETING ON THE CON-
SERVATION OF THE VICTORIA FALLS WORLD HER-
ITAGE SITE MONDAY NOVEMBER 6,2006

INTRODUCTION

The report provides a synopsis of the National Consultative Meeting on the Conservation of the Victoria Falls World Heritage Site (WHS) held at New Fairmount Hotel, November 8, 2006.

This was held in the wake of the untoward development in the WHS and non-implementation of the Addendum to the SEA Report: Proceedings and Recommendations of the Bi-national Sustainable Development Workshop held in Livingstone, Zambia, January 2002 following recent calls and concerns raised by UNESCO.

The report commences with the official opening speech delivered by the Southern Province Permanent Secretary Darius Hakayobe and subsequent presentations ending with resolu-

tions and annex.

Official Opening Speech - Southern Province Permanent Secretary Darius Hakayobe

The PS opened the meeting by expressing concern why it had taken too long to hold one. In his speech he said:

- . Participants should find solutions to concerns threatening the sustainable development of the Victoria Falls World Heritage Site.

- . Government attached great importance to heritage resources in tourism promotion.

- . Livingstone was core of tourism activities with the Victoria Falls playing a pivotal role.

- . Uncoordinated developments were threatening the integrity of the Victoria Falls environment,

- . A Bi-National Sustainable Development Workshop held between Zambia and Zimbabwe in January 2002 led to the production of the Addendum to the 1996 SEA Report following UNESCO's concern over the untoward development in the Victoria Falls environment

He further noted that the Bi-national Workshop resolved to address transboundary management issues by:

- > planning and managing the biophysical resources
- > planning and managing socio-economic development
- > recommending on issues contentious in nature, and
- > recommending on zoning guidelines

The PS challenged participants to be practical in their deliberations and that:

- They should reach approved recommendations for easy government implementation. - Speed up the process and pass resolutions as soon as possible and forward them to relevant authorities immediately. He concluded that time wasters aimed at frustrating government effort to exploit tourism in the nation would not be tolerated.

REACTIONS TO SPEECH

Failure to implement recommendations in the Addendum to the 1996 SEA Report was: . a serious omission

. due to a weak foundation Le. the protected area in Zimbabwe followed the riparian, while in Zambia it was the land.

PREAMBLE OF BI-NATIONAL WORKSHOP

National Heritage Conservation Commission (NHCC) Executive Director gave a background to the Bi-National Workshop protocol on cooperation on the sustainable management and development of the Victoria Falls / Mosi-Oa-Tunya World Heritage Conservation Commission Site and its surrounding area (30Km radius).

The participants were taken through the Articles that the Contracting Parties (Zambia/Zimbabwe) had agreed upon as in the Addendum to the 1996 SEA Report.

PRESENTATION BY UNESCO

The UNESCO expressed great unhappiness and the following

concerns in the manner issues were being:

a) Lots of things in the Bi-National Workshop report which should have been done were implemented. It was thus feared that the status of the Victoria Falls could be lost to the detriment of Zambia noting it would be hard to recommend farther sites in future to UNESCO on the World Heritage having failed to manage the only WHS - Victoria Falls.

0 In this light, UNESCO urged Zambia to be reactive to the demands before it is too late 'and that it should adhere to the PS' directive to adhere to time frame of November to implement the Bi-National Workshop recommendations,

b) It was further disclosed:

0 that UNESCO-Zambia had set up a Board of Commissioners with 16 seats.

0 IUCNIWHC were coming to Zimbabwe and that Zambia should be ready for them and see how it could be helped.

c) Further concerns included:

THE WORLD HERITAGE COMMITTEE DECISION 30
Having examined Document WHC-06/30. COM/7B:

. Noted with concern that the recommendations of the 2002 bi-laterals workshop have not been implemented;

. Regretted that the integrity of the world heritage property remains threatened by uncontrolled urban development;

. Urged both States Parties to urgently follow up on the recommendations of the 2002 bilateral workshop and in

particular an effective joint management framework to address the ongoing threats; and requested the States Parties to set a firm schedule for their follow-up;

- . Also requested both to invite a joint World Heritage Centre IICUCN mission

- . Failure to address these concerns by States Parties risked placing Victoria Falls under “World Heritage in danger”.

CBE vows to bar Legacy Zambia

By Times Reporter
Zambia

THE Citizens for Better Environment (CBE) will obtain an injunction to restrain the Legacy Zambia Holdings Group from constructing two five-star hotels and a world class golf course in the Mosi-O-Tunya National Park if it is allowed to go ahead.

CBE executive director, Peter Sinkamba, said in Livingstone on Saturday during the public hearing of the Legacy Group’s Environmental Impact Assessment (EIA), that the document had several legal flaws which needed to be corrected to be approved by the Environmental Council of Zambia (ECZ).

The CBE would, therefore, seek legal intervention in the matter.

“Chances are that ECZ will reject the EIA, but in the event that it was approved, we, as CBE, will go to court and obtain an injunction until the required steps are taken,” Mr Sinkamba said.

He said according to the 1997 environmental regulations,

Legacy should have addressed the issue of two other alternative sites before preparing the EIA in line with the Environmental Protection, Pollution and Control Act (EPPCA) regulation 8 and 9, which also provided for public disclosure.

Apart from failing to provide for alternative sites, other stakeholders, the Zimbabwean government and UNESCO had not been included in the process, which raised serious concerns.

Zimbabwe and UNESCO are key stakeholders because the area in question was part of the world heritage site.

And Legacy Holdings Zambia chairman, Jacob Sikazwe, said his organisation did not get the land free but paid \$9 million in concession fees to Zambia Wildlife Authority (ZAWA).

Mr Sikazwe said it was not fair for people like former Lusaka Province minister, Sonny Mulenga, to mislead the public that Legacy got free land.

Mr Sikazwe said the ZAWA-Legacy transaction was public following its successful bid for the land which was advertised for tourism development in 2004.

And Legacy legal counsel, Mwangala Zaloumis, said the group had actually paid more fees to ZAWA than Sun International because it came after ZAWA had adjusted the fees upwards.

She said apart from the \$9 million concession fees, ZAWA would be paid \$2 million every year.

Mr Mulenga had earlier questioned the allocation of land to Legacy saying it lacked transparency.

“Don’t be cheated, they are here for money and nothing else, there must be transparency in these deals,” he said.

And Livingstone Tourism Association (LTA) chairman, Nicholas Katanekwa, said the community was not against the project, but the site was wrong.

He said despite the projected increased tourist inflow of

150,000 in three years and booming economy for Livingstone, costs relating to provision of social facilities and maintenance negated that.

He wondered why UNESCO, National Heritage Conservation Commission (NHCC) and Zimbabwe had not been consulted during the process.

The Mosi-O-Tunya National Park, where 200 hectares of land had been given for the construction of hotels, is part of the world heritage site, where further construction has been forbidden.

Mr Katanekwa, a former NHCC executive director, outlined the dangers of the project to the heritage sites and the ecological system and advised Legacy to look for alternative land.

He said the hotels would be empty if the falls dried up and tourists stopped coming.

“The statement has not addressed these adverse impacts which will actually threaten profitability of the same Legacy Hotels as well as the entire tourism industry if not addressed. Wilderness value is what attracts tourists to the falls, not hotels. If it is lot, most say they will not come back or recommend the falls to others,” Mr Katanekwa said.

The Post 13 November 06...

Tuesday, November 14, 2006

The Post Letters 13 Nov 06

ZNBC Reporter threatened with death over controversial Legacy Hotel project

November 14, 2006, 2 days, 2 hours and 48 minutes ago.

By Mazuba Mwiinga

In a brink of heated debate over the controversial Legacy Holding and Country Club Project which should be built in the heart of Zambia's Mosi-ao-Tunya National Park in tourist capital Livingstone, a Zambia National Broadcasting Corporation (ZNBC) reporter has been threatened with death for allegedly filing in a television report which is allegedly biased towards discouraging people from supporting its construction.

According to Police records Faith Kandaba, a reporter based at the Livingstone office of ZNBC, received the death threats yesterday evening after sending a report to the main studios in Lusaka which were highlighting some people's views on the Project.

The report was based on the Environmental Assessment Impact forum submissions which were held at Maramba Community Hall in Livingstone, at which people were giving their views on whether or not Legacy Holdings Zambia and Country Club Estate Project should be allowed to construct their buildings in the middle of the Mosi-ao-Tunya National Park.

Kandaba received an anonymous call before knocking off late in the night saying she should not go home or she will be killed because her television report was biased towards discouraging people from supporting the project.

In an interview this morning, Kandaba confirmed the threats saying she has never been biased in her reporting. But one media consultant based in Livingstone, who wished to remain anonymous for fear of being misunderstood showed concern on how some journalists fuse in their opinions in their reporting.

“It’s a pity that she (Kandaba) has been threatened on the basis of her reporting. I think it’s a learning point for her to look at how she does her reporting.... I have seen some reporters who really fuse in their opinions in their reporting so carelessly”, he said.

Legacy Holdings Zambia Limited and Country Club Estate Project have brought a lot of talk in Livingstone especially with the heated issue of casualization that has infiltrated the labor industry in the country. People have been saying that they have not benefited much from investment like the Sun International Hotel as most of the workers are not permanent or on contract.

The Project will cover a total area of 220 hectares of land and will include; a five Star Hotel with 280 rooms, an International Conference Room sitting 500 delegates, 100–seater restaurant, a car park, two tennis courts, an outside sitting area with about 250 seats and other associated facilities.

There will also be another five Star Hotel with 200 rooms and

associated facilities; an eighteen - hole international signature standard golf course with 450 luxury villas, a country club, floodlit tennis courts, squash courts, water points and other associated facilities.

A conference center sitting about 1000 delegates, an arts and crafts center, a marina and a clinic and a doctor's room.

The operation phase will involve water supply & sewerage systems management, Pesticides & Toxic Substances management and solid & hazardous waste management by the Developer.

Mosi-oaTunya National Park is managed by the Zambian Wildlife Authority of the Department of National Parks and Wildlife Service but land planning and development are controlled by the Livingstone City Council. Six national monuments in the park are in the care of the National Heritage Conservation Commission (NHCC).

Several herds of elephant live in the Park. There are small herds of buffalo and blue wildebeests, as well as giraffe. There are also zebras, warthogs, and some bush pigs. Schools of Hippopotamus are common above the falls. Vervet monkey and baboon are common round the falls and lions and leopards are occasionally seen.

Six species of antelopes are common and six some also occur, or have been introduced, though recent droughts have decimated these.

The predominant vegetation is mopane forest with small

areas of teak and miombo woodland, scrubland, savanna and a narrow band of riverine forest along the Zambezi. The mist-forest within the waterfall splash zone is of particular interest it is a fragile ecosystem of discontinuous rainforest on sandy alluvium, dependent upon the abundant water and high humidity from the spray plume.

Tree species within this forest include pod mahogany, ebony, strangler fig, Cape fig, ivory palm, Transvaal red milk wood, African olive, wild date palm Phoenix, water pear and Natal forest mahogany. 70 shrub and 150 herbaceous species are recorded for this rare local habitat.

Herbaceous species include *Sebaea pentandra*, *Lobelia kirkii* and *Gladiolus unguiculatus*, and the dense fern growth includes *Cheilanthes farinosa*.

One cardinal question people continuously ask is why the Livingstone City council cannot give the developer another site other than the Park to bring the controversy to an end, questioning why the developer has an interest in the Park.

AND Correspondent – Livingstone, Zambia.

16 November 2006

Ruth Henson's EIA submission...

Submission To ECZ on the Environmental Impact Assessment
for the Legacy Development in the Mosi oa Tunya Park

From Ruth Henson A Livingstone Farmer
P.O.Box 60641 rhenson@zamnet.zm

The EIA is generally a very poorly done document. It contradicts itself and in many places copies inaccurate information from other sources without checking.

The public hearing was turned into a political event and very few people who attended knew what the EIA was.

This meant that people with genuine concerns and comments were shouted down or intimidated into not even trying to say anything. Openly racist remarks were made.

Specifically from the EIA:

Executive Summary: This in effect says that the loss of the environment is justified by the jobs created. This is not reasonable as the same number of jobs could be created outside the park.

Page xi The specified building line I think is 50m from the river front. The plans totally ignore this.

Tourism figures are inaccurate as they ignore all the small operators. Small operators contribute proportionately more to the economy as they buy more local products.

Page xii i and ii Clearance of trees and removal of top soil are clearly incompatible with the stated aim of maintaining the

ecology.

Page xiii “irreversible environmental destruction” This is what we are against as we believe that the reason the park was created was to preserve our precious environment.

Page xv Following the recommendations of this report will not maintain the ecology of the area if the given plans are followed. Its ecological and archaeological value will be almost entirely lost.

Page 4 The detailed objectives of the EIA can only be achieved by relocating the project out of the park.

Page 7 It is a serious failing of the EIA that only two options are considered

A: doing nothing and B: Going ahead with the development

The other options should have been considered

C: Build the same project outside the park or

D: Build a small hotel on the originally tendered 2Ha plot

Page 9 This claims that the scoping exercise consulted widely. This is blatantly untrue. The public was kept in the dark as far as possible and was nearly prevented from attending a meeting. The phrase “Residents from communities along the project area” is misleading. Livingstone residents were never consulted and we believe that the area is part of our environment and that we should have been consulted from the beginning.

Page 13 ZAWA is supposed to control, manage and conserve wildlife ecosystems and biodiversity. Obviously this does not include building golf courses. ZAWA has decided to sacrifice our Livingstone park for the sake of the money. No Livingstone residents were consulted on whether we agree. We mostly cannot afford to go to Kafue or Luangwa and we want to keep our park as a conservation area. Otherwise our children and grandchildren will not be able to see the wildlife and vegetation

in its natural state.

ZAWA is legally required to consult the community in order to enter into such agreements. This was never done.

Page 26 4.1.1 If the project goes ahead this road will be woefully inadequate.

Page 44 5.1.5 Rainfall This section has obviously been copied without being read. It is nonsense to say that the average annual rainfall is 600mm and 780mm from November to March and 700mm in October and April.

Page 54 Isn't it a bit ridiculous for ZAWA to talk about restocking the park when they have just taken animals out of the park to reduce overstocking and others have died of hunger due to mismanagement.

Page 61 The agriculture statistics are at least ten years out of date and were probably wrong then.

Page 66 Water. While the SWSC is theoretically able to supply the water for this project in practice they are unable to supply enough water for Livingstone residents who are concerned that the situation will get worse if the project goes ahead.

Page 85 7.9 Negative aspects should include difficulties getting visas and immigration hassles.

Advertisement forum. Does this mean that we will have big bill boards all over the golf course?

Page 89 7.11.4 Note that other parks have given 0.015% of their land for a golf course. Legacy has been given 3% of our park.

Page 99 8.6 The elephant corridor is much, much too small to be viable. The loss of the feeding area for the elephants will lead to vastly increased crop raiding in both Mukuni area and along the Sinde plots.

Page 101 8.7.2 The figures for laundry are clearly wrong.

Page 116 9.10.1 Use of one to one interviews and discussions with key informants and stakeholders was obviously inadequate as the shoddy state of the EIA shows.

Page 117 9.10.4 part 1 Local Small scale farmers usually do not benefit from such developments. Even medium scale commercial farmers usually are not benefiting.

Page 118 The employment statistics are a bit strange. If 28.5 % are male and 35.2% are female are the others unemployed computers?

Page 141 9. This passage says that Legacy is planning to pay the same wages as the other tourism operations. This directly contradicts propaganda being put out by Legacy to people around Livingstone.

Page 145 Waste management: Livingstone has no solid waste management program and the current dump site is terribly inadequate.

Page 189 Vegetation and flora

If all areas of high conservation value are marked and access restricted the development will stop because the whole area is of high conservation value.

Page 190 Community Consultation so far has been appallingly bad. This does not augur well for the future.

Page 191 (last paragraph) "appropriate legislation for sustainable tourism development" is being totally ignored by both Legacy and ZAWA.

Page 207 If employment stats are correct another 9000 people will have to move to Livingstone. Where are they going to live? No mention of this impact on Land use and surrounding environment.

Page 235 The Livingstone local communities have not been consulted on their views on tourism development and when

we put our views they are ignored.

Page 237 13.1.1 Growth of the tourism industry must be sustainable or it will kill itself. The development in the suggested location will make tourism less sustainable because it takes away our wilderness value.

General Concerns

1. The lack of consultation is worrying. Livingstone people have the right to determine the future of the Livingstone environment.

2. Most people in Livingstone want the Livingstone National Park to be kept as a park. ZAWA may want to sacrifice it but we don't.

3. Local people need to have free access to the river. The plot given to Legacy is the last place that we can access the river without paying a lot.

4. Elephant use this area for feeding a lot. If they are denied access they will spend more time eating crops in Chief Mukuni's area.

5. Hippos graze in this area and if they are fenced out where will they eat?

6. Bird life. The area is an important bird watching area.

7. It is easy to make promises now but we all know how investors behave after they have got what they want.

8. It is clear from the actual plans that some of the statements in the EIA are going to be totally ignored such as the recommended building line (50 m from the river) and the width of the elephant corridor (EIA 216m, plan 160m)

Thursday, November 16, 2006

IRIN news 14 Nov 06

ZAMBIA: Concerns mount over World Heritage Site status
Source: IRIN

LIVINGSTONE, 14 November (IRIN) - Zambia's only listed World Heritage Site is under threat by plans to build a multi-million dollar resort near the world-renowned Victoria Falls, a local environmental organisation is claiming.

The government has awarded 220 hectares of land in the 66 sq.km Mosi-O-Tunya National Park at a cost of US\$9 million, plus an undisclosed recurring levy, to South Africa's Legacy Group Holdings for development over a 75-year period under a tourism concession programme.

The national park is a World Heritage Site shared with neighbouring Zimbabwe, with the waterfalls as an international tourist drawcard. In the past, Zimbabwe was the main port of call for those wanting to visit Victoria Falls, but Zambia has become the preferred destination as a consequence of Zimbabwe's economic meltdown, which has seen annual inflation levels topping 1,000 percent - the highest in the world - with commonplace shortages of fuel, energy and food.

"We have benefited so much from the booming tourism here but we may lose out, as UNESCO [United Nations Educational and Scientific and Cultural Organisation] has already indicated to us plans of withdrawing the status of Victoria Falls as a World Heritage Site, should the construction of a Legacy hotel be

allowed to go on in the park,” Nicholas Katanekwa, chair of the Livingstone Tourism Association, told IRIN.

Chairman of Legacy Holdings International Bart Dorrestein said the company would spend about US\$260 million on building two hotels, 500 chalets and an 18-hole golf course. The proposed site is six kilometres upriver from Victoria Falls and lies between the Zambezi and Maramba rivers.

Donald Chikumbi, chief executive officer of the Livingstone-based National Heritage and Conservation Commission, said, “We have not received any correspondence from UNESCO to do with the allocation of this land in the Mosi-O-Tunya National Park to Legacy Holdings, but what we have received is a notice letter from UNESCO, informing us that a delegation of officials from UNESCO and the IUCN [International Union for the Conservation of Nature and Natural Resources] will be coming to Livingstone on 20 November this year.

“They are coming to do a ground inspection on how far Zambia and Zimbabwe have gone in terms of upholding the various protocols that have a bearing on the status of the Victoria Falls as a World Heritage Site but, of course, their coming might have been influenced, in a way, by whatever is being said and circulated about this World Heritage Site,” he said.

Maureen Mwape, spokesperson for the Zambia Wildlife Authority (ZAWA), declined to comment on the allocation of the land to Legacy Holdings. The Zambian portion of the World Heritage Site is jointly managed by ZAWA and the National Heritage Conservation Commission.

At a July meeting of UNESCO's World Heritage Committee in Lithuania's capital, Vilnius, the committee cited concerns that "the integrity of the property [Mosi-O-Tunya National Park] remained threatened by uncontrolled urban development, pollution and unplanned tourism development."

Tourism has been designated a key sector for job creation and poverty relief by Zambian President Levy Mwanawasa's government. His pro-market economic policies have endeared him to western donors, but have had little impact on addressing dire unemployment levels. Zambia, with a population of about 10 million, has about 400,000 formal-sector jobs, while two-thirds survive on \$1 or less a day.

A recent World Bank report, 'Challenges of African Growth: Opportunities, Constraints and Strategic Directions', indicated that despite vast natural resources, and political stability since independence from Britain in 1964, income levels had regressed.

"Zambia's and Cote d'Ivoire's per capita incomes have hardly progressed relative to their levels in 1960. Zambia's per capita income on average retrogressed at -0.6 percent per annum over the past 45 years and, as a result, its 2004 level of \$902 in 1996 international prices is 23 percent below the 1960 level of \$1,167", the Bank said.

The Environmental Council of Zambia, a governmental watchdog, called a meeting in Livingstone, the tourism capital of Zambia, last Saturday to discuss the environmental impact assessment (EIA) report. The period for objecting to the

proposed resort will close on 20 November.

Council spokesperson Justine Mukosa said the EIA encouraged “as wide participation of stakeholders as possible. Then, based on what all stakeholders say, and indeed on our own independent investigations and assessments, we shall soon come up with our final position on why the project should go ahead or not go ahead - we shall approve or disapprove the project.”

The resort’s promise of creating 2,000 jobs has elicited strong support for the project among local residents and organisations. “We, the people of Livingstone, want development. We want Legacy because we have suffered too much with joblessness and poverty,” said Shadrack Mabote, a representative of senior chief Mukuni, in whose chiefdom the Victoria Falls is located. “We are ready to take any action against those opposing the project, and we can even walk up to State House [the presidential residence] in protest if anything is done to disturb Legacy from constructing the project in this land.”

Livingstone, with a population of about 200,000 people, has not been spared the ravages of the HIV/AIDS pandemic - about one in five sexually active adults is infected.

Hotel Catering and Allied Workers Union deputy secretary-general Michelo Chizyuka told IRIN that “Each one of us keeps at least three unemployed dependants in our homes because of many factors, including HIV/AIDS. So it is a question of who puts food on our tables. Here is the opportunity for our relatives to be employed; should we give more regard to conserving

the environment at the expense of fighting our own poverty honestly?”

UNESCO declared a 30km radius of Zimbabwean and Zambian territory around the Victoria Falls a World Heritage Site in 1989. Since then Zambia has ratified a number of international treaties, including the Convention Concerning the Protection of the World Cultural and Natural Heritage, the African Convention on the Conservation of Nature and Natural Resources, and the Convention on Biological Diversity.

Zambian law on land tenure vests all national parks and gazetted sites in the hands of the state, and any lease of such land is subject to normal tender procedures.

Sonny Mulenga, Zambia's first qualified land valuation surveyor and a former minister, said the land had not been advertised or subjected to any tender procedures.

“We are setting a very bad precedence for the future generation - land which is gazetted, as a World Heritage Site should never be given out for a song. No records have been given on who evaluated that land, and the amount in question is a mockery.”

Environmental activists say the indiscriminate allocation of land to developers has contributed to the reduction of water levels in the Zambezi River, which feeds the Victoria Falls.

Although local environmental regulations require development to stop at least 50m away from the river banks, several lodges have been constructed on the river's banks.

“The Victoria Falls is not as forceful as it should be and the Zambezi River is no longer flowing naturally, due to so much uncontrolled developments. We have disturbed the water cycle, and we shall pay heavily for this as a country,” said Benjamin Mibenge, a local environmentalist and game ranger with over 20 years’ experience. “Going by the high levels of river pollution, structures constructed on the banks, and the overcrowded boat-cruise companies, we may not boast of any tourism just a few years from now.”

Thursday, November 16, 2006

Victoria Falls hotel project opposed

By Shapi Shacinda

Lusaka - Zambian environmentalists oppose a \$260-million (about R1,8-billion) plan to construct two hotels, a golf course and hundreds of chalets in a park near the famous Victoria Falls world heritage site, officials said on Monday.

Zambia’s Wildlife Authority (ZAWA) has given permission to local and foreign investors to go ahead with the project in Livingstone, 480km south of Lusaka, even though environmental groups said it would harm the local ecology.

Critics say the park and its wildlife, which includes black rhinos, could be damaged by the development and Victoria Falls could lose its status as one of Africa’s biggest tourist sites.

Activists fight Vic Falls development

November 15, 2006 Edition 4

Lusaka - Zambian environmentalists are opposing a \$260-million (about R1,9-billion) plan to construct two hotels, a golf course and hundreds of chalets in a park near the famous Victoria Falls World Heritage Site.

Zambia's Wildlife Authority (Zawa) has given permission to local and foreign investors to go ahead with the project in Livingstone, even though environmental groups said it would harm the local ecology.

Critics say the park and its wildlife could be damaged by the development and Victoria Falls could lose its status as one of Africa's biggest tourist sites.

Peter Sinkamba, the head of one environmental group, said the government did not do a proper study of potential ecological damage.

Sunday, November 19, 2006

Ian Manning's submission to ECZ on Legacy

ZAMBIA'S STATE OF THE ENVIRONMENT

The present imbroglio concerning the issue by the Zambia Wildlife Authority (ZAWA) of a 75 year Tourism Concession

Agreement on 220 ha. in the Mosi oa Tunya National Park – part of the Victoria Falls World Heritage Site, to a vigorously assertive black empowerment company, Legacy Holdings Limited, and its plans to build a golf estate in the middle of it, stirs the nation.

It is now clear that the lease is without legal foundation, and that the proposed development would, in Legacy's own words in its 360 page Environmental Impact Statement, remove all the natural vegetation and result in irreversible ecological damage. It is, in short, an impending natural and national disaster as it would destroy the Park, destroy the Victoria Falls World Heritage Site, drive away tourists and investors, and destroy the credibility of ZAWA, the Environmental Council of Zambia (ECZ) and the Government itself.

Zambia, as never before, has suddenly become aware of the environment; not just the natural resources: the wildlife, the forests, lakes and rivers, but the state of the environment. The recent closure of the Konkola Copper Mining Company's operations due to its continuing pollution of its surrounds, the news that Kabwe is one of the ten most polluted places on earth, the sufferings of the poisoned poor, ensures that the ECZ and the myriad Government ministries, departments and statutory bodies responsible for the environment now have to place its well-being at the forefront of all they do. Therefore they need, as a matter of extreme urgency, to ratify the draft National Policy on the Environment (NPE), and build the ECZ into a formidable institution able to implement it – fully supported by the Natural Resources Consultative Forum (NRCF) and the National Movement Against Corruption (NAMAC).

There is growing impatience within civil society, among donors, rural communities and Government for the attainment of the UN Millennium Development Goals through sound environmental and natural resource use. The clarion call by the Minister of Tourism, Environment and Natural Resources (MTENR) for funding for an Institutional Framework and Action Plan for inter-sectoral implementation under the auspices of the MTENR, and in line with the National Decentralisation Policy, 2003, underlines the crucial importance of the NPE, buttressed by the appropriate legislation and regulations. This will help attain and ultimately secure the goal of development without destruction.

WILDLIFE AND ENVIRONMENTAL
CONSERVATION SOCIETY OF ZAMBIA (WECSZ) ,
Livingstone

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WILDLIFE AND ENVIRONMENTAL CONSERVATION SO-
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ECZ Submission for the EIA for the LEGACY HOLDINGS
ZAMBIA LIMITED proposed "Mosi-Oa-Tunya Hotel and

Country Club Estate Project” in Livingstone, Zambia

“Our national parks are as good, only as good, as the intensity with which we treasure them”

John G Mitchel, National Geographic, August 2006.

1) Introduction

- 2) International Agreements, Conventions and Jurisdiction
- 3) Golf Course in a National Park
- 4) Eco Tourism
- 5) Environmental Impacts
 - 5.1) Birdlife
 - 5.2) Habitat destruction and wildlife
 - 5.3) KAZA TFC
- 6) Methodology and Baseline Information
- 7) The Impact on Present Infrastructure
- 8) Conclusion

1) Introduction

The Wildlife and Environmental Society of Zambia, WECSZ has raised major concerns over the impacts of the Legacy Holdings Zambia LTD proposed Hotel and Golf Estate Project. . This submission outlines the WECSZ objections and the basis for those objections. WECSZ is in agreement with the Legacy EIA statement that the project site will have all its natural vegetation removed and that the result will be “irreversible ecological damage”

The Legacy EIA is actually a project document detailing what is to be done but it does not detail the strategic environmental

impacts of such a development to the region as a whole. Many of the facts used in the EIA document are out of date, irrelevant to the site and to the region and are not factual (agricultural statistics, rainfall statistics, employment figures and birdlife). For a multi million dollar investment in an internationally sensitive and crucial conservation area, The EIA for Legacy is seriously lacking in serious data and assessment.

The claim in the EIA that " The Mosi-Oa-Tunya Hotel and Country Club Estate will be an environmentally sensitive tourism development along the banks of the Zambezi River as well as the Maramba River" is incomprehensible. No amount of mitigation will change the fact that the 220 ha area will be irreversibly changed, the natural environment destroyed and the damage to the park as a whole, and to regional conservation development, devastating. The proposed development would cut the Mosi – oa – Tunya Park and the World Heritage site into two separate parts which has serious implications for the planned improved bio-diversity of the park by the SEED PROJECT including the projected increase in length of stay at Livingstone and the sustainability of Tourism in Livingstone. The danger of the Victoria falls being delisted from its World Heritage Status has major implications for the tourism industry and Zambias standing in the International arena.

The essence of the EIA should be to ask, and then answer, the following question:

Are the economic benefits of the proposed project justifiable against

- completely destroying a World Heritage Site, National Park and protected area, a wildlife corridor, wildlife breeding and

feeding grounds

- loss of biodiversity
- permanent alteration of indigenous vegetation
- destruction of Stone Age/Iron Age archaeological sites
- loss of public access to two rivers?
- massive damage to present Transfrontier Conservation

Initiatives

- the delisting of Victoria Falls World Heritage Site status
- the massive loss to the economy from tourists who decide not to visit a country which is prepared to sacrifice its heritage for short term gain

WECSZ submits that the irreversible damage to the natural environment at the site of the proposed development far outweighs any potential economic benefits to the local area.

Below is a point-by-point examination of selected issues that arise from the EIA. Each point begins with an issue, in bold, followed by a critique of that issue.

2) International Agreements, Conventions and Jurisdiction

On Friday 10th November 2006 the Times of Zambia reported that the Government has ratified 25 global environmental conventions which play an important role in influencing policies and laws in the sector. Mr. Mutembo, the Copperbelt Deputy Permanent Secretary announced the government “had embarked on a series of initiatives aimed at attaining sustainable socio economic development through sound environmental protection and natural resources management”. How does the proposed development support these ratifications?

- The EIA lists some of the conventions and agreements to

which Zambia is a signatory, such as the Convention on Biodiversity, The Ramsar project, IUCN, UNESCO, etc.

- The Victoria Falls and its surrounds - both in Zimbabwe and Zambia - is a World Heritage Site and is therefore protected by international convention. UNESCO declared a 30km radius of Zimbabwean and Zambian territory around the Victoria Falls a World Heritage Site in 1989. At a July meeting of UNESCO's World Heritage Committee in Lithuania's capital, Vilnius, the committee cited concerns that "the integrity of the property [Mosi-O-Tunya National Park] remained threatened by uncontrolled urban development, pollution and unplanned tourism development." In her presentation to the meeting at the Fairmount Hotel, Livingstone on the 6th November, UNESCO commissioner, Mulenga Kapwepwe, said the Victoria Falls, which had put Zambia on the tourism world map, risked losing its world heritage status because of the laxity to consider the protocols seriously.

- The World Conservation Union (IUCN) management plan for the area (The Strategic Environmental Assessment of Developments around Victoria Falls, June 1996) states categorically that no developments should be allowed within the boundaries of the site, and that the wilderness value and the biodiversity of the area are prime resources, which have to be maintained.

- Since then Zambia has ratified a number of international treaties, including :

Convention Concerning the Protection of the World Cultural and Natural Heritage, and the

African Convention on the Conservation of Nature and Natural Resources. The proposed Legacy site is also a designated Important Bird Area (IBA) as declared by Birdlife International

and it forms part of the Transfrontier Conservation Area (TFC).

The Post, Thursday November 16th quotes The Minister for Tourism Environment and Natural Resources, Mr Kabinga Pande, “It must be remembered that laws are in place to safeguard the interests of citizens. I have further directed the Environmental Council of Zambia to ensure that existing law on environmental protection is enforced and complied with fully.”

The proposed Legacy site falls under the joint jurisdiction of ZAWA, the NHCC and the City Council:

1) The Livingstone Development Plan, which was approved by Council in 2006, includes the Vision of the Council to guide future development:

- “Livingstone, as the main tourism destination in Zambia, must strive to become the preferred tourism destination in Southern Africa, through provision of a quality tourism experience, by resolutely protecting the World Heritage Site and its surrounds, and actively promoting this unique environment, thereby improving the economic situation and quality of life of the residents.”

- “The mission of the Livingstone City Council is to provide minimum level of services that are affordable and to ensure that the costs of such services are recovered in order to protect the environment of this World Heritage Site and promote sustainable development.”

2) This is further endorsed by ZAWA’s Mosi oa Tunya General Management Plan (GMP) of May 1999, which inter alia states:

- A national park, by definition, must possess nationally significant natural or cultural resources and retain a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource;

- Section 3 (Planning Guidelines) states clearly:

“Management emphasis in national parks will be to minimize all undesirable human impacts on wildlife populations”;

- Section 3.5.1 (Natural Resources) states that the priorities for the management of the national park will include: Protecting and conserving the Zambezi River and its riverine vegetation. Any development – local, national, international – which threatens the integrity of the riverine ecosystem should be opposed in the strongest terms.

- Figure 7 in the GMP illustrates the distribution of management zones within the national park.

A narrow riverside path route is provided between the Maramba River and the present Sun Hotel site for pedestrian access. The rest of that sector is designated for general tourism activity where permanent structures cannot be erected without full justification. Permitted activities in the Tourism Zone include only: game drives; escorted walks; and picnics.

The narrow, riverside development zone north of the Maramba River will be restricted to existing developments and to jetties, information centres, car parks, toilets and picnic sites. In this area “...no new leases will be considered...These limitations are imposed to keep development to a minimum and safeguard the corridor used by wildlife in this narrow and restricted part of

the park.”

The road that runs from the cultural centre along the Maramba River to the confluence is a public road and any change in its status requires that it be de-gazetted by an act of Parliament. Zambian Law on land tenure vests all national parks and gazetted sites in the hands of the state, and any lease of such land is subject to normal tender procedures. As former Minister, Sonny Mulenga said the land had not been advertised or subjected to any tender procedures. “We are setting a very bad precedence for the future generation – land which is gazetted, as a World Heritage Site should never be given out for a song. No records have been given on who evaluated that land, and the amount in question is a mockery.”

The concession was expanded from 2 ha. to 220 ha. for a reported period of 75 years without going to tender and is therefore procedurally incorrect and subject to cancellation by the Commission for Investigations

- ii) The boundaries of the Park would have to be changed by statute to make the concession possible.

- iii) The proposed development places ZAWA in default of its statutory mandate as laid down in the Wildlife Act of 1998: section 5(1) (a) and (c)

- iv) The concession reduces the area of the National Park, contrary to Section 12 of the Act.

3) Golf Course in a National Park

The Legacy EIA justification for building and destroying a natural, protected area within a National Park is by reference to golf courses in other National Parks, namely Kruger, Pilansberg,

Sabi River, Mt Kenya, Aberdares, and Mweya in Uganda.

What is not considered or pointed out is that these other National Parks are far larger than Mosi-Oa-Tunya National Park (MOTNP). The golf courses in these parks do not take up the entire neck of a Park as Legacy would do in MOT NP. The other golf courses do not completely block a wildlife corridor, whereas the Legacy Development would effectively cut the MOT NP into two distinct halves. In Zimbabwe, the Falls are surrounded by the 2 340 ha Victoria Falls National Park and the 57 000 ha Zambezi National Park. The golf course at Elephant Hills on the Zimbabwean side does not, therefore, impact on the free movement of wildlife as there is adequate space for animals to move around the developed area. This is not the case in the much smaller MOTNP where the Legacy Development would take up 3% of the entire park, and block the crucial wildlife corridor of the park.

4) Eco Tourism

The EIA states that “It is the intention of the developers to follow the “eco-tourism” guidelines produced by the Livingstone Tourism Association”. Ideally, true ecotourism should satisfy several criteria, such as

- conservation (and justification for conservation) of biological diversity and cultural diversity, through ecosystems protection
- promotion of sustainable use of biodiversity, by providing jobs to local populations
- sharing of socio-economic benefits with local communities and indigenous people by having their informed consent and participation in the management of ecotourism enterprises.
- increase of environmental & cultural knowledge
- minimisation of tourism’s own environmental impact

- affordability and lack of waste in the form of luxury

So, why is ZAWA allowing Legacy to turn a huge area of our National Park into luminous green carpet of landscaped fairway? Is ZAWA under a deluded notion that, because golf courses are green in colour, they are somehow 'green' in the environmentally friendly sense, too? The truth is, golf courses take up too much space, too much water and disrupt the balance of wildlife. Why has ZAWA allowed this when they are tasked with the protection of our natural environment?

5) Environmental Impacts

- The Legacy EIA states that the development would remove all natural vegetation from the site and that it would cause 'irreversible ecological destruction' and cause "disruption to Elephant/Animal Corridors", despite this it insists that the socio-economic considerations outweigh environmental impacts.

- Despite being offered alternative sites on the river Legacy has stated that if refused, Legacy will pull out of Zambia. Why has Legacy Holdings refused to consider an alternative site, despite this being required by Law under the Environmental Protection and Pollution Control Act (EPPCA). How can Legacy Holdings Zambia embrace irreversible environmental damage and the loss of World Heritage Status without considering an alternative site?

- The EIA report states "The main objective of this EIA is to examine impacts on ecological units and ecological processes of the project area including impacts on physical, biological, socio-economic and cultural environment and to provide mitigation measures for identified impacts". The resorts are being built on that specifically identified narrow part of the national park where elephants cross the river and move through to the gorges - an area of major conservation importance for water birds

and other wildlife, and also the only part of the river near the Victoria Falls accessible to the people of Livingstone. So how do you mitigate the effects of permanent environmental damage, the blocking of a wildlife corridor, fencing hippo out of their grazing grounds, the pollutants from chemicals and pesticides and fertilizers, the loss of biodiversity and the closure of access of locals to the river? The mitigating measures put forward by the EIA, i.e. by planting exotic grass, an elephant corridor of 200 meters, allowing a few tame impala to run around, sparing some trees for weavers to nest in, or planting *Acacia nigrescens*, which take years to mature, are paltry and trivial. Having seen the plans for proposed project, which include a swimming pool built on the Zambezi riverbank, (despite recommendations for building 50 meters from the river), it is obvious that the recommendations in the EIA and mitigating factors would also be ignored.

5.1) Birdlife

The riverine vegetation is a crucial breeding and feeding ground for many species of waterbirds, and woodland species prefer the shrubs, scrub, grasses and trees of the drier mopane areas. At the Lower Maramba to Zambezi Confluence, at the proposed site for Legacy, on the 14th June 2006, R Stjernstedt, S. P. Norman and M. Kalaluka, carried out a brief study of the birds in the area, covering a distance of 1.3 km. This is a walk frequently used by bird-watchers and naturalists in Livingstone, because it is a stretch of undisturbed riverine vegetation on the banks of the Zambezi River, looking directly across to a nesting colony of Egrets and Cormorants. This is also a site, almost the only point left to the general public, to see such Zambezi specialities as Rock Pratincoles, White backed Night Heron,

Osprey, and Finfoot.

The survey reported 49 species of bird. Notable among birds special to this habitat were

Purple Heron African Goshawk

Gymnogene Red billed Wood Hoopoe

Orange breasted and Grey headed Bush Shrikes African Golden Oriole

Yellow-bellied Greenbul Brown headed Kingfisher

Trumpeter Hornbill Lesser Honeyguide

Collared Palm Thrush Eastern Bearded Scrub Robin

Yellow breasted Apalis Spectacled Weaver.

A longer study, conducted over a ten-year period by the Livingstone Museum Department of Natural History has identified 53 species of waterbirds in the area. Renowned ornithologist and local resident, Robert Stjernstedt, reports that 420 bird species are known to occur in the Victoria Falls Area. The survival of these birds depends on the biodiversity of the area.

For this reason, the area within and around the proposed site for Legacy Holdings' development of a golf course and resort was declared an IBA (Important Bird Area) declared by Birdlife International. The aim of Birdlife International's Important Bird Area Programme is to identify and protect a global network of sites that are critical for the long-term survival of all bird species and their habitats. Birds are prone to endemism (found in a restricted distribution area) and are an excellent indication of biodiversity in general. If an area holds rare or endemic birds or a particularly diverse range of birds, it

is likely to hold a comparable array of other organisms. When water levels drop, rocky islands and sand bars are exposed along the river above the falls. Rock Pratincoles breed in large numbers on the rocks, and sandbars attract species such as White-fronted Sand Plover and African Skimmer. The riparian forest is home to species such as White-backed Night Heron, Western Banded Snake Eagle, African Finfoot and Brown-necked Parrot. A number of interesting species has been recorded on the boundary of the National Park at the Livingstone Sewerage Ponds including several rare waders and a variety of crakes. Slaty Egret has occurred on a few occasions. The general area also holds large numbers of indigobirds, amongst which can be found odd individuals imitating Brown Firefinch” From Important Birds of Zambia, Peter Leonard. Published by ZOS 2005

Threats to the biodiversity of the area identified by Birdlife International are the general level of disturbance and the effects of the ever-expanding tourist industry, which include light aircraft and helicopters, tourist activities and the immediate disturbance caused by new roads and infrastructure.

5.2) Habitat destruction

The expected Civil Works and construction phase of the Mosi oa tunya Hotel and Country Club as laid out in the EIA would be expected to last twenty-four months.

“This phase would involve the following activities, which would adversely affect the environment:

- i) Clearance of the existing natural vegetation and trees;
- ii) Removal of the top-soil around the foundation area;

iii) Construction of access road and internal roads within the project area;

iv) Installation of surface water drains;

v) Construction of buildings.

The activities would be undertaken using front-end loaders, graders, wheelbarrows, shovels and picks. The soil removed from the foundation area would be stockpiled in designated areas for future re-planting”.

The IUCN report states that “no mature trees or riparian vegetation should be cut down”. The natural vegetation provides crucial habitats for a wide variety of species of wildlife: large mammals (elephant, hippo, waterbuck, bushbuck and occasionally buffalo), smaller mammals (baboons, vervet monkeys, cane rats, genets, scrub hares, civet, duiker, mongoose, night apes, etc.) as well as birds, insects and reptiles.

In a study by WECSZ, 54 species of woody plants were recorded on the right bank of the river. It was found to be heavily infested in places with exotic Lantana, Melia and gums (Eucalyptus); apart from these the indigenous vegetation appears intact, with *Kigelia africana*, *Combretum*, *Acacia*, *Diospyros*, *Terminalia*, and *Bauhinia* specimens of good size, being undisturbed by human encroachment. Of special interest is tree wistaria, *Bolusanthus speciosus*, a marginal species for Zambia but an endemic monobasic genus of the Zambezan phytochorological region. This species by itself is enough to recommend the site for preservation, as it is of frequent occurrence here and the trees are of good form and height, thus offering Zambians a unique opportunity to see this beautiful tree within their own country.

The IUCN management plan states “there should be access to the riverbank and animal crossing points”. The Legacy development ignores this stricture. The importance of elephants in overall conservation is as a keystone species, i.e. they encourage biodiversity through dispersal of seeds through dung, through their large ranges and by opening up overgrown, dense thickets giving other plant species a chance to grow. Elephants frequent the area between Sun Hotels and the Maramba river, their passage hindered by increasing tourist activity and the developments built to support tourism. The area in question is the last remaining intact area of good vegetation outside of the Park where elephants are free from human pressure. It is crucial that this area remains undeveloped and conserved as a route for animals from the Park and for those crossing the river to travel to the gorge and the Mukuni area. MOT is already damaged by overgrazing and deforestation. The competition for feeding is very high, and so the elephant destruction to trees within the park area is devastating. Over 100 elephants have been seen to use the Legacy area, in various-sized herds, primarily for feeding on fruiting trees, grasses and shrubs. There is very little evidence of trees having been pushed over in the Legacy site area, probably because of the lack of competition from other game. This alleviates much pressure from the fenced Zoological Park. If the Legacy Development went ahead, the increase in destruction to the fenced Zoological Park would be disastrous and could permanently alter the vegetation and carrying capacity of the Mosi-Oa-Tunya National Park. There is also likely to be an increase in elephant /human conflict upriver past the Sinde if the elephant access to the gorges is blocked off.

5.3) KAZA TFC

One of the “major negative environmental impacts of the Legacy Holdings Development have been identified in the EIA as : Disruption to Elephant/Animal Corridors”.

At the World Summit on Sustainable Development, one of the key resolutions was to foster Transfrontier Conservation Area. ZAWA has signed an agreement with the Kavango Zambezi Transfrontier Conservation Area (KAZA TFC) to establish a Transfrontier Conservation Area (TFCA) with the Peace Parks Foundation (PPF) in agreement with the Africa Wildlife Foundation (AWF). The underlying philosophy of TFCA's is that cooperation in the management of natural resources that occur along international boundaries will spur increased collaboration between neighbouring states, which will benefit conservation through the wise use of these shared resources by

- Enhancing biodiversity conservation across borders
- Socio-economic development based on sustainable management of natural resources
- Enhancement of cooperation between states, government agencies and communities across political borders.

In practical terms the combining of protected areas across borders allows for improved management and increased ranges for migratory animals such as elephant. It also allows for the marketing of a larger and more diverse tourism destination.

At a meeting held in Angola in April 2003, the Ministers responsible for tourism in Angola, Botswana, Namibia, Zambia and Zimbabwe, agreed to establish a major transfrontier conservation and tourism development area in the Kavango and Upper Zambezi River basins. The proposed Kavango Zambezi TFCA

falls within the Okavango-Upper Zambezi TFCA Zone, where the international borders of five countries converge. It includes a major part of the Upper Zambezi basin, the Okavango Basin and Delta. The most significant feature of the Kavango Zambezi TFCA is the large drainage system running through it (the Zambezi, Kavango/Okavango, Kwando and Chobe rivers). The core area is a series of wetlands (Okavango, Chobe/Zambezi) and saline lakes (the Makgadikgadi Pans). The other major feature is the presence of significant populations of the African Elephant. The area is estimated to have nearly 200 000 elephants which is around 30% of the world's estimated population. Elephants are recognised as the flagship of conservation. The TFCA is designed to conserve landscape-scale ecological function, and elephants being such important herbivores need large landscapes to move around naturally and cannot be conserved inside traditional game reserves and national parks, which are too small and do not necessarily cover international boundaries.

The Kaza TFCA boasts renowned natural features such as the Okavango Delta (the largest Ramsar Site in the World), the Victoria Falls, and the Kafue wetlands as well as considerable tracts of riverine and floodplain habitats along the Okavango and Zambezi Rivers and their tributaries, namely the Kwando, Chobe and Quito Rivers. The TFCA covers many areas formally gazetted as national parks, game reserves, forests or wildlife management areas as follows:

Namibia

- The Mamili, Mudumo and Bwabwata National Parks
- State Forests

Zambia

- National Parks: Liuwa Plains, Kafue Park, Mosi oa Tunya and Sioma Ngwezi National Parks
- Game Management Areas: West Zambezi, Mulobezi, Sichifulo, Bilili, Namwala, Mumbwa, Lunga-Luswishi, Busanga and Kasonso
- State forests

Botswana

- National Parks: The Chobe, Makgadikgadi, Nxai Pan National Parks and Moremi Game Reserve
- Wildlife Management Areas: Okavango, Kwando, Nunga, Ngamiland, Boteti and Nata State Lands
- State forests: Kazuma and Chobe

Zimbabwe

- National Parks: Hwange, Kazuma Pan, Zambezi and Victoria Falls National Parks (and the Matetsi Safari Area)
- State forests: Kazuma, Panda Masuie and Fuller forests

Angola

- National Parks: Luiana and Mavinga Game Reserves
- State hunting areas: Longa-Mavinga, Luengue and Mucusso Coutadas

KAZA TFC is currently working with ZAWA and WECSZ in creating the links between the protected areas in Zambia and those in the neighbouring countries. The Open Areas that occur between the Game Management Areas and the Zambezi River will create the links between the Kafue Park and the protected areas in the neighbouring countries, with the vision of creating wildlife corridors and linkages to re-establish the old elephant migratory routes between the Zambezi River and parks such

as the Kafue Park and the Sioma Ngwezi Park.

Current studies for the KAZA TFC include seeking land features between conservation areas (parks/forests) that meet the habitat needs of elephants, mapping the landscapes that effectively allow fragmented elephant populations to interact, and evaluating the suitability of these wildlife habitats with the emphasis on the habitat requirements of elephants. Recent satellite data received from Elephants without Borders, an NGO working to track elephant movements to establish elephant corridors using satellite imagery have shown that elephants use the entire area of the proposed Legacy Holdings site, not just a corridor along the Maramba river. The Legacy proposed “elephant corridor” along the Maramba River is simply not viable: elephants do not walk in straight lines and the area is not a walkway but a feeding ground. Preserving a corridor will not preserve the functioning of the crossing point as the entire area needs to be preserved. As has been shown in Botswana, elephant corridors need to be not less than two kilometers wide to be sustainable.

6) Methodology and Baseline Information

Baseline data was collected through field appraisal, discussion with relevant agencies and institutions in the concerned areas and consultation with local communities and individuals in the project area.

The foundation stone was laid prior to any consultation with local stakeholders, including the Livingstone City Council. The recommendations and concerns put forward at the Scoping

Meeting held by Legacy at the Fairmount Hotel have been noted but ignored. The ECZ public meeting held at Maramba River Lodge was more of a political rally with cadres bussed in to disrupt environmental concerns, than an assessment of environmental impacts. Threats and racism were used to intimidate the public. ECZ was not on the panel, questions were directed to the Legacy Board of Directors. ZAWA was not present to discuss environmental concerns. NHCC was not present. Few of 300 or so participants had heard of the EIA document, fewer had even read it. Was this an public hearing for Environmental Impact Assessment?

7) The Impact on Livingstone Infrastructure

The increase in traffic and burden on already disintegrating road networks, water and sanitation and electricity in Livingstone would be enormous. Legacy expects a maximum of 3330 guests, 1850 permanent employees and 1250 visitors on a daily basis. The conference center provides for 1000 delegates. There would also be a craft production site which would require more people transported to and fro, as well as fresh produce, i.e. fish and vegetables and other guest supplies produced on site. The traffic increase and congestion, not to mention road accidents and increased pressure on our roads, would be devastating. An estimated increase of 60 more vehicles a day would be used in the construction phase and would be active at peak hours and, once operational, an additional 200 vehicles a day, of which 50 would be bulk supply vehicles. The repercussions for the already-congested road network in Livingstone are alarming.

8) Conclusion

The EIA states that: “the socio-economic benefits of the project to the communities in the project area of influence outweigh the “no-development” scenario. The project is

therefore being recommended for implementation assuming the incorporation of the recommended mitigating measures and implementation of the Impact Mitigation Plan and Environmental Monitoring Plan”.

WECSZ is very aware of the need for employment in Livingstone. We have high unemployment and poverty which requires urgent addressing. The Livingstone community desperately needs more income, more development and improvement to its infrastructure. We do not have a proper or adequate refuse disposal system, we do not have sufficient water, our roads are in a shocking state of disrepair and our economy is limited to seasonal tourism. So Livingstone residents are certainly not against development. They need and want development.

However, we have to embrace responsible tourism for long term sustainability. By destroying the World Heritage Site and a National Park, the negative effects of this development will outweigh the positive impacts of jobs.

Tourists are attracted to Zambia primarily for its vast and relatively intact wilderness areas. Most lodges are eco-friendly, small-scale structures with minimum impact on the environment; but the potential damage to the tourism industry, by over-development and the complete commercialisation of the Victoria Falls area could have serious repercussions for Livingstone. Tourists come to Livingstone, and for that matter, Zambia, primarily for a wilderness experience. They do not come to Livingstone to find something like Florida or the coast of Majorca. The construction of Legacy resorts on a World Heritage Site, permanently altering the aesthetic beauty of a natural environment and blocking a wildlife corridor, is likely to alienate those attracted to “the real Africa”.

The main attractions for visitors (and hence the thousands

of visitors every year) is the Victoria Falls, the Mosi-Oa-Tunya National Park and the wildlife in our area. IUCN stresses that one of the principal attractions of the area is its perceived “wilderness” value and “the juxtaposition of natural wild area with modern visitor amenities. If this wilderness is lost due to over-development, then the visitors will not come and the economy and social structures will suffer.” IUCN Victoria Falls – Skeleton Management Plan Part Quite simply, if the Park is destroyed through over-development, many of the visitors will stay away. And, as a World Heritage Site it is incumbent on us to protect it for all mankind.

As George Schaller says in an interview with John. G Mitchell in National Geographic, October 2006, “It’s essential that each country keep part of its natural heritage untouched, as a record for the future, a baseline to measure change, so people can see the splendor of their past, before the land was degraded. And if we ever want to rehabilitate habitat, we need to see how things used to be. These parks and reserves, these untouched places are also genetic resevoirs, where plants and animals that don’t exist elsewhere still survive. They can be invaluable to the human species as a source of food or medicine. If we destroy the parks, they’re gone forever, and we may be losing something invaluable to us”.

“There are certain natural treasures in each country that should be treated as treasures, and it’s up to conservation organizations to fight on behalf of the special places. Too many of these organizations have lost sight of their purpose. Their purpose is not to alleviate poverty or help sustainable development. Their purpose is to save natural treasures”

Tourism is one of the world’s largest and fastest growing industries as more people are exploring other countries, desti-

nations and cultures. "Ecologically sensitive areas, those where natural resources are critically endangered by physical changes and which contain a great diversity and interdependence of living habitats", are experiencing an increase in visitation. Sensitive areas hold the main assets on which the tourism industry depends, so conservation is a must. Any changes in the component of an ecosystem will have unpredictable effects on the entire system". These sites may be national parks, world heritage sites, wilderness area or cultural sites. As UNESCO'S Gina Doubleday says, "Tourism is great; there's more discovery and more awareness about the sites, but it does mean we have to work hard to protect them". Selling off a park, or degazetting it, serves short term appetites while compromising long term ideals. "Parks exist in the dimension of economics as well as geography, biology, symbolism as well as politics and time."

We also cannot afford to lose our World Heritage Status. We have much pride in boasting such an internationally recognised status. The Victoria Falls is one of the Seven Natural Wonders of the World (CNN). This deserves all the protection it can get. The response to the proposed Legacy development in our national park has been met with unbridled passion, respect and love for our wildlife and our natural and historical heritage. The publicity that this project has received, both locally and internationally, and the response from all walks of the community have shown that, the value of our wildlife and our environment and its protection outweigh the economic effects of this development.

Ali Shenton. Chairman of the Livingstone Branch of WECSZ.

Monday, November 20, 2006

Kalaluka Namasiku Mulyokela's EIA submission to ECZ

SUBMISSION TO THE ENVIRONMENTAL COUNCIL OF
ZAMBIA ON THE ENVIRONMENTAL IMPACT ASSESS-
MENT FOR THE PROPOSED "MOSI-OA-TUNYA HOTEL
AND COUNTRY CLUB ESTATE PROJECT" IN THE MOSI-
OA-TUNYA NATIONAL PARK IN LIVINGSTONE, ZAMBIA

I am a Zambian citizen and resident of Livingstone for 15 years; I am not only gravely concerned about the proposed golf resort development by Legacy Holdings Limited in Mosi-oa-Tunya National Park. But also very disappointed by the failure of the so many professionals in ZAWA to stand by what they are best trained in and practice.

My submissions are from three perspectives that are: as Livingstone resident, a concerned and informed citizen and as a conservationist.

I have read through the Environmental Impact Assessment Report very carefully and have the following issues of concerns:

- The EIA public meeting a disaster

To make no comments on this meeting will be like hiding some dirty in one of the most important process of the EIA. The public hearing was turned into a political event and very few people who attended knew what the EIA was. Legacy took centre stage as we were told that it was a question and answer session. This was not respected as some people were given more time to speak especial those who were in support.

It was the worse meeting of this kind ever made in Livingstone as the MMD and Mukuni cadres, and drunken youth mostly speaking Toka took the stage making noise. This meant that people with genuine concerns and comments were shouted at and intimidated into not even trying to say anything. Openly racist remarks were made more especial to one group of whites who were sitting just in front of the high table.

Although it was supposed to be an ECZ meeting, they were nowhere to be seen. After presentations by five different Legacy officials, the meeting was conducted as a “question and answer session between Legacy and the Public”, not as “submissions from the public to ECZ concerning the EIA document”. Most of those who spoke in support made no reference to the EIA but only said people wanted jobs forgetting that the meeting was meant to receive submissions from the public on the issues brought out in the EIA

Honestly speaking, ECZ was a shame and they owe the public an explanation why such intimidation was allowed while they sat and watched the abuse of people who tried to give their views rightly. We all had the right to speak and spent money to drive to the site yet ECZ and its cohorts let such acrimony to over take the events.

I urge ECZ to do a better job next time before people term you a toothless and compromise institution especial with what happened on the 11/11/2006. Do not trivialize national issues.

- Implied Consultations:

The Mosi-o-Tunya National Park as a protected area owes its existence to the people in this regard all it means is that all

communities in Livingstone and its surrounding areas inclusive. This is so because its entire management programmes and its ultimate vision are centred on the Zambian people. It is important and not questionable that the full consultations of people in all walks of life are consulted when a General Management Plan is being prepared. The Mosi-oa-Tunya National Park was established to protect all biophysical resources that will enhance its management objective and our lives. Among such resources is the Victoria Falls locally known as the Mosi-oa-Tunya Falls. Admittedly the park draws its name from the falls signifying its importance as a unique resource value for the park. Many other resources of local, regional and international significance are also found within the park. It is therefore very important that any development to come gives all the interested, affected and concerned individuals and institutions alike a greater chance to participate more meaningfully. Many other resources in the park come under different management authorities most notably National Heritage Conservation Commission (NHCC) which is now managing the Victoria Falls World Heritage Site. Within the same areas there are other resources of very importance like archaeological sites, cultural and historical site of substantial importance from a traditional and tourism perspective.

During what one can call comfortably a fake scooping meeting the evidence of ZAWA taking the show alone came out very evidently from the following observations.

a) Senior, dedicated and long serving conservationists from NHCC were getting to hear about this development and what ZAWA had done in this meeting for the first time.

b) The Livingstone City Council was learning this for the first time when land was given already.

c) The Representatives of the Livingstone Tourism Association were also hearing this for the first time.

d) Most concerned public present were not aware of this.

e) The Wildlife and Environmental Society of Zambia a very cardinal partner and watchdog in conservation with a local office were not consulted.

f) The Zambia Wildlife Authority (ZAWA) finally accepted when asked that the park had no approved General Management Plan (some weeks later ZAWA was in a hurry to mend the loophole and called for some meetings where a management plan was to be finally prepared) Where then were they drawing the power even within their law of apportioning such a large piece of land in an areas where even other recognised authorities have set limits of acceptable use for any development on the areas?

g) IUCN and UNESCO are international agents that have vested interest in this area in particular the Victoria Falls and its surround areas within the park on behalf of the international public. It is very clear and undisputed that ZAWA had not at one time consulted them.

h) Zambia as party to many international treaties is obliged to play by the rules of such laws. Many UNESCO regulations as regard to the sustainable management of the Falls and its surrounding and any developmental plans in future have been abrogated by ZAWA

i) At what was called as a scooping meeting there was restriction on who to be there. Surely if there was to be transparency, why should there be such conditions when they were just paing for the hall not food to those attending the meeting. One needed to be invited to attend. What was Legacy and ZAWA afraid of? This was a way to limit people with a

view to use such a forum as a rubber stamp that people were consulted.

For ZAWA to have gone it alone in apportioning this land without a wider consultation even abrogating their own requirement in terms of developmental zones and their limits of acceptable use then it means there were other not well meaning forces at work that is:

- There was heavy political influence to the extent that professional advice was over ridden as we know in many such things. This has made both the executives directors of ZAWA and NHCC to remain mute and give in to such professional suicide. I am not blaming them because they are dancing to the tune of their appointing authorities and protecting their jobs.

- The level of audacity by ZAWA to go it alone is a sign of desperation on ZAWA for money to keep them afloat.

- With these clear omissions and deliberate efforts to irresponsibly mismanage public resources how can we rule out corruption, compromise and lack of foresight by those in position that have given such a go ahead from Govt to professional levels?

- Finally the monster which is ZAWA created willingly by the Govt will do anything to make money for itself hence conservation of the resources on behalf of the people of Zambia is a secondary and tertiary issue (make money first should be their motto). With this ZAWA want to dare and ignore that people have the rights to have their resources managed in the most responsible way not this management by crisis where even a plan is not there.

Given this scenario, and the magnitude of the development and subsequent lack of thorough and objective consultation, the area in question was not suppose to be given out without

the consent of ALL stakeholders sidelined by ZAWA local and international. As a joint venture, ZAWA would have engaged their Zimbabwe counter parts but this has not been done. What do they think they are to bulldoze this common resource without regard for other stakeholders? ZAWA has no financial capacity to either stomach the consequence of isolation nor combat the effort of negative attitude in management of our local resources should the public retaliate or frustrate their efforts.

They should not forget that their existence is as result of good will and support from the people not that they are using the law and guns and hence in control. It is therefore unacceptable for ZAWA and Govt to take the public for granted but act reasonably by examining the merits and stand taken by the opponents of the Legacy Project some who are not Zambians but well informed, competent and concerned people.

- Ecological over sight

The consultants have failed to even assign the correct term to the area given to Legacy. They are constantly referring to the area as an animal corridor. This is professionally misinformed at its best and deliberate misrepresentation of facts at its worst. All can be summarised that the consultants on the ecology and wildlife did not know what they were doing as they failed to address the following conspicuous and critical issues relative to the area.

- a) The whole area given out has never been a corridor instead and rightfully it is a habitat for not only semi-seasonal elephants but other wildlife species that have existed in that area for a long time. Their shallow idea therefore that they create a 250 meters elephants corridor along the Maramba River is a shallowest

alternative a professional and qualified wildlife manager can give to such an area. They have failed to identify other key species in the area from a simple niche to the visible habitat characteristics. Is the same corridor they will create going to be used by baboon, monkey, insects, reptiles and other species or to them all they know is that area is just home to elephants.

b) The EIA has failed to show a practical, realistic and objective ways to mitigate the effect of the lack of access to the area by wild animals. (Especially elephants, hippos, birds and the two species of primates locally found there, that is baboons and velvet monkeys). They have very narrow if any knowledge about Man and wildlife conflicts which has been around the national park in general and how they relate to the now diminishing habitat. Human lives have been lost, crops damaged and property destroyed they have no single points that relate to this issue. Why? They have failed to indicate and relate this to the whole developmental process and how this will impact the local community adjacent to the area and beyond. This academic approach taken by Legacy consultants is a breeding ground for serious man and wildlife conflicts which they have decided to conceal or carefully neglected to bring out for fear of being pinned down. Unless ZAWA is telling the public that Govt is aware of the unavoidable increased human loss due to the huge amount of money that they will get as Govt and ZAWA at the expense of human life

c) The consultant/EIA has failed to point out that as a result of the development; Legacy is creating a very PERMANENT a biogeography barrier between the eastern part of the park and the western park. It means that with such development the park will be ecologically isolated. With the inbreeding already there, they have failed once again to tell the public and professional

justify this and how the issue of the biogeography barrier will be handled. It is from this perspective that both the team leader of the consultants who is a director in Legacy Company and his team have carefully decided to hide this information from both the public and Govt. For ZAWA to allow this type of barrier and isolation with serious implication just confirms the fact that they are truly a commercial entity existing to make money than responsibly and wisely conserve our resources professional. This is betrayal of the people at its best and misinformation of Govt and other agencies at its worst.

d) The vegetation of area has not been put in the right perspective. That area represents one of the very viable and high diversity probably in the entire park. The importance of this vegetation in ensuring that the riverine vegetation is significant to the sustainable management of the falls area has been underrated. Other interested authorities like IUCN have indicated through their studies that no trees should be cut in that area. The IUCN report states that no mature trees or riparian vegetation should be cut down. For ZAWA those existence depend on such resources to give such area out which will promote massive cutting of trees is the most ridiculous things to come and be promoted by a Government conservation agent anywhere.

e) The area supports a number of avifauna which range from aquatic, arboreal and terrestrial. Over 70 species depend on the riverine and the immediate habitat. The Livingstone Museum recorded in its over a year research about 53 aquatic bird species within the same area. In recognition of its significance as a habitat for both migrant and local/resident at varying densities, population size in time and space, Birdlife International has identified and designated the Mosi-oa-Tunya

National Park and its gorges area as an Important Bird Area (IBA). The IBA programme as an international organisation protects a global network of sites critical for the long-term survival of bird species and their habitats wherever they occur. Why have the EIA and the consultants in particular failed to bring out all these aspects and find practical mitigation measures? Are these facts just concealed deliberately by Legacy with the help of ZAWA to deceive the public and Govt or they actually do not know these facts? It is clear on the other hand that the EIA is full of quotations which the consultants are using to hoodwink the public that they had done a thorough job when they are actually cheating and very ignorance about the area.

f) The area is a very important grazing and browsing area for not only wild animals but also livestock from the surrounding areas. In the dry season some cattle from Mukuni's Songwe area and the surrounding areas have used the same area as grazing ground and water drinking points. Among the most conspicuous wild species that use the area are the hippos, waterbucks, bushbucks, baboons and monkeys, kudus buffaloes, impalas and to less extent the common duikers. ZAWA over time has failed to meaningfully manage and protect that area and in turn it is depleted of many of these species. The EIA has failed to capture such critical information and make it known and give mitigation measures. When these animals are denied access in such areas where does ZAWA and Legacy want them to go. They will relocate into human occupied areas and increase conflicts. Human lives will be lost, crop will be damaged including property will be destroyed. Surely our learned consultants should have brought these straight forward issues very openly. With such concealment of facts it is clear that indeed the EIA is not based on facts and that

Legacy consultants have done a shabby work which can lead to misrepresentation of facts and distortion of truth.

g) Promises of re-stocking the park with wildlife should not be a bait to give in. The EIA has made no point how this will be done. It has no mention of the implication of such management intervention. Surely ZAWA would like such gift but do they have the capacity to objectively put such resources to good use, the answer is definitely No. Some two years ago ZAWA sold some live animals from the park. Today some of such animals have moved out of the fence. Legacy promises are a waste of resources and can not therefore be used to defraud public use of the area.

h) ZAWA in Livingstone has shown no interest, professional capability nor institutional commitment in the protection and management of some resources in the park. From January to December 2005 a total record 140 of Velvet monkeys have died within the Sun International Hotel area. From January to June 2006 an alarming record of 85 animals of the same species died. ZAWA scouts who guard the area are fully aware and the reports have reached their office. To date no single reason for this has been established by them. We all know from common sense that this is simple poison within their habitat. If ZAWA call fail to control the situation on a 10 ha area it means it will be worse for a 220 ha. It is logical therefore not to allow ZAWA pair up with Legacy to kill the species that have adapted so well to the area for the sake of money.

- International Commitments

The area falls within the World Heritage Site radius which is the Victoria Falls. This site is owned as a common resource

with Zimbabwe and it is listed as a World Heritage site. It is therefore protected by international conventions which Zambia is a part of. Its status was conferred on at the request of both the Zambian and Zimbabwean Govts. In many UNESCO and IUCN studies of the site, further development within the area has been discouraged on professional advice. As recent as the 6th of November, 2006, UNESCO had meetings with both Zimbabwean and Zambian Govt official and further expressed their displeasure on the manner in which the falls was being managed. They (UNESCO) in no uncertain terms did indicate that should further development continue within the Victoria Falls radius then they will withdraw the status of the Victoria Falls. Further to this they were going to mount a campaign internationally to discourage tourist to come to such an area. To make matters worse the ZAWA through Govt has not consulted the Zimbabwean over the development and hence they will be negatively affected should the status be withdrawn. The EIA and indeed the Legacy consultants have failed plainly to articulate these issues let alone bringing them as critical and fundamental for Legacy, ZAWA and Govt to look into. Again, why has Legacy decided to conceal this information from the public and Govt? It is therefore clear that by allowing this project to go ahead Zambia is abrogating international laws. Neither Legacy nor ZAWA have the capacity to emancipate Govt from the repercussion which will come as a result of such abrogation. There is a serious conspiracy between ZAWA, Legacy and Legacy consultants to conceal such important information and its implication from public because of the money ZAWA will get. Why should Zambian suffer isolation because of such unsustainable project which has alternatives?

- The wilderness Value and the River Frontage

The 220 ha of land involved is the only remaining pristine area which will be turned into some spectacular chalets. This will deface the whole area and it will all look like a small turn. Where will be the wilderness values. It means this enjoyment will be denied to the entire tourists and other users. The EIA document acknowledges and appreciates this value and states that the park provides the “much needed wildlife experience for tourists visiting Livingstone and the Victoria falls”. The EIA has failed to point out how this experience will be enjoyed after Legacy will destroy it in the area. There are no realistic and tangible mitigation given which portrays a shallow approach by the Legacy consultants.

The river frontage that ZAWA has decided to sell has a stretch of about three kilometres of the Zambezi River (including a kilometre of the Maramba River) If the total river frontage is about twenty kilometres (20) it means Legacy will have 15% of the total river frontage in the park. This is total theft and failure by ZAWA to see beyond their nose. This is pure disregard for other users and in this respect unacceptable.

This riverine is one unique resource value supporting a number of life forms and an anchor of many other processes. Why has the EIA failed to clearly indicate how this disturbance will affect the ecology and other systems? Once again Legacy and its constants have failed to show the link between effect of their development and the integrity of the river bank and its associated riverine vegetation.

- Access by Local People and Tourists

The whole area is both a social, spiritual, economical and environmental sanctuary. The local people have used it as the only area where they can pass through, have a quite time and

relax. Church organisations have used some spots for retreats. We are a Christian nation and the use of God's creation should be enjoyed.

Children and elders from Sakubita. Linda, Maloni and Nakatindi compounds and other areas use this area and it's surrounding as a fishing ground. They are the poorest people of our community in Livingstone and to them a small fish caught which is nothing in the face of ZAWA and Legacy means life and death to them. Who thinks of these vulnerable people as a part of our general public and in need, and yet they can not even understand what is going on. Which Govt agency has spoken on their behalf? None at all, the onus is therefore on the civil society, NGOs in conservation and concerned individuals to point out these injustice squarely and seek redress without fear or favour These very under privileged members of society use some points for swimming not out of pleasure in most cases but out of necessity.

We have the oldest trail that goes around this area with some resting points at intervals though over grown with vegetation in some areas but it is active with tourists on horsebacks. Surely if the Legacy consultants were informed enough they would have brought out all these and try to give mitigation measures but they are clearly ignorant about our local situation.

This area is therefore clearly very vital to all walks of life here in Livingstone. Why should we be denied all these benefits for a development that will bring close to nothing direct benefit to the community but individuals?

We need this area intact and for our own use as ZAWA has no provision for such public access into the park anywhere else. What is available is on areas marked 'PRITATE LAND RESTRICTED ENTRY or other investors where us from the

compounds will hardly step our foot on in our lives. Why is the EIA shamefully silent over these issues that affect us the immediate people of Livingstone? The reason is simple ZAWA, Legacy and their consultants have no feeling for the vulnerable but Govt and we the people need to know these issues and face them head on. Govt should be ashamed to overlook all these critical issues.

- Proposed Mitigation Measures:

Though measures have been suggested to mitigate the identified negative impacts it is important to note that many impacts have not been brought out whether deliberately. At the same time experience shows that despite the Environmental Council of Zambia (ECZ) being a watchdog, many projects approved by them have not implemented their Environmental Management Plans for mitigating the impacts. What will stop Legacy from doing what others have been doing with impunity?

Failure by Legacy and its consultants to provide a detailed mitigation measures for example on how the effects of the lack of access to the area by all animals on the local communities, their crops and property clearly shows lack of seriousness and taking people for granted. They have failed again to justify and give mitigation measures for the permanent biogeography barrier they are going to create. What are the motives for them hiding or failing to do what is required of them. If they are so arrogant at this stage what about when they are fully given the area and operational? It is important that Govt does not create a monster among us which will even be difficult to control by Govt itself in future when they grow wings.

It is evident that Legacy, ZAWA and their consultants have

done a very poor EIA to say the least therefore from whatsoever point of view, it is crucial that this development is not given a go ahead on such clear basis.

- Developmental Aspiration and benefits

Development which seek to exist and ignores the importance of conservation/environmental is doomed to failure at the same time conservation/environment which want to exist in isolation is socially, economically and generally an acceptable. I am not opposed to this development just for the sake of it. I realise the potential of the project and related tourism development that may spring from it but its massive negative effects that the consultant have failed to mitigate adequately, bring out and have concealed purposely will render the area as highly developed and an environmental friendly. I agree in principle with the economical benefits that this project may bring but totally disagree on the following environmental and moral points:

a) The level of destructions that will be impacted on the area and the magnitude of the irreversible negative impacts that will be felt well beyond the site is very huge. It is therefore not worthy risk.

b) Why should 15% of a park's river frontage and 3% of the total area of the park be given to a single investor at the expense of other potential investors and the very public the park's resources were meant to conserve for. This is day light robbery and complete disregard for other people's needs.

c) The motive of Legacy in having their director as team leader

for the EIA team and subsequent failure to thoroughly do a comprehensive and professional job is a deliberate ploy to cheat the public. This is already a sign of compromise in the process. Their failure to address key issues more satisfactorily is a manifestation of them being in hurry to go ahead. This area which is a core habitat within the park and is within the World Heritage Site which is recognised by our own govt and the international community can not be destroyed nor left in such negligent hands. How will the international communities look at Zambia?

Surely we can not be viewed as an irresponsible nation just because of \$9m. We have more responsible people that want to see things move in the right direction than being forced into a project full of anomalies in nearly all section of the process.

- Alternative options:

With all the money that legacy has, they are capable of acquiring land nearly anywhere along the upper Zambezi River. Currently part of the Zambezi Farm in excess of 600 ha is on sale with a 300 metres river frontage. This area is within 25 km radius from L/stone town. It is one of the most pristine areas where such massive development will raise very limited impacts to other users of the resources.

Legacy is aware of this and let them pursue this option. Another viable option is the area on the edge of the park boundary on the eastern side. This area gives a very spectacular view of the fall. Much as it will be within the home range of the elephant but the impact of the development to both other users and wildlife resources will be much less as compared to the area in contention. If the negative impacts are mitigated well this can be a very good option.

Finally, failure to stop this destructive development and save our ONLY WORLD HERITAGE SITE in Zambia then what will remain will be to sell the Victoria Falls itself.

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Tuesday, November 21, 2006

Sakwiba Sikota, Livingstone M.P.

Monday, November 20, 2006

Parley must revisit heritage sites laws, says Sikota

By Times Reporter

LIVINGSTONE Member of Parliament (MP), Sakwiba Sikota, has pledged to ensure that Parliament revisits legislation dealing with heritage sites in Zambia.

Mr Sikota, who is United Liberal Party (ULP) president said in an interview at the weekend that more needed to be done to streamline measures aimed at protecting heritage sites in the country.

“The current laws dealing with heritage sites have many loopholes such that people can temper with the heritage sites at the expense of the rest of the country,” Mr Sikota said.

He observed that there was need to have laws in place that protected heritage sites from projects such as the controversial

construction of the Legacy Hotels.

Mr Sikota said he was determined to use all necessary legal means to block the project.

He said if allowed by the Environmental Council of Zambia (ECZ) the construction of the hotel would affect the status of the mighty Victoria Falls as one of the seven natural wonders of the world.

“As area MP and councillor, I am aware that the Livingstone city council is considering giving Legacy Hotel alternative land if the request is made,” he said.

“These people usually promise to create employment but what usually happens is that they recruit people as casual workers.

“They even talk of the spill over effects to the business community but what is happening is that almost all of the contracts to supply goods and services including the maintenance is done by foreign companies and not local ones,” Mr Sikota observed.

The construction of an ultra-modern hotel and golf course by the Legacy Hotels has sparked controversy among local people and environmentalist groups in Zambia and Zimbabwe seeking to protect the falls and wild life in the game park in the area.

Thursday, November 23, 2006

Chiinga Siavwapa's submission to ECZ

NOT ALL THAT GLITTERS IS GOLD

One good thing about history is that we learn from it and based on it, make wise decisions.

Montego Bay, Jamaica, a place which started as a small fishing area is now characterised by big resorts and human activities which have upset the environment. Original inhabitants were displaced as they benefited little but for a few who could find jobs. An example back here at home is Itezzi-Tezzi dam. Have the locals benefit from it? I bet you the few can be counted on your fingertips. Kariba dam is still an issue as government tries to, after decades, appease the valley people.

My point is, throughout history “developments” like the proposed Legacy have taken place whether necessary or not. We can learn though from developed nations who out of necessity or sheer negligence in some cases (negligence in context of disregard for environmental effects) invested in industries and structures bringing them to the current status. Today many tourists come from the developed world to view our wildlife and general environment. Some come from countries where once upon a time, they had almost similar environments and wildlife. As a tour guide in the Mosi-O-Tunya park my young clients have many times echoed that they have seen wildlife before but in zoos though it is a whole different experience and feeling to see it in its natural habitat.

I, for one, would not want my great grandchildren to hear tales of how elephants and other forms of wildlife used to be seen crossing the Mosi-O-Tunya road. How the falls used to have a greater volume of water and how the Zambezi Waterfront used to be accessed by ordinary people to appreciate what was their natural inheritance. The pace at which concerned authorities sanction some projects though is worrying and might make my worst fears a reality. Even before I become a grandfather. These fears are not unfounded.

Is it really necessary to built Legacy on the proposed site given

the facts that the area supports wildlife, flora and fauna, insects and most importantly one of the seven wonders of the world - the Victoria falls ? Note that the environment around the falls helps sustain them. One does not need to be Mr. Brown or West to prove that every tree that will be cut to facilitate a Golf course will have a negative bearing on the environment. Is it necessary to build there when there is abundant land which can be alternatively used ?

While in a hurry to accelerate economic growth, which I am all for, we should be ready to take up the challenge and responsibility of seriously scrutinizing what we term development. Be it in the form of investments of Legacy's magnitude.

Government has opened doors to investors; big and small, local and foreign, and that is a welcomed move. What should be borne in mind is that investors are business people whose primary interest is to make profits. Government has therefore to wear a business suit and strike the best deals for its people based on moral responsibility and regarding long-term effects even on the environment. Even more so at this time and era when worldwide, preserving mother nature is a loud cry as we have hurt her so badly she is turning aggressively against us through global warming and hurricanes but to mention a few natural disasters.

This Legacy issue has in fact a moral aspect to it. I see a lack of moral responsibility by government for laying a foundation stone prior to consulting the locals and carrying out an environmental impact assessment. The environmental impact assessment was only carried out recently and to my disappointment, spearheaded by a company contracted by Legacy.

I thought the role of the Environmental Council of Zambia (ECZ) is to spearhead such ventures, if not independently carry out the research themselves. If I paid someone to do a job for me (which is what Legacy did to this company of environmental impact experts) I expect them to rule in my favour. For those who have not read the voluminous document prepared by the company which carried out the research, its epitomised version is that irreparable damage will be caused to the environment. They think 3000 jobs are better than preserving the environment. In other words Legacy is a viable project which will yield profits and the environmental damage matters less. Need this be debated further by any seriously minded person ?

Yes, employment is desperately wanted and 3000 jobs may sound good on paper but one need not search far and wide to know that not all of it will be meaningful employment. Caddies, gardeners, cleaners, etc. employed on casual basis can hardly be called meaningful income jobs. Most managerial jobs might be taken by foreigners of equal or lower qualifications than some unemployed locals.

We cry over a leadership crisis in Zambia but I think what we lack is in fact role models. To have leaders who exhibit a lack of responsibility as seen on this Legacy issue is a shame. Youths of today are more informed even on matters concerning the environment. Leaders, who at the sound of 3000 jobs to be created, jump at the opportunity to gain political mileage at the expense of future generations is not what we are looking for. You have a bigger task of first making reasonable labour policies that will not enslave us before inviting investors.

Zambia Wildlife Authority (ZAWA) should not be seen to be like a donkey allured by a carrot. Short-term benefits that will

yield adverse long-term effects will get us nowhere. I know the pressure to be an economic contributor on ZAWA is real. That though should not cloud rational thinking to an extent you divert from your primary and most cardinal responsibility of preserving our parks. Major strides have been taken which have seen you make a staggering approximated value of ZMK 15.3 Bn in the recent past. This shows a steady growth. So why not go steadily up without haste decisions just to make more money ? Be careful, haste climbers have sudden falls. Keep your eyes on what makes you tick. And which is, above all other factors, none highly commercialised parks. Tourists in my experience believe we are unique because apart from a few parks in other countries, ours look pretty much undisturbed by human and tourist related activities. We need money but be mindful of setting a balance between ecology and financial resources. Some “developments” are destructive. What will be the case when you have another big resort right in the park area? How many of its guests will actually visit the fenced off area to view game ? Mind you, Legacy will be a town within town. A resort! I wonder how this will directly and positively impact on the locals apart from the claimed 3000 jobs to be created. I wonder how many taxi drivers will be allowed to make transfers to and from this resort. How many local tour operators will be engaged by Legacy ? Will their clients be encouraged to visit surrounding areas or confined to their resort in order for the hotel to maximise profits ?

ZAWA please, let us maintain our unique status. Many would not, especially tourists, love to see our parks look like, for instance the Kruger park in South Africa with tarred roads, big hotels and activities which make it look like a town.

At the moment I am still at pains trying to figure out the role

of local authorities. Why is it that when it comes to make major decisions that directly affect them and their residents, they are ignored by central government ? Why do we see hypocrisy on the part of those in higher offices, the so-called “implementers” who have guidelines on such issues and

do the opposite ? To me, that is corruption. For corruption is the mismanagement of ones mind believing what is wrong to be right even when all evidence points to the contrary. It would be a lie for those in higher offices who directly demonstrated to be pro the proposed site to express ignorance on normal procedures which should be followed before allocation of land.

The office of the minister of lands has surprisingly been quiet on this matter. Why ?

This issue should be a wake up call to all concerned Zambians and the general public. Investments are good as long as they do not upset the environment and disadvantage the affected locals. Legacy will be a good investment if located at a site that most people will be comfortable with. Loop-holes in investment policies should be sealed or else we will wake up one day only to find the falls sold out to an investor. Most importantly, local authorities and the general public for whom any “development” is made should first be consulted.

Chiinga Siavwapa

Tour guide & Artist Livingstone resident

Saturday, November 25, 2006

Zambia faced with losing world heritage status of Victoria Falls: UN

LUSAKA, 11/24 - A United Nations joint mission to the Victoria Falls world heritage site has warned that Zambia's failure to stick to the joint management of the falls and protection of the world heritage site will endanger the global recognition of the world wonder.

The mission team has also questioned the legality of erection of the Legacy Holding's foundation stone in the area without consulting other stakeholders like Zimbabwe, Times of Zambia reported on Friday.

The mission, comprising the UN Educational, Scientific and Cultural Organization (UNESCO), World Heritage Center (WHC) and the International Union for Conservation of Nature (IUCN), are inspecting the world heritage site both in Zambia and Zimbabwe and expressed concern that the two countries, despite committing themselves to the recommendations of 2002 on the joint management of the falls, even have not ratified the protocols, which has signified their lack of seriousness.

WHC deputy director Rao Kishore said on Wednesday in Livingstone, the capital of Southern Province of Zambia, where part of the falls is located, that the joint mission has decided to take stock of the state of heritage site.

The results of the joint mission's findings and decisions on new developments in the heritage site will be announced soon. This

is the third time this year that UN agencies warned the two countries over the management and protection of the falls.

Zambian side of Victoria Falls and the adjacent bank of Zambezi is called the Mosi-Oa-Tunya National Park.

Victoria Falls is a world heritage site UNESCO declared in 1989 because of its scientific and tourism value.

Tuesday, November 28, 2006

Zambia: Parley Petitioned Over Signing of TCA

The Times of Zambia (Ndola)

November 27, 2006

A CONSERVATIONIST and concerned citizen has petitioned the National Assembly to thoroughly investigate the signing of a tourism concession agreement (TCA) for a 75-year land lease to the Legacy Zambia Holdings by Zambia Wildlife Authority (ZAWA). The petitioner also criticised the people of Mukuni Village for accepting to be used by Legacy as potential beneficiaries from employment to be created by Legacy Holdings. The same thing had happened in the case of Sun Hotels where the Mukuni people were allegedly only employed as casual workers

Mr Kalaluka Mulyokela said in a letter dated November 20, 2006 that since numerous anomalies in the transaction had

been brought to the public knowledge, there was need for the parliamentary committee on energy, environment, water and natural resources to probe the matter thoroughly.

Many legal requirements of the Zambian laws had not been followed and the environmental impact assessment (EIA) was inadequate as it failed to identify and address the expected negative impact.

“Having gone through the EIA, I am sure that many things need to be addressed and that the path taken by ZAWA need to be corrected before we see many of our parks sold or unjustifiably encroached.”

HE said no tender procedures were followed in allocating 220 hecatres of land in the national park to Legacy, which had only won a bid for two hectares initially advertised.

He also said former vice-president, Lupando Mwape, in his speech to unveil the foundations stone on July 29, 2006 allegedly intimidated the Environmental Council of Zambia (ECZ) by saying the Government had already sanctioned the project, which was not correct because the project was subject to approval by ECZ.

Mr Mulyokela also accused ZAWA of not consulting many stakeholders and concerned citizens, resulting in many people being caught unawares by the project.

The EIA scoping meeting also which should have accorded the developer an opportunity to get views from the public turned

out to be a muscle flexing forum where ZAWA stressed that it did not need to consult anyone.

It was the custodian of national parks, regardless whether there were other heritage sites controlled by other statutory bodies.

The petitioner also complained that the November 11, 2006 EIA public hearing meeting was allegedly hijacked by politicians as cadres were ferried to the meeting to intimidate objective views deemed against the project and showered racist remarks on those with genuine views.

ZAWA created a problem by allowing such developments in an area meant for minimal developments and insisted that the EIA was not comprehensive and failed to bring out ecological impact and provide practical mitigations.

The expected total cutting of indigenous trees and others was also likely to affect the park adversely.

He questioned why ZAWA gave three per cent of the park and 15 per cent of the river frontage at the expense of other well deserving users to one investor. Mr Mulyokela said the area in question was within the 30 kilometre radius of Zambia's only world heritage site the Victoria Falls and giving it out without consultation with other international stakeholders was an affront to international treaties that Zambia was a signatory to.

"UNESCO in whose classifications and management guidelines are drawn has indicated in not uncertain terms that they will

down grade the Victoria Falls and further decampaign Zambia as unenvironmentally friendly tourism destination.

Tribes demands that Legacy Hotels Group stops...

PRESS RELEASE ... PRESS RELEASE ... PRESS RELEASE
... PRESS RELEASE ...

29 November 2006

Tribes demands that Legacy Hotels Group stops their planned huge tourism development in a World Heritage Site next to Victoria Falls in Zambia

Tribes, the Fair Trade Travel™ company, announced today, 29 November 2006, that it will boycott use of Legacy Hotels Group of South Africa due to their appalling planned development in World Heritage Site of Mosi-oa Tunya National Park in Zambia, which includes the Victoria Falls.

Whilst the Zambian government have given Legacy a tourism concession here, UNESCO has told the hotel group that their planned development of a massive 18-hole golf estate including two hotels, 500 chalets and a country club would be “irresponsible” and that they would mount a worldwide campaign to discourage tourists from visiting the area. Legacy themselves have apparently admitted that the development will cause “irreversible ecological damage”.

Mosi-oa Tunya National Park is one of Zambia's greatest natural assets. It includes Victoria Falls – one of the seven natural wonders of the world - as well as a fragile and hugely important area of riverine rainforest, woodland and grassed areas, plus a section of the Zambezi River from 5km below and 35km above the Falls. There are about 400 bird species in the National Park and 30 species of large mammal. It is environmentally and scientifically extremely important.

Tribes is a specialist UK tour operator which works on Fair Trade and responsible travel principles. The company offers tailor made holidays to Africa (including Zambia and South Africa), South America and parts of Asia. They were the Global Winners of the Responsible Travel Awards in 2005 and the Tourism for Tomorrow Awards in 2002.

Legacy Hotel Group is a South African company with a portfolio of luxury hotels, resorts and bush lodges in various countries including South Africa, Namibia, and Tanzania. Their flagship hotel, the Michaelangelo is recognised as one of the Leading Hotels of the World.

Director of Tribes, Amanda Marks, said: “We think that a campaign to stop this development should begin BEFORE it gets underway, and the prime elephant habitat on the banks of the Zambezi is bulldozed ready for such a travesty”.

She continued, “We very much hope that Legacy will think again about their plans here, and make the right decision based on ethics and preservation of a World Heritage Site, rather than simply on money. Certainly it would be good for Zambia to

have the income and jobs which such a development would bring, but does it really need to be IN Mosi-oa-Tunya National Park?”

African Insight cannot support ...

To all our Responsible Tourism partners

Based on the report copied below

Thanks to Travel News Now for keeping the industry informed and up to date.

African Insight cannot support the principles of Responsible Tourism and still be seen to be doing business with Legacy Group.

I think that collectively, as tour operators who have made a commitment to Responsible Tourism, we need to make a united stand against companies that flagrantly oppose the principles on which we base our business models. We may not change the world but we still owe it to ourselves and all those that respect us for the responsible choices we have made.

Notwithstanding the fact that the Legacy Group may have been encouraged by misguided or corrupt officials or office bearers, or even if they are stopped through international pressure - the fact that they would even consider something of this nature shows that they are prepared to make money at whatever cost.

The fact is companies that get involved in these developments do not give a damn about communities, job creation or sustainable environmental management - these are just words they use in a 'smoke and mirrors' game for one purpose - to enrich themselves. Environmental Impact Assessments and due process mean nothing to these people.

I would like to think they would never get away with a scam like this in the countries where their shareholders live, even South Africa, so they take advantage of economically deprived countries where short term gains are all they can understand. Unfortunately the shareholders most probably do not know or even care.

I also believe that by taking this approach we send out a very clear message to Legacy, their shareholders and partners, that, as responsible tourism practitioners, although they may 'keep their noses clean' at home we will not tolerate them 'crapping on the doorstep' of another country - just because they can get away with it. They have a corporate responsibility that transcends borders and governments.

For those property owners who have management contracts with Legacy we are saying 'choose your business partners carefully'.

Hopefully at the end of the day we will have some companies that we can do business with!!!

African Insight, as the ground-handler for many international responsible tourism operators, with immediate effect and until

further notice, will not do business with the Legacy Group of Hotels, which includes ALL the following:

Bakubung Bush Lodge
Kruger Park Lodge
Tshukudu Bush Lodge
Raphael Penthouse Suites
Castleburn
Hermanus Beach Club
La Cote D'Azur
Wilderness Dunes
Elements Private Golf Reserve
Bookes Hill Suites
Centurian lake Hotel
KwaMaritane Bush Lodge
Labadi Beach Hotel
Sunnyside Park Hotel
Swakopmund Hotel
The Airport Grand Hotel
The Commodore
The Michelangelo
The Portswood
Windhoek Country Club Resort

Thursday, November 30, 2006

People under the smoke that thunders ...

1. ENVIRONMENTAL COUNCIL OF ZAMBIA (They control the EIA process and the decision whether to go ahead)

Patson Zulu

Manager-Inspectorate

Tel: 260-1-254130/254023/59

Email: pzulu@necz.org.zm

Website:www.necz.org.zm

2. ZAMBIA WILDLIFE AUTHORITY (They issued the lease, sanctioned or not by their Board)

Dr Lewis Saiwana

Director-General

drsaiwana@zawa.org.zm

zawaorg@zamnet.zm

3. Ministry of Tourism, Environment & Natural Resources (They are responsible for ZAWA, the environment and tourism)

Justina Wake

Director of Tourism

tinawake@yahoo.com

4. Tourism Council of Zambia (The Zambia private sector body)

J.J. Sikazwe

Chairman

tcz@zamnet.zm

5. Legacy Holdings Zambia (The crowd involved)

J.J. Sikazwe
Chairman
mwizalodge@zamnet.zm
bicon@zamnet.zm

6. Legacy Resorts & Hotels International

Paddy Brearley
Managing Director
pbrea@legacyhotels.co.za

7. JACQUI JANSEN

Marketing Services Assistant
Legacy Hotels & Resorts International
Legacy House, 5 Autumn Street, Rivonia
PO Box 3410, Rivonia, 2128
Tel: +27 (0) 11 806-6800 Fax: +27 (0) 11 806-6806
www.legacyhotels.co.za

8. Legacy Group Holdings Pty Ltd.

Bart Dorrestein (The chap who runs the show)
Chairman (Bwana Mkubwa!)
cklostermann@legacyhotels.co.za

The Post has a go...

Legacy Holdings controversy
By Boyd Chikoli

Thursday November 16, 2006 [04:00]

Much ado about nothing is what I would call the public hearing held in Livingstone on Saturday 10th November at the Legacy Holdings site. As I drove to the site, I looked at the foundation stone which former vice-president Lupando Mwape laid on behalf of the President. I then turned towards the site near Maramba River and was greeted by a horde of vehicles parked at the site. Finally I arrived where the hearing was being held and listened to the deliberations going on. One thing became clear. This was not going to be fruitful meeting. Cadres had been brought on both sides and every time a speaker spoke for or against the project, there were huge cheers. What captured my attention though was that presentations for the project were from black Zambians while the whites are against the project. They bemoaned the fact that they would no longer be able to hold picnics and see the Maramba River. They were not bothered about the poverty levels and that indigenous Livingstone residents do not have time to idle away looking at nature when they have hungry stomachs to think about. I wondered how whites could stop development in Zambia at the expense of animals. They themselves wiped out entire populations in Europe at the expense of development and have no national parks apart from zoos. Why should it be any different with Africa?

It is amazing that one can not see the benefit of this project which will completely change the face of Livingstone.

Let us not be cheated by those who are living in the comfort zone. We have enough parks in Zambia already.

Friday, December 01, 2006

An important article is repeated by a major citizens' group ...

Zambia: CBE Vows to Bar Legacy Zambia

The Times of Zambia (Ndola)

November 13, 2006

THE Citizens for Better Environment (CBE) will obtain an injunction to restrain the Legacy Zambia Holdings Group from constructing two five-star hotels and a world class golf course in the Mosi-O-Tunya National Park if it is allowed to go ahead.

CBE executive director, Peter Sinkamba, said in Livingstone on Saturday during the public hearing of the Legacy Group's Environmental Impact Assessment (EIA), that the document had several legal flaws which needed to be corrected to be approved by the Environmental Council of Zambia (ECZ). The CBE would, therefore, seek legal intervention in the matter.

"Chances are that ECZ will reject the EIA , but in the event that it was approved, we, as CBE, will go to court and obtain an injunction until the required steps are taken," Mr Sinkamba said.

He said according to the 1997 environmental regulations, Legacy should have addressed the issue of two other alternative sites before preparing the EIA in line with the Environmental

Protection, Pollution and Control Act (EPPCA) regulation 8 and 9, which also provided for public disclosure.

Apart from failing to provide for alternative sites, other stakeholders, the Zimbabwean government and UNESCO had not been included in the process, which raised serious concerns. Zimbabwe and UNESCO are key stakeholders because the area in question was part of the world heritage site.

And Legacy Holdings Zambia chairman, Jacob Sikazwe, said his organisation did not get the land free but paid \$9 million in concession fees to Zambia Wildlife Authority (ZAWA). Mr Sikazwe said it was not fair for people like former Lusaka Province minister, Sonny Mulenga, to mislead the public that Legacy got free land. Mr Sikazwe said the ZAWA-Legacy transaction was public following its successful bid for the land which was advertised for tourism development in 2004.

And Legacy legal counsel, Mwangala Zaloumis, said the group had actually paid more fees to ZAWA than Sun International because it came after ZAWA had adjusted the fees upwards. She said apart from the \$9 million concession fees, ZAWA would be paid \$2 million every year.

Mr Mulenga had earlier questioned the allocation of land to Legacy saying it lacked transparency.

“Don’t be cheated, they are here for money and nothing else, there must be transparency in these deals,” he said.

And Livingstone Tourism Association (LTA) chairman,

Nicholas Katanekwa, said the community was not against the project, but the site was wrong.

He said despite the projected increased tourist inflow of 150,000 in three years and booming economy for Livingstone, costs relating to provision of social facilities and maintenance negated that.

He wondered why UNESCO, National Heritage Conservation Commission (NHCC) and Zimbabwe had not been consulted during the process.

The Mosi-O-Tunya National Park, where 200 hectares of land had been given for the construction of hotels, is part of the world heritage site, where further construction has been forbidden.

Mr Katanekwa, a former NHCC executive director, outlined the dangers of the project to the heritage sites and the ecological system and advised Legacy to look for alternative land.

He said the hotels would be empty if the falls dried up and tourists stopped coming.

“The statement has not addressed these adverse impacts which will actually threaten profitability of the same Legacy Hotels as well as the entire tourism industry if not addressed. Wilderness value is what attracts tourists to the falls, not hotels. If it is lost, most say they will not come back or recommend the falls to others,” Mr Katanekwa said.

THE VICTORIA FALLS AFFAIR: A SUMMARY

The Zambia Wildlife Authority (ZAWA), a statutory body responsible for wildlife and National Parks under the Ministry of Tourism, Environment and Natural Resources (MTENR), this year issued Tourism Concession Agreements (TCA) for the Mosi-oa-Tunya National Park, which falls within the United Nations Education and Scientific Organization (UNESCO) sanctioned Victoria Falls World Heritage Site. One of these, a 2 ha. site on a 5 year lease – a normal agreement, was issued to a Zambian company, Tourism Investments Ltd. This lease was later expanded on the amalgamation of Tourism Investments with Legacy Resorts & Hotels International, spawning a subsidiary, Legacy Holdings Zambia, into a 220 ha./75 year TCA, on the strength of plans to invest \$200 m in a golf estate comprising an eighteen-hole golf course, two hotel resorts, a club house and marina, and 500 chalets. For this ZAWA were paid \$9 m (75% of their current income) and promised an annual fee of \$2 m thereafter. On Saturday 29 July, the Vice-President - in the State President's name, laid the foundation stone .

This lease was issued without going to tender and is therefore procedurally incorrect and has been reported to the Commission for Investigations and the National Movement Against Corruption (NAMAC). The latter have stated that i) the boundaries of the Park have not been changed to make the concession possible by statute, ii) the proposed development places ZAWA in default of its statutory mandate as laid down

in the Wildlife Act of 1998: section 5(1) (a) and (c) and, iii) the concession reduces the area of the National Park, contrary to Section 12 of the Act. A Director of Legacy, Renatus Mushinge, is the brother of the Financial Director of ZAWA, Tom Mushinge, whom it is believed orchestrated the necessary permission. The Chairman of Legacy Holdings Zambia, J.J. Sikazwe, is also Chairman of the private sector organization, the Tourism Council of Zambia, the Chairman of the Citizens Economic Empowerment Commission (CEEC) appointed by the President, and a member of the Zambia International Business Advisory Council. The Livingstone development is considered to be the first black empowerment investment under the new CEE Act of 2006.

Development had therefore begun despite the rejection of the initial project's environmental impact assessment (EIA) by the Environmental Council of Zambia (ECZ), the objections of the local ZAWA and National Heritage Conservation Commission office – who have joint responsibility for the Park, and no application made to the Livingstone City Council, or consultations of any kind carried out with the Natural Resources Consultative Forum of Zambia (NRCF), with the tourism industry, with civil society in general or, most seriously of all, UNESCO.

Legacy Holdings finally submitted an EIA, a 360 page document which stated (sic) that i) the development would remove all natural vegetation from the site and that it would cause 'irreversible ecological destruction' to the 220 ha. area, but that ii) the socio-economic benefits outweighed environmental impacts, and iii) despite being offered alternative sites on the river that they would not build elsewhere.

UNESCO visited Livingstone and declared that if the development went ahead that they would cancel the World Heritage status, not consider applications on other potential sites, and would conduct a world-wide campaign to discourage visitors to the 30 km radius area which encompasses Victoria Falls town in Zimbabwe, and Livingstone and the Mosi oa Tunya NP in Zambia. Later the Chairman of the Zambia National Tourism Board declared that this was not a serious issue.

The Environmental Council of Zambia has stated that a decision will be made on the development by 15 December. However, UNESCO have let it be known that they cannot make a decision until they receive the "State of Conservation" report by Zambia, due by 1 February 2007. Only then will they make recommendations as to the management of the Park. Currently some tourism operators in England and South Africa have started a boycott of the Legacy Group; and there is mounting opposition from Zambian NGOs and the people of Livingstone.

The Wildlife Environment & Conservation Society (WECSZ) of Zambia, Livingstone Branch, state that the development would cut the Park in two, would destroy prime elephant and wildlife habitat and would negate present plans to establish a five-nation transfrontier conservation area.

EXPERT CONTACTS:

Nick Katanekwa: Chairman Livingstone Tourism Association

Kalaluka Mulyokela: Ex-ZAWA, Wildlife Consultant, Livingstone

Margaret Whitehead: Former long-serving Livingstone

Council member

Sakwiba Sikota: M.P. for Livingstone.

To contact the above, forward mail to gamefields@zamnet.zm
and it will be forwarded to them

Saturday, December 02, 2006

The Times (UK) ...

December 02, 2006

Victoria Falls hotel fury

Richard Siddle

A plan to build a huge resort in a tiny Unesco national park is causing widespread anger.

BRITISH tourists are being urged to boycott a South African hotel chain over plans to build a multimillion-pound resort in a protected area near the Victoria Falls.

Legacy Resorts & Hotels International, the luxury African hotel chain, was handed a contract by the Zambian Government to build what will be a £136 million, 450-room hotel complex and golf course on Unesco-protected land in the Mosi-O-Tunya National Park, 6km from the falls.

Unesco's World Heritage Committee has already expressed its concerns to the Zambian authorities over what it sees as the level of "uncontrolled, urban development, pollution and

unplanned tourism development” in the protected park.

British and African tour operators are petitioning fellow companies to boycott the hotel chain if the deal goes ahead.

A final decision based on the developers’ environmental impact assessment is expected by December 15.

UK African specialist travel companies, including Tribes, Expert Africa, Rainbow Tours, Okavango Tours & Safaris, Aardvark Safaris, Dragoman and Wildlife Worldwide, have signed up to the boycott.

“The travel industry must get together to protest,” said Amanda Marks, managing director of Tribes. “If we do not, it will set a dangerous precedent in Africa.”

Roger Diski, managing director of Rainbow Tours, said: “It would be a disaster if it goes ahead. If you put that number of people into that kind of resort in that area the pressure on water and services would just be too much.”

John Spence, director, of Aardvark Safaris, said: “The national park is the size of a postage stamp. It is the only place in Zambia where you can see rhino, so to build a huge hotel there seems utter madness. It is important we bombard the Zambian Government and let it be known how strongly we feel about this.”

British operators recognise the economic impact a hotel of this size could have in terms of jobs, but are urging Legacy to look

at alternative sites outside the protected national park.

“We are not against development per se. It is just we do not want the Victoria Falls area to be spoilt,” Diski said.

“We are not saying, don’t build at all, just could it be built successfully outside the protected area. If it can then it makes a nonsense of this proposal,” said Dick Sisman, the Association of Independent Tour Operators’ responsible tourism adviser and a member of the World Commission for Protected Areas.

A number of tour operators in Africa are also refusing to send clients to Legacy hotels’ other 21 African properties, according to Andrew Anderson, director of operations at travel firm African Insight. “We cannot support the principles of responsible tourism and still be seen to be doing business with the Legacy Group,” he said.

Legacy says that it is working with the Zambia Wildlife Authority and Zambia’s National Heritage Conservation Commission (NHCC) on a project that will create 3,000 jobs and bring in 300,000 extra tourists.

Legacy refused to comment directly and instead referred The Times to an NHCC statement that the development will comply with “both national and international environmental guidelines for such an ecological and culturally sensitive site”.

Directions: Golf resort hits rough

Sunday Times (London)

December 03, 2006

A group of British tour operators is urging a boycott of a hotel group in protest against the planned construction of a luxury resort complex at the Victoria Falls World Heritage Site in Zambia.

The South African-based Legacy Hotels Group, which owns five-star hotels, safari lodges and bush camps in Africa's most popular safari destinations, has admitted that the vast 18-hole golf resort, comprising two hotels, 500 chalets and a country club in an important elephant habitat on the banks of the Zambezi, will cause "irreversible ecological damage" in the area.

Unesco has told the company that the development is "irresponsible" and has promised a worldwide campaign to discourage tourists from visiting the area.

The British safari operators Expert Africa, Rainbow Tours, Dragoman, Okavango Tours & Safaris, Aardvark Safaris and Wildlife Worldwide have pledged to support the boycott, proposed by the ecotravel specialist Tribes.

The director of Tribes, Amanda Marks, said: "We think that a campaign to stop this development should begin before construction gets under way and the prime elephant habitat on

the banks of the Zambezi is bulldozed.”

“Ikona!” say KK

UPDATED: 08:18, December 04, 2006

Zambian former president opposed to planned tourism project in Victoria Falls

Zambian former president Kenneth Kaunda is opposed to the planned tourism project in Victoria Falls, Sunday Post reported.

The local newspaper quoted him as asking the Zambian government not to allow Legacy Holdings Zambia to construct a golf estate containing two hotels, a 18 hole golf course, marina and 450 chalets in the Mosi-oa-Tunya National Park, part of which is the Victoria Falls.

In an interview recently the 82-year former president said that he has when talking with President Levy Mwanawasa outlined his concerns on the project and the effect the project would have in the proposed area.

“I have given my thoughts to the president that we should not do that, because that will interfere greatly with the movement of elephants in the area,” he said.

There has been a lot of controversy surrounding the 260 million U.S. dollars project, which has received objections from various people and sectors.

The Zambia Wildlife Authority (ZAWA) awarded Legacy Holdings Zambia a tourism concession agreement of a 220 hectare long lease in the park in Livingstone, capital of Southern province.

The opponents said elephants in the park use the area as their movement corridor, which is an essential part of their home range. The project would cut the park into two, and that it would severely damage the plan for Transfrontier conservation area, one of the most ambitious elephant conservation plans.

Legacy Holdings Zambia has threatened to take the proposed project away if it will not be developed on the designated area.

Legacy feels that in comparison with Zimbabwe the Zambian side of the Victoria Falls is far less developed, a fact that is seen to enhance the visitor experience in Zambia.

In Livingstone there are now slightly over 1,000 beds available compared with 3,000 beds on the Zimbabwean side.

The planned project with an estimated 1,900 rooms, could make Zambia compete with Zimbabwe, said the company.

However, The United Nations Educational, Scientific and Cultural Organization (UNESCO) is concerned that Zambia and Zimbabwe have allegedly failed to follow laid down recommendations on the management of the Victoria Falls as a world heritage site.

UNESCO commissioner Felistus Chiyanda said recently in

Livingstone that the two countries have failed to effectively implement agreed protocols relating to the management of the 30 km radius of the Victoria Falls.

She warned the two countries to reverse the trend by ensuring that no more developments are put up in the restricted world heritage site radius or risk having the status given to the falls withdrawn by the UN agency.

Those supporting the project argued that it will create jobs, peripheral opportunity and service delivery.

Two weeks ago Tourism Minister Kabinga Pande said he would wait for the outcome of the environmental impact assessment of the project before issuing the government position on the matter.

Zambian side of Victoria Falls and the adjacent bank of Zambezi is called the Mosi-Oa-Tunya National Park.

Victoria Falls is one of the seven wonders of the modern world and a world heritage site UNESCO declared in 1989 because of its scientific and tourism value.

David Gleason, former Chairman of WECSZ, slates Legacy in his weekly column..www.gleasontorque.com

Anything for money

4 December 2007

Readers will recall that I wrote some months ago about the travesty being visited on the Victoria Falls and Mosi-oa-Tunya National Park by Bart Dorrestein and his Legacy Hotels Group. He brushed this aside in a particularly one-sided radio interview.

But it hasn't gone away. In fact, it has escalated. The London newspaper The Times carried the story under the headline "Victoria Falls hotel fury" (December 2) and highlights concerns expressed by UNESCO's World Heritage Committee. It met two weeks ago and is expected to issue a statement after the Zambian government makes its own position known, expected to be around December 15. Unless there is a sharp reversal of the policies the Zambians have pursued, the chances must be good that the much-prized and long sought after World Heritage status will be removed.

What exactly is at stake here? The Mosi-oa-Tunya National Park is tiny. It is about 6km from the main Victoria Falls and falls across pathways traditionally used by elephant herds on their way to the river. The Park has World Heritage status.

Dorrestein and Legacy plan to build two five-star hotels on 220ha of park land, along with a golf course and 400-odd cluster homes. Offered land further away, they turned down

the alternative.

An Environmental Impact Assessment study has been carried out by Legacy. Guess what – it was headed by one R Mushinge, a director and shareholder of Legacy (I presume Legacy's Zambian company). Mushinge also happens to be the brother of the Zambian Wildlife Authority (ZAWA) official who issued the lease to Legacy. Intriguingly, the EIA says bluntly that the natural vegetation on the 220ha site will be removed and that there will be "irreversible ecological damage."

What kind of crap is this? I really do not understand how Dorrestein can lend his name and that of his company to dealings of this kind.

Little wonder then that The Times reports that seven UK African specialist travel companies and organisations have signed up to a boycott of the Legacy hotel chain. "The travel industry must get together to protest," said Amanda Marks, MD of Tribes [a specialist African travel company]. "If we do not, it will set a dangerous precedent in Africa."

The Times reports that a number of tour operators are refusing to send clients to Legacy's 21 African properties. According to Andrew Anderson of travel firm African Insight, quoted by The Times: "We cannot support the principles of responsible tourism and still be seen to be doing business with the Legacy Group."

It is the relationship between Legacy and the Zambian wildlife institution ZAWA that needs to be investigated. In fact, what

has been happening in Zambia is nothing short of a maelstrom of ineptitude, incompetence, inefficiency and corruption.

Between 1973 and 2002 more than 20 000 rhino were killed for their horns. That's almost the country's entire rhino population. Between 1994 and 2002, when millions of dollars were being invested by donors in conservation projects and the Norad-funded Luangwa Integrated Rural Development Project, about 23,5 tonnes of ivory – that's 14 600 dead elephants by the way – were smuggled through Malawi and South Africa to Singapore. ZAWA, whose job is to protect and preserve the country's natural wildlife, cannot, or so I understand, account for the department's finances.

Dorrestein, who had the bald nerve to tell a Zambian public meeting that he likes to leave a lasting footprint, might like to consider just what kind of footprint this will be. I am particularly sad that a South African company, whose executives should know better, have allowed the greed motive to overwhelm them to such a degree.

It's a disgusting story.

4 December 2006

Call for hotel group boycott by David Browne,eTN London

Safari tour operators are calling for a boycott of a South African hotel group, over plans to build a luxury resort in a national park. UNESCO says the development is irresponsible.

The British tour operator, Tribes, which specializes in fair trade travel has called for a boycott of the Legacy Hotels group of South Africa. It's protesting against the development of a new resort in Zambia close to the renowned Victoria Falls and the town of Livingstone.

Legacy Hotels, based in South Africa, is planning to build two luxury hotels, 500 river-front chalets, a country club and a golf course in the Mosi-oa Tunya national park, a UNESCO World Heritage site. The resort will also have a conference centre and related services for up to 1,000 delegates

"We think that a campaign to stop this development should begin before it gets underway, and the prime elephant habitat on the banks of the Zambezi is bulldozed ready for such a travesty," said Director of Tribes, Amanda Marks. "We very much hope that Legacy will think again about their plans here, and make the right decision based on ethics and preservation of a World Heritage Site, rather than simply on money. Certainly it would be good for Zambia to have the income and jobs which such a development would bring, but does it really need to be in Mosi-oa-Tunya National Park?"

Mosi-oa Tunya National Park is one of Zambia's greatest natural assets. It includes Victoria Falls – one of the seven natural wonders of the world - as well as a fragile and hugely important area of riverside rainforest, woodland and grassed areas, plus a section of the Zambezi River from 5km below and 35km above the Falls. There are about 400 bird species in the National Park and 30 species of large mammal. It is environmentally and scientifically extremely important. The resort development would block a vital wildlife corridor through the national park, according to campaigners.

Whilst the Zambian government have given Legacy a tourism concession here, UNESCO has told the hotel group that their planned development would be “irresponsible” and that they would mount a worldwide campaign to discourage tourists from visiting the area. Legacy themselves have apparently admitted that the development will cause “irreversible ecological damage”.

Tribes is a specialist UK tour operator which works on fair trade and responsible travel principles. The company offers tailor-made holidays to Africa including Zambia and South Africa, South America and parts of Asia. They were the Global Winners of the Responsible Travel Awards in 2005 and the Tourism for Tomorrow Awards in 2002.

It says it has support for the boycott of Legacy from other fair-trade and ecological tour operators, including Expert Africa, Rainbow Tours, Dragoman, Okavango Tours & Safaris, Aardvark Safaris and Wildlife Worldwide.

Legacy Hotel Group is a South African company with a portfolio of luxury hotels, resorts and bush lodges in various countries including South Africa, Namibia, and Tanzania. Their flagship hotel, the Michaelangelo is recognised as one of the Leading Hotels of the World.

The Wildlife and Environment Society of Zambia has raised its concern about the impact of the Legacy development and Legacy's admission that the project site will have all its natural vegetation removed, causing irreversible ecological damage.

Kalaluka's petition to the Zambia National Assembly ...

TOLKAL CONSULTANTS

BOX 61242,

LIVINGSTONE.

Call: 097-479038

Email: namasiku@zamnet.zm

20th November 2006

The Clerk of the National Assembly

National Assembly

Parliament Building

Box 31299, Lusaka.

Dear Sir,

RE: NATIONAL ASSEMBLY PETITION OVER 220
HECTARES LEASE OFFER BY ZAWA IN MOSI-OA-TUNYA
NATIONAL PARK

I refer you to the above subject matter. Following the offer of a 75 years lease of land amounting to 220 hectares to Legacy Company by ZAWA, in the Mosi-oa-Tunya National Park, investigations and observations have shown that many legal requirements of different Zambia laws have not been followed. In addition, many requirements expected of the developers have been either flouted or over-looked. At the same time, ZAWA has omitted other procedures required of it to do prior to offering such big land (3%) to one investor.

Since the total disregard by ZAWA and Legacy has evidently shown that some procedures were not followed and that the Environmental Impact Assessment (EIA) report was inadequate, left many other issues and failed to identify and address the expected negative impacts comprehensively. I am hereby petitioning the Zambian Parliament through you to thoroughly investigate this lease of land urgently before many lives; property and crops are destroyed further.

I am also asking that I be a witness when the committee on Energy, Environment, Water and Natural Resources will sit.

Having gone through the EIA, I am sure that many things need to be addressed and that the path taken by ZAWA need to be corrected before we see many of our parks sold or unjustifiably encroached.

I am writing from a perspective that is as a concerned citizen, an informed and affected Livingstone resident, conservationist and a wildlife and environmental consultant.

The following are some of the reasons, which have compelled me to petition parliament and seek redress through the August House

1. No tender procedures were followed in awarding a further 218 hectares of the 220 hectares of land in the park.

2. On Saturday 29th July 2006, the then Vice President laid a foundation stone when this area was still subject to approval by the Environmental Council of Zambia (ECZ). This is not the procedure but intimidating ECZ and the public that Government had already officially accepted and it was a done deal.

3. Inadequate consultations, the onus is on ZAWA to consult as many stakeholders, affected, interested and concerned parties. This step was not done thoroughly resulting in many of the stakeholder not fully aware of the project except through the press.

4. A scoping meeting which was meant to explain the full extent and nature of the project Legacy Company was going to do was turned to be a muscles flexing event as ZAWA openly did not want to be asked why it did not consult others prior to giving the 220 ha to Legacy. Finger pointing, intimidation and single handedness by ZAWA was evident as their Director General openly said ZAWA did not need to consult anyone as they were the principal managing agent of wildlife resources.

5. A public meeting of the 11/11/06, which was supposed to be a forum where those who had read through the EIA were suppose to submit their concerned was turned into a political rally with MMD cadres from Zambezi ward were ferried to the site. Those who had genuine submissions were intimidated by some drunken youth & racist remarks were used. The whole meeting was turned into a question and answer in full view of

officials from ECZ.

6. ZAWA abrogated its own laws and regulations by allocating such big land in an area where such developments were supposed to be very minimum. ZAWA has NO approved General Management plan for the park where they would have been guided on types of use and limits of accepted use.

7. What is the rationale behind having one of Legacy Director as a team leader for the consultants? This can be a source of compromise in the EIA process.

8. The EIA is not comprehensive document, it has failed to bring many ecological impacts let alone provide practical mitigations.

9. What justification is there for ZAWA to offer to one investor 3% of the total park and 15% of the river frontage, at the expense of other well deserving users?

10. Why are the public denied the only public access area in the park without an alternative.

11. Legacy's EIA clearly states that there will be irreversible negatives impacts like the total cutting of indigenous trees and others. Why should we lose this viable area when the developers can clearly tell us about the magnitude and extent of the negative impacts?

12. The area/ Land in question is within the 30 km radius of Zambia's only World Heritage Site the Victoria Falls. Zambia is a signatory to many international laws and by giving this land without consultations at international levels means Zambia is abrogating these laws. UNESCO in whose classifications and management guidelines are drawn have indicated in no uncertain terms that they will down grade the Victoria Falls and further decampaign Zambia as unenvironmentally friendly tourism destination. Neither ZAWA nor Legacy can cushion

Zambia against such isolation from international communities.

In view of these reasons, I feel justice must be done by the August House giving my concern a thoroughly review and further investigate before we allow development that may even take away our own sources of livelihood. I agree in principle over the employment that will be created (2000 jobs) when in operation, however I feel pity for the local community of Mukuni. They are being used as those to be employed yet experience with Sun International Hotels shows that Mukuni residents are the one doing casual jobs, no one from Mukuni has a managerial job. The area given is a very sensitive ecological site, with significant importance to the sustainable management of the Victoria Falls. If given out therefore it will have very negative impacts & strain Zambia's relations with Zimbabwe and concerned International community and their institutions.

As a concerned Zambian I feel these issues must be addressed before disregard for both local and international laws becomes on accepted culture.

I look forward to appearing at the committee's deliberation of my submissions

Yours Faithfully,

Kalaluka Namasiku Mulyokela

Concerned Citizen/ Conservationist

Signed

C.C. Chairman (Energy, Water & Environment Committee)

C.C. Hon. Sikota Sakwiba L/stone Area MP

C.C. Hon. Regina Musokotwane MP, Katombola

C.C. Hon. Major Chizhuka MP, Namwala (Indigenous People Rights Association Chairman)

Monday, December 04, 2006

ZAWA forced removals...

Tom Mushinge - former Financial Director (brother of Renatus (Rennie) of Legacy fame); and Gershom Chilakusha, former Director of Game Management Areas, to future parts unknown, on Friday 1 December 06

An investor in Livingstone suggests misinformation on Legacy...

Sent: Monday, December 04, 2006 9:38 AM

Subject: Re: The Times of London

As an Investor in Livingstone please let me comment on the legacy issue since it seems there is allot of misinformation. Firstly this is not a black white issue. Some local Europeans are against this project being built in a National Park, many are not, and welcome this development. This is also the case with the local Zambian population. It is agreed by all that we welcome the development. Only the site is contentious.

We hear that this development will wreck the park. This is not the case at all since the main Zoological part of the park will be totally unaffected, as will the falls area. We hear it will pollute the water and yet an open sewer floes into the Zambezi at the Maramba-Zambezi confluence and has done so for years. Legacy will have to stop this. This therefore should be seen as one of the many benefits of this project. We hear that when the

park is enlarged the game won't be able to move east and west, yet the Maramba river forms a natural barrier to most game movement. We hear that the golf course will have disastrous effects on the local environment, yet we see two local golf courses at Elephant Hills and Mwana that team with game.

We hear the World Heritage Organisation will de list the Falls and mount a would wide campaign to stop tourists coming to the Falls area. Where does this information come from?? I have been onto the World Heritage web site and can find no reference to this. Perhaps this is disinformation put out by vested interests in Zimbabwe? I am sure that the World Heritage does not have a mandate to campaign against a destination.

It should also be noted that the town of Victoria Falls in Zimbabwe has a population in excess of 30,000 and 5 large hotels within only a few kilometres of the falls. This has had no discernable impact on them. So we should be basing our arguments for or against this development on fact not hearsay or fiction. We should welcome the Legacy group to Livingstone, and work with them to make this development happen in an environmentally sensitive way that benefits all the people of this town and puts Zambia firmly on the would tourism map.

Richard Sheppard.
Managing Director.

Tuesday, December 05, 2006

One investor to another..

Dear Richard,

During our recent talk in Livingstone it was clear that you welcomed Legacy, but had some doubts yourself about them building on the site. I did not find your position totally unreasonable as all of us would welcome Legacy and other developers to the Livingstone area, provided that they did not impact negatively on Livingstone, on the Mosi oa Tunya National Park, on the Vic Falls World Heritage Site, or on anywhere else, and provided that they were street legal. You had an opportunity to speak at the public hearing and have had ample opportunity to cogently put forward your views for public consumption and to the Environmental Council (ECZ). You did put your views to me, but not, as far as I am aware, to the media or to ECZ. Here follows what we wrote to each other:

Friday 10 Nov Email from Richard S. to Ian M

I have read the full EIA report. There is a down side as with all development. But there are huge upsides. The crunch is, can legacy develop a site that destroys the environment, clearly their product would be non viable if this were the case. Also we look at the golf course at Elephant Hills and Mwana and see how they fit into the environment and have enhanced it.

11 August Richard S. to Ian M

As an interested party I would like to highlight some of the positive and negative impacts of the Legacy development

Please feel free to pass this on.

1) With the right planning and approach the hotel development could be undertaken with out enormous prejudice to the local environment. We can see a very similar development in Kasane with Mwana lodge.

2) The area downstream of the Maramba has no access for Humans at all. The area upstream is little used due to difficult access and a high crime rate. Therefore the loss of access to the river should not be a major concern. There is no boat launch site in this area.

3) There is justified concern about this being one of only two crossing points for the elephants and this development would block this unless well planned. However would the Elis find a new crossing. I am sure that we have precedence for this somewhere.

4) As can be seen from the attached plot the land away from the river banks is very dry and has no large trees that would need felling.

5) This development would give Livingstone the critical mass which it does not have at the moment thus opening up the area for serious tourism and protecting the Zambian side against a re-emergence of the Zimbabwean side.

6) This development will create a large number of very badly needed jobs in an area with a high unemployment rate.

7) The taxes and levies applied would help to uplift the livingstone area.

8) The advertising produced would have a seriously positive effect on Zambian Tourism.

9) The potential loss of world heritage status needs investigation.

10) There would be a very positive impact on many marginal tourism businesses in the area.

11) There seems to be concern that this development will have a negative effect on the park in general. However as pointed out earlier very few people ever go to this area and there will be no effect what so ever on the Zoological area of the park frequented by tourists.

Over all the positives outway the negatives by some considerable margin. I think you will find that the vast majority of people in the area are pro this development as long as the environmental impact is given the consideration that it deserves.

13 August Ian M replies to Richard Sheppard

Richard, I will defer to Margaret Whitehead on your points as I don't know the area very well, having only worked in the Zoological Park in '67 when translocating eland there. However, I do understand that we will now have one united Park, which changes everything in terms of its biodiversity status and the benefits it could bring to all - not just the well heeled. Scientifically managed, this Park could maintain a very high carrying capacity for wildlife. Thus it is important that a consortium made up of the Livingstone Council, WECSZ, LTA actively seek a public private partnership with ZAWA in the Mosi-oa-Tunya National Park's management. This is ZAWA policy for its non-flagship (non-profitable) Parks and we now have a few parks running reasonably well on this basis, but in a few of the flagship Parks we need PPPs as well - particularly for Zambezi and Mosi. The new D-G of ZAWA, Dr Lewis Saiwana, has long been a firm supporter of PPPs and is now actively moving forward on this front. In customary areas, Chiefs have now accepted that there only hope for development lies in

the establishment of Trusts in which the private sector and the District Councils, CRBs ... are partners, and where land is not alienated. Thus there is a national movement on the trust partnership front. In Livingstone there exists considerable expertise and enthusiasm for being part of the management and care of Mosi. The Park cannot be left to ZAWA alone to run as they don't have the capacity to manage the Park in the way it should be. It is just too valuable a resource to leave to Government. And they are asking for help; and it is a World Heritage Site - the responsibility of all to care for.

I differ strongly with the view that development must go ahead in the Park and that it is simply a matter of working with the developers to come up with an acceptable amelioration plan. Such an extensive development in the very heart of the Park must not be allowed - rightly having been refused on a number of prior occasions; but it would be most welcome outside the Park.

.....

Richard, to "put an egg in a nutshell", quoting our ex-Director of National Parks & Wildlife, the late Starr Yamba, the 220 ha./75 year Tourism Concession Agreement is illegal:

i) The concession was expanded from 2 ha. to 220 ha. for 75 years without going to tender and is therefore procedurally incorrect and subject to cancellation by the Commission for Investigations – to whom it has been reported

ii) The boundaries of the Park have not been changed to make the concession possible by statute

iii) The proposed development places ZAWA in default of its statutory mandate as laid down in the Wildlife Act of 1998:

section 5(1) (a) and (c)

iv) The concession reduces the area of the National Park, contrary to Section 12 of the Act.

v) The fee of \$9 million received by ZAWA for the area is therefore the price paid for the land i.e. the land was alienated from state land to leasehold without having the assent of Parliament and without the necessary re-gazetting of boundaries...

vi) The Zambian Government is in default of its obligations under the Convention governing World Heritage Sites

vii) The assent of the National Heritage and Conservation Commission, the Livingstone Town Council, the ECZ, and civil society, was not obtained

viii) the assent of the Zimbabwe Government was not obtained

On Friday 1 December the ZAWA official who normally hands out leases to investors for National Parks and Game Management Areas, Tom Mushinge, was fired. He, you will recall, is the brother of Renatus Mushinge of Legacy Holdings Zambia. NAMAC, the National Movement Against Corruption is investigating other dodgy leases handed out, as well as this one.

AND...

i) The Legacy EIA itself states that the development would remove all natural vegetation from the 220 ha. site and that it would cause 'irreversible ecological destruction'; despite this it insists that the socio-economic considerations outweigh environmental impacts

ii) Despite being offered alternative sites on the river it states that if refused, Legacy will not build elsewhere

AND...

Here is what we know of UNESCO's position

Times of Zambia (Ndola)

November 8, 2006

Posted to the web November 8, 2006

Edward Mulenga

ZAMBIA risks losing its increasing tourist inflow following UNESCO's growing threats to strip the Victoria Falls of the status of world heritage site. This follows the failure by Zambia and Zimbabwe to ratify protocols committing them to joint management of the world wonder. This came to light during a consultative meeting on the management of the falls held at Livingstone's New Fairmount Hotel on Monday.

According to the deliberations, the delay in signing Cabinet memos committing the Government to the undertakings of joint management of the Victoria Falls with neighbouring Zimbabwe would compel the UNESCO to take a firm decision based on the laid-down punitive measures.

In her presentation to the meeting, UNESCO commissioner, Mulenga Kapwepwe, said the Victoria Falls, which had put Zambia on the tourism world map, risked losing its world

heritage status because of the laxity to consider the protocols seriously.

She said Zambia was privileged to have 16 of its nationals on the UNESCO committee and needed to show seriousness by ratifying the protocols. Ms Kapwepwe emphasised the need for action to resuscitate the falls, which is deemed to be degenerating.

And Zambia National Commission for UNESCO representative, Felicitus Chinanda, said Zambia and Zimbabwe had failed to effectively implement agreed protocols, among them, the 30-kilometre radius of the Victoria Falls. Ms Chinanda said the two countries had also failed to control the mushrooming of new tourism developments around the 30-kilometre radius, a situation that had resulted in the abrogation of the protocols.

ANOTHER ARTICLE...

Zambia faced with losing world heritage status of Victoria Falls:
UN

LUSAKA, 11/24 - A United Nations joint mission to the Victoria Falls world heritage site has warned that Zambia's failure to stick to the joint management of the falls and protection of the world heritage site will endanger the global recognition of the world wonder.

The mission team has also questioned the legality of erection of the Legacy Holding's foundation stone in the area without consulting other stakeholders like Zimbabwe, Times of Zambia

reported on Friday.

The mission, comprising the UN Educational, Scientific and Cultural Organization (UNESCO), World Heritage Center (WHC) and the International Union for Conservation of Nature (IUCN), are inspecting the world heritage site both in Zambia and Zimbabwe and expressed concern that the two countries, despite committing themselves to the recommendations of 2002 on the joint management of the falls, even have not ratified the protocols, which has signified their lack of seriousness.

WHC deputy director Rao Kishore said on Wednesday in Livingstone, the capital of Southern Province of Zambia, where part of the falls is located, that the joint mission has decided to take stock of the state of heritage site.

The results of the joint mission's findings and decisions on new developments in the heritage site will be announced soon. This is the third time this year that UN agencies warned the two countries over the management and protection of the falls.

Zambian side of Victoria Falls and the adjacent bank of Zambezi is called the Mosi-Oa-Tunya National Park.

Victoria Falls is a world heritage site UNESCO declared in 1989 because of its scientific and tourism value.

Admittedly these two articles don't say that UNESCO will cancel Zambia's heritage status, nor that it will mount a campaign, but it was reported thus elsewhere. I suggest you get hold of the minutes of the UNESCO meeting held in

Livingstone, to which the public were not invited. But then minutes are a form of extreme censorship if not honestly written.

I.P.A. Manning

Steering Committee Member: Natural Resources Consultative Forum of Zambia

KK advises Government on Legacy Holdings..

By Nomusa Michelo

Dr Kenneth Kaunda has asked government not to allow Legacy Holdings Zambia Limited's proposed development of two hotels and a golf course in Livingstone's Mosi-oa-Tunya National Park. In an interview, Dr Kaunda said he had spoken with President Mwanawasa outlining his concerns on the project and the effect the project would have in the proposed area. "I have given my thoughts to the President that we should not do that, because that will interfere greatly with the movement of elephants in the area," said Dr Kaunda.

There has been a lot of controversy surrounding the Legacy project, which has received objections from various people and sectors on its proposed location. During a recent public hearing held by the Environmental Council of Zambia (ECZ) for the Legacy Holdings Zambia Limited's proposed development of two hotels and a golf course, there were strong objections to its location. The discussion was highly charged as opposing sides turned emotional, prompting riot police to take position.

Legacy was awarded the Tourism Concession Agreement by the Zambia Wildlife Authority (ZAWA) to establish a golf estate containing two hotels, an 18-hole golf course, marina and 450 chalets a little upstream of the Victoria Falls in the park. But the project brings a threat of de-registering the falls from the list of world heritage sites by the United Nations Educational, Scientific and Cultural Organisation (UNESCO). UNESCO, supported by conservationists, has threatened to mount a world-wide campaign against Zimbabwe and Zambia by persuading tourists not to visit if the development is allowed. Arguments forwarded are that elephants in the park use the proposed project area as their movement corridor, which is an essential part of their home range. The park would cut the park into two, and that it would severely damage plans for the Kavango Zambezi (KAZA) Transfrontier Conservation Area, one of the most ambitious elephant conservation plans.

Legacy Holdings Zambia chairman Jacob Sikazwe said Legacy had initially tendered for two hectares that had been advertised by ZAWA but later applied

for more land and was awarded 218 more hectares in May 2006. Legacy feels that in comparison with the neighbouring country Zimbabwe, the Zambian side is far less developed, a fact that is seen to enhance the visitor experience in Zambia. With the opening of other international and local lodges in Livingstone, there are now slightly over 1,000 beds available on the Zambian side as compared to 3,000 beds on the Zimbabwean side of the river and this project, with an estimated 1,900 rooms, could make Zambia compete favourably with Zimbabwe. The project estimates that it will employ 2,000 permanent workers once completed. Legacy feels that the development of the site aims to position Zambia, Livingstone

and Victoria Falls as a leading tourist destination and create critical mass for Zambian eco-tourism.

And two weeks ago, tourism minister Kabinga Pande said he will wait for the outcome of the Environmental Impact Assessment (EIA) of the Legacy Holdings hotel project before issuing the government's position on the project.

The Post, 3 December 2006

Kenneth Kaunda, Zambia's founding father, appeals to the nation...

TODAY, I join others in continuing to worry about some recent activities involving the environment. The state of ecological systems and the environment greatly affect human life. Our enjoyment of life, indeed, the continuation of life itself, depends on the health of the environment.

From independence, Zambia realised the importance of the environment. Institutions and laws were set up to support and protect the environment. I must say this is a continuous process and there are still many things that need to be done. We need to strengthen our action using various ways, from individual and family level to communities, the nation, the region, and the whole world. The effects of abusing or poorly maintaining the environment are felt beyond communities and nations. Action in support of a healthy environment must therefore involve every one, all of us, all over the world. Besides concerns on issues of pollution as happened with water a few days ago on

the Copperbelt, we must be involved in tackling various aspects of ecology and environment.

In Zambia, as we came into government at independence, we began to raise the voice of concern on many aspects. Throughout the time of our administration, we were concerned that, because of not looking after our environment properly, there might be problems of rainfall. We were concerned about the problem of poverty driving people towards cutting down many trees in order to produce charcoal. For some time now, this has been the source of income for some. Yet it has great effect on trees and natural life. We were concerned about pollution, such as we have had on the Copperbelt. This concern was about pollution of water and air. We were concerned about the quality of the soil as it was affected by human action. We were also concerned about wildlife, animal life and plant life. In our government, to deal with charcoal and deforestation, we decided to build factories that could produce briquettes. We approached the Japanese officials for assistance. We wanted them to work with us on the production of environmentally supporting briquettes. The idea was for the Japanese programme to eventually establish the briquette producing factories in various parts of Zambia. We would then sell the briquettes in many parts of the country. In this way, we would avoid the destruction of trees for charcoal. This project would also have provided a lot of jobs for people distributing and selling the briquettes. I believe this is still a practical way of helping save our environment.

Many problems have arisen, all over the world as a result of human beings not taking proper care of the ecology and environment. Only a few days ago, there were very strong

articles in Zambia's media. The articles referred to strong positions on land being given to a firm called Legacy Holdings Zambia. Legacy Holdings Zambia wants to build hotels and a golf course. The problem has been that the land is being given in Livingstone's Musi O Tunya National Park. The area being considered is part of the United Nation's World Heritage sites. Some points made referred to the importance of Zambia going ahead with the Legacy project as it would give jobs to thousands of people that are currently unemployed. It would increase the number of hotel rooms on the Zambian side of the falls. They say that a lot of money would be earned through increased tourist visitors.

Yes, it is true we need jobs as employment levels are now very low. All sides would value any type of project that brings in employment. We also need income from outside. However, it is important for us to examine the impact of various issues. I was naturally privileged to be first President of Zambia and we were very keen on creating jobs. We wanted our people to meet the basics of life. But, on another hand, we cannot, in any shape or form, start building hotels and other tourist attractions at the expense of the environment.

I understand that one of those urging the construction of the Legacy hotels in the area was a personal friend and colleague of mine. His Royal Highness Senior Chief Mukuni is a man I have great love and respect for. I understand that my senior chief has been supported by ZAWA, the Zambia Wildlife Authority. Again, I have love and respect for some work ZAWA has over the years been involved in. But I appreciate, very strongly indeed, UNESCO's stance on not building in the national

park. UNESCO has threatened, should the building proceed, to deregister the site from being a world heritage site. Besides other aspects of wildlife and plants and the general ecological balance of the area, UNESCO and other conservationists have been worried about the effects that the construction of the Legacy project in the national park will have on elephants. When I was in government, for the reasons mentioned by UNESCO and others, we could not give that area for use of such hotels and golf course.

Elephants have used this part as their movement corridor. It is one of their home range areas. We cannot afford to cut that path into two.

I understand that Legacy Zambia was offered, from some few hectares, more space in June 2006. If it was another area, the project might be welcome. But this project should not in any way interfere with what elephants have been used to as crossing areas. These elephants, which know no human borders, have been travelling in these areas for ages unknown. It is important not to disturb them.

I remember that when I recently went to Livingstone, I was told there had been some conflict between elephants and humans. The elephants had been angered by something and were creating problems for human settlements. We should fear that, if the Legacy project is allowed on, disturbance of the Musi O Tunya national park will lead to further conflict involving elephants and wildlife on one hand, and humans on the other hand. We have to avoid this. We have to find ways of living in harmony with natural life.

It was an understandable, argument when supporters of Legacy said that hotel accommodation in Zimbabwe is more developed than Zambia's. We accept that. But we cannot make progress through greatly disturbing animals and the natural environment. It also counters good tourism development. In fact, as has been pointed out by conservationists, environmentalists, and those, from all walks of life, including business persons, disturbing the national park will lead to the tourists we are trying to bring to actually not come to Zambia. When UNESCO and others campaign, as they have promised, to tourists worldwide against visiting Zambia, Zambia will be isolated and actually lose tourists.

Those supporting the disturbance of elephants and the ecology of that heritage site should note that UNESCO and many others equally strong are capable of doing what they are saying they will do should the Legacy Zambia project continue. They can effectively put Zambian designated tourists away from Zambia. I have no doubt at all that other areas can be found on which we could have Legacy Holdings Zambia establish itself to contribute to developing, through the resort they plan to make, the tourist industry.

Those of us who were privileged to grow up helping to develop tourism and wildlife in a scientific manner and taking care of both wild life and the land will tell my dear reader that there is a great area for human development. But you can develop if only you are able to look after the environment in a way where that environment will look after your wildlife. We therefore must take care of these important points mentioned about the environment.

I was fortunate enough to have worked with committed wildlife conservationists from where some of us learnt a lot. People like Norman Carr taught us why the points I am making here are important. Norman Carr could literally not allow any disturbance of our wildlife. Then there has been the artist David Shepard.

I learnt a lot from wildlife and environmental officers. And I learnt greatly from the communities I visited living around game parks and game reserves. I have learnt a lot from conservationists, environmentalists, and community members all over the world. I remember the times I have viewed elephants and wildlife. It has been wonderful. We were very attracted to elephants. You really enjoyed viewing those giants of animal life. That is why every holiday I had as head of state, I went over to the valley, watching elephants and other forms of wildlife. I have not been there for some time now. I miss those visits and I hope I will again start going there.

Jobs will grow if we look after our wildlife well. Jobs must not be at the expense of our wildlife and environment. Otherwise, we will lose a lot. I am sure that another place can be found for the Legacy Holdings Zambia project. There are other places that can work well for them and every one, including our ecology and environment.

I am, myself, a keen golfer would protest if asked to play at a golf course built at the expense of Mosi O Tunya National Park and the environment. I believe there are many other golfers, local and international, who may refuse to play golf at such a controversial place.

The Legacy project has social, economic, and environmental implications we must carefully consider. Environment is a matter beyond political parties. It is a matter beyond just our generation. It is a matter beyond Zambia. This is a matter affecting the health of the earth itself.

It is good that already, many people from various groups are in agreement over the need to support the environment. I appeal to more people, from the ruling party, from the opposition, and all areas of human endeavour, to continue to get together to consider the common good. Truly, we need to consider the health of the environment. We need to consider the long-term implications of projects. We must avoid creating a legacy of environmental imbalance being passed to the future. We must be careful that we do not construct and maintain buildings, businesses, and industries at the expense of the environment. We must avoid harming the heritage of humanity. I appeal to everyone, from all walks of life, to get together and act for the environment.

The Post 'Lifestyle'. Sunday 3 December 2006

ZAWA to Legacy 23 Feb 06...

Wednesday, December 06, 2006

ZAWA to Legacy 11 March 06...permissiion given for extra land...

GENERAL PRESS RELEASE FROM THE LEGACY GROUP

0712/zam1606/BD/ck

MOSI-OA-TUNYA – ZAMBIA

In response to the various submissions received from interested and affected parties on this project, we wish to clarify the following :-

Legacy will only proceed with this development with the necessary environmental approval of ZAWA and then only after consultation with UNESCO's accredited representatives and ZAWA, to ensure that World Heritage status at the Victoria Falls remains intact.

The facts which are being reported in the market are wrong and should be thoroughly investigated first.

CORRECTING SOME FACTS

The Mosi-oa-Tunya National Park is a small park (6 000 hectares), which straddles both sides of Livingstone Town. It is bounded by a large local village on one side of the town. Our site, which covers 3% of the site area, is adjacent to 3

hotels, an airfield for microlites and Livingstone town and the national road between Livingstone and Zimbabwe and includes an existing 60 bed lodge.

The following resorts exist within the park on the southern side of Livingstone.

Sun International has 2 resorts – Royal Livingstone and Zambezi Sun right on the Falls, stretching for a distance of some 1,6kms up from the falls. The Royal Livingstone, which is an excellent 5-star resort, removed most of its riverine area.

Maramba Lodge is located within our site and is on the elephant corridor.

Waterfront – launch point for boats plus 2 new hotels are located directly to the north of the site.

All of these facilities are within the park and within an area which is designated as a tourist zone by ZAWA.

Wildlife, flora and fauna

There is no wildlife on the site at present, other than elephant which traverse the site, and hippo. We intend to reintroduce wildlife which was once endemic to the area.

The elephant corridor. The area is framed by Livingstone town and the village and in fact there is regular tension between the tribal village and the elephants. The elephants simply cross over from Zimbabwe and graze on the Zambian side of the river and

return. This phenomenon happens at a number of convenient places upstream from the falls and generally occurs, from our observations, at a number of locations into the park area. We believe our development proposals will allow man and beast to mix without impacting on their habits, whilst enhancing the control of the Zambezi Riverine areas in particular and will negotiate with the relevant parties to achieve the optimal solution.

As you are aware, an over population of elephant in the region, Chobe and Zimbabwe, where they have destroyed thousands of acres of riverine area, has created a very difficult and complex problem for the environmentalists to manage and the environment is currently being severely damaged by the some 130 000 elephant which occupy the Chobe area.

There are clear indications on the site which is unfenced, from the main road of damage to the riverine areas along the banks of the Maramba River, which flows through the site, as well as the Zambezi frontage. The balance of the site is bushveld, comprising lower density treed areas with grassland. Present damage to the site is being caused by increasing elephant population, veld fires, the most recent of which was during the winter period, villagers chopping trees and picnickers.

The proposed golf course is being developed within the bushveld zone. The development of accommodation is being developed to blend into and form part of the existing environment on the side and covers some 8 – 10% of the land area. All reinstatement of vegetation and already damaged riverine areas will be done by specialists under the guidance of

ZAWA.

Birdlife and flora and fauna on the site will, without a doubt, be enhanced by the development and game once evident in the park will be reintroduced. All pluses for the area and the environment.

We are endeavouring to have noise pollution from helicopters and microlites, which fly all day long over the falls, contained to prescribed times.

Economic Benefits

For those who are interested in evaluating these with us, we would be happy to review the “long term sustainable development” we are creating with you.

Legacy I am proud to say is not simply another “hotel chain” and are committed to create sustainable environments around all the developments we are involved in.

Suffice to say, there is an extensive commitment to a programme which supports all the needs of a development of this nature, all of which can be serviced through the local community.

Directly there would be 1 850 permanent jobs created with a further \pm 10 000 indirect employment opportunities in areas such as farming, production of fresh produce, industry such as consumables including toilet paper, arts and crafts, bakeries, laundries, security, maintenance, game ranging, tourist guides

etc. etc. The project potentially adds 150 000 tourists with an additional spend of US\$ 500million per annum into the Zambian economy.

Somehow I do not believe the press and affected parties have the full picture and I suggest should they feel strongly enough they visit us and the site to review who we are and what we intend to do, first hand. I am hopeful however that the parties involved, UNESCO, World heritage and ZAWA are responsible and mature enough to make the correct decisions.

As happens in similar situations elsewhere, there are many locals and competitors, both in Livingstone and Zimbabwe, who have their own agenda and/or conflicting interest, who use the environment as a tool to protect their own self interest. These include competing hotel groups on both sides of the river, local expatriates developing their own golf estate, or who have a grudge against the government.

The real issue is –

Will the environment on the Zambia side of the Falls be worse off or better with this development? The authorities need to decide this outside of all other peripheral issues. We believe that the development could be a model for others to follow, one which sets the standard for how man and nature and wildlife can live together. Clearly the reason for the development is the Falls. Clearly too if we destroyed the environment, we would be destroying the very reason for our being there. Compared to what has been done on both sides of the river,

our development, which is some 6 kms upstream of the falls and right on Livingstone's border, will be the benchmark for others to follow. We are surprised to note that none of the other developments on the Zambian side seem to have been attracting any of the attention ours is. In itself a question!

Below, please find copies of relevant correspondence

Bart Dorrestein

Chairman

Legacy Hotels and Resorts International

0512/zam1406/BD/ck

MEMORANDUM

DATE : 5TH DECEMBER 2006

TO : IAN MANNING

FROM : BART DORRESTEIN

RE : MOSI-OA-TUNYA

Dear Ian

I have recently become aware of your Projects Africa programme which is focused on creating "integrated conservation and development projects" in Africa.

Your programme appears to be very similar to the one we are promoting as part of our community based employment and job creation programmes built around the capacity created by our developments. Our projects are not focused on "development aid" but endeavour to create sustainability supported by the

“demand” our projects generate.

The Mosi-oa-Tunya development could be such a project and on my reading of it, meets most of your objectives.

Our lines of communication have always been open to discuss the proposed development and am saddened by the lack of preparedness on your part not to give both sides of the story in your reports, but to repeatedly argue the case against the development happening.

What happened with the Zambesi Sun and Royal Livingstone developments right on the Falls?, as they certainly, despite a classy colonial development, have removed all vegetation as well as the indigenous bushveld. Our development certainly endeavours to do the opposite.

Protect the riverine areas, reintroduce wild life to roam freely and enhance bird life and the existing flora and fauna by protecting it. Against which we will be building on $\pm 10\%$ of the land area and creating some fairways within the area ($\pm 15\%$ of the land area), all of which will be within the indigenous bushveld area, (which incidentally a veld fire this year and humans and elephants are rapidly destroying).

Your article “Out There in Africa” certainly is thought provoking and a challenge to all of us. How we rise to that challenge is important. You are doing it by “word”, I am endeavouring to do it by “deed”. There are many Legacy’s across Southern Africa to our attempts at creating a better future for all South Africans.

One of which is to encourage the “haves” (rich) to help the “have nots” (poor) in the creation of sustainable mutually beneficial business always cogniscent of our responsibility, should we wish to continue to live on our planet, to educate the haves and the have nots to respect our environment and to create opportunities for all.

I hope this helps to put matters in a better perspective.

Yours faithfully
Bart Dorrestein

Ian Manning’s reply to Bart Dorrestein memo...

11 December 2006

Bart Dorrestein
The Chairman
Legacy Group Holdings
Johannesburg

Dear Bart,

Thank you for your memo of the 5th, which caught me as I was leaving for Joburg.

As you rightly observe, my whole development vision is built

around investment partnerships, rather than donor aid – the latter a continuing development retardant. My Landsafe Investment Model for protected and customary areas places massive emphasis on attracting investors to take up partnerships with local communities, government and NGOs, but within a trust structure. This model I have been implementing for the last four years in partnership with a community of 8000 or so villagers in the Luangwa – taking up where I left off in Zambia in 1975.

As coincidence would have it, I had at one time been negotiating with Nick Frangos and his American partner for a golf estate within that part of the Luangwa where I am working. However, this was in a Game Management Area – part of a customary area, and the land tenure arrangements were therefore different as no alienation was to be considered, unless the investors insisted as a *sine qua non* clause on ‘owning’ some land under leasehold similar to what you have in Mosi. But, of course the customary area is 460,000 ha. and not 6,000 ha, and it is not a National Park, or a World Heritage Site.

We desperately need your Group in Zambia, but not in Mosi under the present development plan. There is a group of us in Zambia who would put their shoulders to the wheel to clear a path for a viable investment for Legacy: we know the country intimately, its history, its wildlife and protected areas and could guide and assist you in going forward. If you would like to have a chat about these things I would be most happy to meet, even though your chaps in Lusaka appear to have sicked the dogs on me – though I have yet to see the legal note, confirming the impression I have had from the start, that Legacy Zambia have kept you fielding in the dark whilst dropping balls themselves.

Yours aye,

Ian

I.P.A. Manning

Tuesday, December 12, 2006

Dove carries note on doggy lease...

DOVE CHAMBERS

LEGAL PRACTITIONERS

Plot No. 4529

P.O. Box 39538

United Nations Avenue

Opposite Kenya High Commission

Cell; 260 97 789579/ 97 446085

Tell: +260-1-257450/ 257451 Fax: +260..1_257450

Email:dovechambers@zamnet.zm

LUSAKA .

Zambia

7th December, 2006.

Mr. Ian Manning

Postnet Box 245,

Private Bag E10

LUSAKA

Dear Sir,

RE: YOUR ATTACKS ON LEGACY HOLDINGS

We act for Legacy Holdings in the above matter and kindly note our interest.

For sometime now, you have personally ran a vicious and malicious campaign against our clients, Legacy Holdings Group of Companies, here in Zambia, South Africa, United Kingdom and elsewhere. Initially, our clients perceived the campaign as that of an interested Environmentalist for the sustenance of the ecological system in the Mosi Tsoa-Tunya National Park.

Of late, your vicious campaign have turned personal towards the Legacy Group of Directors, Zambia Wildlife Authority officials, who legacy dealt with and to crown it all, the campaign has even been directed at Legacy Group Business world wide.

Our clients are in possession of the e-mails you have sent to Travel Agents and Tour operators all over the world where you informed your Mr. Tom Mushinghe who is a brother of Mr. Renatus Mushinghe of Legacy Holdings

Zambia has been fired. In your mail you alleged that, Tom Mushinghe who was the Zambia Wildlife Authority official “who normally hands out doggy leases to investors for National Parks and Game Management Areas was linked to the Legacy lease purporting that the lease was “doggy” and obtained in a corrupt manner. You further stated that NAMAC is investing the Legacy Holdings Lease.

You have consistently labeled the Legacy project being born

out of a corrupt arrangement with Zambia Wildlife Authority. At the public hearing in Livingstone on 11th November, 2007 you accused Zambia Wildlife

Authority officials of having been corrupted by Legacy. Our clients therefore, demand an immediate and unqualified retraction approved by ourselves of the malicious, libelous and scandalous allegations being perpetrated by yourself within 24 hours failure to which we shall institute vigorous legal process against you and your allies, to retrieve the image and credibility of our clients you seem so determined to destroy. -7

Yours faithfully,

DOVE CHAMBERS

Advocates, Solicitors & Commissioners for Oaths F. Mwan-gala Zaloumis. LLB (UNZA), Dip. Soc. Work (UNZA), FZIP. Sarandos M. J. Zaloumis LLB (UNZA), Dip. Soc. Work

Chinese news service announces Legacy decision...

Zambia rejects golf course construction in Victoria Fall area

Zambia has approved the construction of two hotels in Mosi-Oa-Tunya National Park but rejected a proposed golf course in the Victoria Falls area, the Environmental Council of Zambia (ECZ) said here on Wednesday.

In a statement, ECZ senior communications officer Justin Mukosa said that the proposed construction of a golf course and 450 villas in the park had been rejected because the park was too small to accommodate such facilities without disturbing the ecological balance.

The ECZ has further directed that the two hotels must be located on the northern part of the Maramba River as proposed by Legacy Holdings Zambia Limited because the southern part of the Maramba River was an ecologically sensitive area which supported wildlife and was a major animal corridor linking the park to the wildlife areas in Botswana and Zimbabwe.

Mukosa said the construction of the two hotels would be subject to specified conditions including no fencing of any kind around the premises to allow free movement of wildlife.

He said there shall also be no introduction of exotic plants in the area without written authority from the Environmental Council of Zambia.

Mukosa said among other conditions the buildings on site shall not exceed the tree tops and shall not be visible from afar adding that all structures shall be painted in colours not so conspicuous as to be out of natural blend with the surrounding environment.

Mukosa said ECZ is committed to promoting sustainable enterprises and development in the country in an environmentally sound manner and practice taking into consideration without compromising the needs of future generation.

Hot debates are going on in Zambia on the construction of two hotels and a golf course in the Victoria Falls area of the country.

Legacy Holdings Zambia has threatened to take the proposed 260- million-U.S. dollar-project away if it could not develop on the designated area.

The Zambia Wildlife Authority awarded Legacy a tourism concession agreement of a 220 hectare long lease to construct a golf estate containing two hotels, an 18 hole golf course, marina and 450 chalets in the Mosi-Oa-Tunya National Park, part of which is the Victoria Falls.

However, The United Nations Educational, Scientific and Cultural Organization (UNESCO) is concerned that Zambia and Zimbabwe had allegedly failed to follow recommendations on the management of the Victoria Falls as a world heritage site.

UNESCO commissioner Felistus Chiyanda said recently that the two countries failed to control the new tourism developments around the 30 km radius which was agreed in protocols relating to the management of the Victoria Falls.

Chiyanda warned the two countries to reverse the trend by ensuring that no more developments were put up in the restricted world heritage site radius or risk having the status given to the falls withdrawn by the UN agency.

Citizens for a better Environment executive director Peter

Sinkamba said that erecting the two hotels and golf course in the park would affect not only passage of elephants from Botswana and Zimbabwe, but also other animals in the game park.

“There is a danger that these animals would find another corridor, which may not be Zambia and this could ruin Zambian

tourism,” he said.

Tourism in Livingstone with entire infrastructure would be dead without animals and that this should be everyone’s concern, he said.

Sinkamba urged the government to find another area to allow for the building of the hotels.

Elephants are mainly found in the falls area during the dry season when they cross over from Zimbabwe searching for food.

Those supporting the project also argued that it would create jobs, peripheral opportunity and service delivery.

Zambian side of Victoria Falls and the adjacent bank of Zambezi is called the Mosi-Oa-Tunya National Park. Victoria Falls is one of the seven wonders of the modern world and a world heritage site UNESCO declared in 1989 because of its scientific and tourism value

Thursday, December 14, 2006

ENVIRONMENTAL COUNCIL OF ZAMBIA PRESS RELEASE

ECZ DECISIONS ON ENVIRONMENTAL IMPACT ASSESS- MENT REPORTS (EIAs)

The Environmental Council of Zambia would like to inform all stakeholders, partners and the general public that in accordance with

the Environmental Protection and Pollution Control Act (Cap 204 of the

Laws of Zambia) Regulation 3 (1) of the Environmental Impact

Assessment (EIA) Regulations, Statutory Instrument No. 28 of 1997, it

has reviewed the following submitted Environmental Impact Assessment

reports (EIAs) for the developments outlined below. Based on the

information provided for the developments, site verification inspection findings and input from authorizing agencies, ECZ has made

the following decision:

Proposed Construction of Mosi-Oa-Tunya Hotel and Country Club

Estate Project in Mosi-Oa-Tunya National Park in Livingstone by Legacy

Holdings Zambia Limited.

The site of the proposed Mosi-Oa-Tunya Hotel and Country Club Estate

Project is located about 9Km south of Livingstone Central Business

District along the Mosi-Oa-Tunya road and about 10 Km from the

Victoria Falls. The main entrance to the site is near the Bridge over

the Maramba river, the first notable bridge from Livingstone town

heading towards the Victoria Falls. The site covers a total land area

of 220-hectare site on Lot 14734/M along the Zambezi River in the

Mosi-Oa-Tunya National Park upstream of the Victoria Falls in

Livingstone, Zambia.

The development was proposed to include the following facilities:

a) A 5-star hotel called the Mosi-Oa-Tunya Hotel and Country Club with

approximately 280 rooms.

b) A 2nd luxury 5-star hotel called the Queen Victoria Hotel with

approximately 200 rooms will be built as part of phase 2 at the

confluence of the Maramba and Zambezi Rivers in the Mosi-Oa-Tunya

National Park (MoNP).

c) A 450 villa golf estate with an 18-hole golf course across the Maramba River

d) Support facilities at the country club shall include a clinic and

doctor's room for use by the guests, residents and members of staff of

the Mosi-Oa-Tunya Hotel.

e) An International Conference Centre to accommodate at least 1000 delegates.

f) An arts and crafts centre where Zambians will not only manufacture

and sell arts and crafts, but also produce and sell products for use

within the development by guests, i.e., fresh produce, fish, guests

supplies, etc.

ECZ has considered the Environmental Impact Assessment (EIA) report

submitted by Legacy Holdings and notes that the project, if implemented in full, will have far reaching environmental consequences

and will cause permanent damage to the wildlife habitat and animal

corridor.

ECZ has therefore only approved the construction of the two hotels,

the Mosi-oa-Tunya and the Queen Victoria Hotel which
MUST BE LOCATED

ON THE NORTHERN PART OF THE MARAMBA RIVER
AND NOT ON THE SOUTHERN PART

OF THE RIVER AS PROPOSED IN THE EIA REPORT. The
southern part of the

Maramba river is an ecologically sensitive area which supports

wildlife and is also a major animal corridor linking the park
to the

wildlife areas in Botswana and Zimbabwe and should not be
disturbed.

Further, this site has gazetted National Heritage sites that
could be

lost permanently if any construction is done on the site.

ECZ has however rejected the construction of the Golf Course
and the

450 villas. This is in view of the fact that the Park is too small
to

accommodate these facilities without disturbing the ecological
balance

of the area. The villas proposed to be sold to private persons
would

turn the park into a permanent residential area with private
dwellings

which is inconsistent with the park operations.

The golf course and the villas would take up huge tracks of land

and

this will increase the animal/people conflicts as wildlife will be

restricted in their movements. This will pose great danger to people

who may come in close proximity with wild animals. This area allocated

for development is situated in a critical animal corridor that provides the only formally protected natural faunal link between the

northern and southern portions of the park and will need to be

preserved to maintain the integrity of the Park

The construction of the two Hotels in the northern part of the Maramba

River will be subject to the following conditions:

i) No fencing of any kind such as the hippo fence and chilli fence for

elephants shall be put in place to allow free movement of wildlife.

ii) There shall be no introduction of exotic plants in the area without written authorization from the Environmental Council of Zambia.

iii) The buildings on site shall not exceed the tree tops and shall not be visible from afar.

- iv) All structures shall be painted in colours not so conspicuous as
to be out of natural blend with the surrounding environment.
- v) The use of persistent organic pollutants is not allowed.
- vi) Legacy Holdings shall improve the ecology of the areas by planting
indigenous plants to safeguard the wildlife and bird sanctuary areas.
- vii) Only areas that are meant for construction shall be disturbed to
maintain the natural beauty of the area.
- viii) All developments shall be located at a minimum distance of fifty
(50) metres from both the Maramba and the Zambezi Rivers.

Friday, December 15, 2006

VICTORY FOR ZAMBIA

Dr Lewis Saiwana, the Director-General of the Zambia Wildlife Authority (ZAWA) yesterday informed the Chairman of the Livingstone Tourism Association, Nick Katenekwa, that the Tourism Lease Agreement issued to Legacy Holdings Zambia Limited for 220 ha. for 75 years in the Mosi oa Tunya National Park has been cancelled. Legacy will now revert to their 2 ha./5

year lease.

This is a massive victory for Zambia, for sense and sensibility, for democratization and the rule of law.

We now need to move positively forward to support ZAWA, the Livingstone City Council, the National Heritage and Conservation Commission and UNESCO in shoring up the management of the National Park. This will require the formation of a trust that will partner ZAWA in the Park's joint management. But in order for us to go forward a moratorium - pending the provision of a master management plan, must be imposed on any further developments.

Legacy must now throw its considerable weight behind ensuring a viable Park, and must be encouraged and assisted to seriously consider other potential sites for investment, both in Livingstone and in Zambia as a whole.

Monday, December 25, 2006

Magna Carta, Clause 31

Neither we nor our bailiffs shall take other men's timber for castles or other works of ours, without the agreement of the owner.

The battle for Victoria Falls - Part II

Monday, July 24, 2006

Chief Mukuni supports Legacy Holdings

By WALLEN SIMWAKA

CHIEF Mukuni of the Toka-Leya people says he would continue to campaign for the full development of the Legacy Holdings project in the Mosi-o-Tunya National Park. Chief Mukuni said tourism was a lifeline for the people in his chieftdom.

Speaking in an interview at his palace, Chief Mukuni said although the Environmental Council of Zambia had rejected part of the project, the people insist on full development as proposed by promoters. He said it would be unfair to Legacy Holdings if they did not go ahead with their project. He said the

growth of tourism in Livingstone would improve many lives.

“To us the Legacy Holdings project is an equivalent of Lumwana mine in Solwezi. Our friends in other places have benefited from the mining investment and you cannot take tourism away from us,” Chief Mukuni said.

“The people in the chieftdom are determined to see the Legacy Holdings project coming to fruition. He explained that tourism remained the only source of empowerment in his chieftdom and he would therefore continue to encourage investors to expand the industry.

“Some of my subjects have now become homeowners and are driving because of tourism. This is not fiction and we want to see more investment in tourism. We have seen the benefits of tourism in the chieftdom and we want more,” the chief said.

The ECZ has rejected the Legacy Holdings proposed construction of an 18-hole golf course, a country club and 450 villas in the national park but allowed the construction of the two hotels.

Monday, January 01, 2007

The silent African Wildlife Foundation and its Mukuni Trust...

The continued silence of the Mukuni Trust in Livingstone over the fervent public support given by its patron, Chief Mukuni, to a full Legacy development in the Mosi oa Tunya NP is alarming. And why do we hear nothing from the trust's creator, the African Wildlife Foundation (AWF) ? The Park falls within the AWFs Kazangula Heartlands programme, but not a word from them, not even a reply from their HQ in Washington.

Mukuni and Legacy Holdings Zambia have been lobbying Government to have the full scheme given the green light. The Minister of the Ministry of Tourism, Environment and Natural Resources, Kabinga Pande, recently put out a statement saying that he would make a final decision on the Legacy scheme this week. One must surmise from this that the lobbying for the golfing estate in the Park has had some affect; and that the Environmental Council's decision could be overturned. Let us hope that sense will prevail.

THE MULUNGUSHI CONSERVATION TRUCE

Zambia, 3 January 2007.

A truce between the hunting and conservation community of Zambia – represented by the Chairmen of Community Resource Boards and hunting safari concessionaires, and Government, was brokered on 3 January 2007 by the Minister of Tourism, Environment & Natural Resources at the Mulungushi

Conference Centre, Lusaka, Zambia. The Director General of the Zambia Wildlife Authority (ZAWA) admitted past mistakes made by the organization and called for future co-operation from the private sector, while the Minister stated that ZAWA would abide by the law in future but requested that attacks on the Government on the internet should cease, that factional disagreements within the hunting industry should also cease, saying that the doors of ZAWA and the Minister were now open to solve the problems besetting the sector. The request was agreed to, the Minister being asked to uphold the decision made by the Environmental Council of Zambia to disallow the building of a golf estate in the Mosi oa Tunya National Park – part of the Victoria Falls World Heritage Site.

Friday, January 05, 2007

Deputy-Minister queries ZAWA

Saturday, January 06, 2007

Govt rejects Legacy Holding' appeal against ECZ

Monday, January 08, 2007

Victoria Falls 'at risk', UN warns

World Heritage status may be revoked as Zimbabwe and Zambia compete for tourist income

By Christopher Thompson

Published: 07 January 2007

Victoria Falls, one of the world's greatest natural wonders, may cease to be a World Heritage Site as a result of the chaos in Zimbabwe.

Known locally as Mosi oa Tunya, or "the smoke that thunders", the falls are more than a mile wide and 420ft high. They have been a tourist hotspot since 1905, but Unesco is now considering listing the site as "endangered" because of mismanagement that has allowed the once prosperous resort to deteriorate.

Furthermore, over-zealous Zambian developers are proposing to build 500 chalets in a national park overlooking the falls, prompting warnings that the plan could lead Unesco to remove the site's World Heritage status immediately.

Control of the Victoria Falls, named by the explorer David Livingstone in 1855, is at the centre of a turf war between two government bodies - the National Museums and Monuments of Zimbabwe and the Department of National Parks and Wildlife Management - both fighting over rights to manage one of the country's last remaining sources of valuable tourist revenue as hyperinflation touches 1,100 per cent.

The Zambezi river, which plunges over the falls, forms the

border between Zimbabwe and Zambia. Most Western tourists used to stay on the Zimbabwean side, attracted by top-class facilities such as the Victoria Falls and Elephant Hills hotels, but the surrounding decay, and safety fears after the often violent land seizures initiated by President Robert Mugabe, have seen tourist revenues plunge by more than 70 per cent to \$98m (£51m) last year from \$340m in 1999, before land reforms started.

Unesco is also alarmed by Zambia's efforts to benefit from Zimbabwe's disarray. In a reversal of the traditional position, most foreign visitors now approach the falls from the Zambian side, even though the view is less spectacular. The tourism industry in Zambia is booming, with the number of overseas arrivals doubling between 2003 and 2005, bringing the country much-needed income, and new hotels are springing up near the Zambian town of Livingstone.

MORATORIUM ON DEVELOPMENTS IN MOSI OA TUNYA NP ...

The Chairman of the Zambia Wildlife Authority Board, Mr Walusiku Lisulo, confirmed on 11 January 2007 at a meeting with steering committee members of the Natural Resources Consultative Forum of Zambia, that he had directed ZAWA to impose a moratorium on all planned developments in the Mosi oa Tunya National Park until a broad-based stakeholder review of the World Conservation Union's (IUCN) report, compiled in 1996: 'Strategic Environmental Assessment of Development Around Victoria Falls' was carried out, and a strategic plan

agreed to.

Wednesday, January 10, 2007

Legacy to redesign L/stone hotel project

By Times of Zambia Reporter

LEGACY Holdings Zambia will redesign the Livingstone hotel project to conform to the allocated land on the northern part of the Maramba river. A board meeting has been scheduled for this month to revise the initial US\$260 million plan after which a new detailed design and implementation roadmap would be issued. Legacy Holdings Zambia chairman, Jacob Sikazwe announced this in a statement released in Lusaka yesterday.

This follows the decision by Government to uphold a decision by the Environmental Council of Zambia (ECZ) not to allow the project to go ahead as planned due to environmental concerns. The ECZ allowed Legacy Holdings to construct only two hotels on the northern part of the Maramba river and not the proposed southern part. The ECZ said the southern part of the river was an ecologically sensitive area that supported wildlife. It was also a major animal corridor linking the park to wildlife areas in Botswana and Zimbabwe which could not be disturbed.

The ECZ rejected the construction of a golf course and 450 villas at the same site. Mr Sikazwe said the Government decision based on ECZ recommendation would have a significant impact on the current project design, business plan and roadmap.

“Not withstanding this decision, Legacy Holdings wishes to thank the Government for the manner the project has been handled,” he said.

The group re-affirmed its commitment to the development of an eco-friendly worldclass resort in Livingstone. He was confident that once the revised project had been formulated, Livingstone will still have a worldclass resort that would enable Zambia compete with other worldclass resorts. The project will create jobs, alleviate poverty and make Zambia a tourism destination of choice.

Friday, January 12, 2007

Legacy project should be eye opener, says Kashita...

Saturday, January 13, 2007

National Geographic Magazine, January 2007...

Showdown at the Victoria Falls

Just before the Zambezi River makes its famous plunge, lies a small, undeveloped stretch of Zambia's Mosi-Oa-Tunya National Park. It's a crucial elephant crossing and the sole riverfront spot in the park that people can enjoy without paying a fee. South African developer, Legacy Holdings Zambia, with the support of the Zambia Wildlife Authority,

has different plans for the site: two hotels, 400 villas, and a golf course. In a nod to wildlife, the plans include an elephant right-of-way flanking the Maramba River. Critics find this laughable. "Elephant corridors have never worked anywhere," says conservationist, Mike Musgrave.

Since the proposal became public last summer, Zambians ranging from local government officials to a bike-tour guide have rallied in opposition. Area residents welcome development, just not so close to the falls that it jeopardises the park's status as a UNESCO World Heritage Site. They hope grassroots pressure and a legal challenge will save the park's last riverfront open space.

"Even 30 years ago Victoria Falls was overdeveloped," says Ian Manning, a former park warden. "This would be a disaster."

Monday, January 15, 2007

The way forward for the VF WHS...

Now that a moratorium has been placed on all new developments in the Mosi oa Tunya NP - including Legacy Holdings' hotel plans, and that Government has promised to revisit the IUCN plan together with all stakeholders starting in February 2007, it was time to plan the future management of the National Park, but also of the world heritage site as a whole. IUCN is also due to make its report soon on the way forward.

As part of the strategy to move towards a management trust made up of all stakeholders, contact was made with the World Mounuments Foundation (<http://wmf.org/>) and the Global Heritage Fund, (<http://www.globalheritagefund.org/>), both of which serve to preserve sites of importance to mankind.

An application has been made to have the Victoria Falls World Heritage Site listed on the 2008 World Monuments Watch of the 100 most endangered sites, and to the Global Heritage Fund for financial support.

20 January 2007

Mosi oa Tunya NP Boundary alteration 1 Dec.07.

Saturday, January 20, 2007

National Geographic Magazine, January 2007...

Wednesday, January 24, 2007

Moratorium spreads to Zim side...

The Herald (Harare)

ALL developments near the Victoria Falls have been frozen following international representations that both Zimbabwe

and Zambia were flouting international standards.

Victoria Falls came under the spotlight following massive developments in Zambia and the proposed upgrading of several islands on the Zimbabwean side. In 2002 the two countries, who share the Falls, agreed to work together in formulating an integrated plan on how they planned to use the land around the Falls, a World Heritage Site.

“This plan was supposed to have been in place before Zambia had started building a hot air balloon base and a 500-bed lodge. We were also expected to monitor all activities on our side and some developments were overlooked,” director-general for the Parks and Wildlife Management Authority Dr Morris Mtsambiwa told a media forum at the weekend. He said reports of mismanagement of the falls had led the United Nations Educational, Scientific and Cultural Organisation to send a team to investigate operations around Victoria Falls. “We were very much concerned because this meant that the tourist attraction could be de-listed from its World Heritage status. This would be a shame to us because we presented this area as deserving such a status. “To try and regain that status, if it happens that we lose it, would actually be almost impossible,” Dr Mtsambiwa said. He said the team assessed the situation on the Zimbabwean side where the falls are more spectacular and made several recommendations, which included putting a moratorium on the proposed developments on the islands.

On visiting Zambia the team found a wide range of developments including a colossal lodge, whose construction Zimbabwe had not consented to. Dr Mtsambiwa said the two countries were given an ultimatum to come up with an integrated

plan by June this year.

Zimbabwe, which still has to aggressively market this premier tourist destination, has resisted plans by prospective investors to build exclusive hotels opting to preserve the fragile ecosystem around the falls. Despite this, Victoria Falls still attracts more tourists than the downstream Lake Kariba, Mana Pools and Great Zimbabwe.

Victoria Falls, popularly known as “Mosi-wa-Tunya” (the smoke that thunders) in the local vernacular, is often marketed by regional broadcasting channels, including the Tourism and Trade Channel in South Africa and various other foreign-owned websites, at Zimbabwe’s expense.

26 January 2007

Zimbabwe: Don’t Turn Victoria Falls Into Concrete Jungle

The Herald (Harare)

THE Victoria Falls is Southern Africa’s top tourist destination and there needs to be development near the falls to ensure that tourists are adequately catered for. But it must be emphasised that the day when the whole Falls area becomes a concrete jungle, and where nature takes a back seat to buildings and roads, the tourists will stop coming. After all, they have enough concrete jungles in their home countries, which explains why they travel thousands of kilometres for a glimpse of nature. Let us not forget that the Falls also lie on an international boundary.

This means there will always be an element of rivalry between the two countries to see how they can get a fair share, or a little bit more than their neighbour when it comes to tourism dollars. No wonder the experts in both Zimbabwe and Zambia pressed so hard for the Falls to be registered as a World Heritage Site with Unesco.

Once that designation was won, the two countries would be forced to co-operate to retain the status. It is sad that since the day Zimbabwe and Zambia signed up with Unesco, the standards laid down and the requirements for maintaining the status have been ignored on both sides, or at least been very laxly enforced.

A Unesco team has returned, and neither country's planners have escaped the acid pen of the international experts. Of even greater concern was the placing on the back burner of a joint plan. Everyone agreed it was a good idea, everyone agreed it was vital, but no one actually seems to have started drawing it up. Now both countries have six months to do this. It will not be that difficult.

Everyone knows that development close to the Falls now has to be banned and that as much as possible has to be done to the south of Victoria Falls town on the Zimbabwe side and north of Livingstone on the Zambian side. This is what the two national plans already in existence already infer, and all that is really required is amalgamating them. In other words, the area between the existing zones of development must be left alone. At the same time there is need to create clearly demarcated zones of development so as to reduce the burden on the Falls.

Visitors coming to the Falls area can, after all, only spend a limited amount of time gazing at millions of litres of water cascading over a cliff. They want to round off their holiday with game viewing, fishing, boating, whitewater rafting, and having fun. There is no need for much of this activity to be done within sight or even sound of the Falls. Correctly planned, new development can dramatically increase tourism revenue while reducing human pressure on the area near the Falls. But a far larger area needs to be incorporated into the plans for this to be possible.

Both Zambia and Zimbabwe are aware of what is required of them and have both already started applying the brakes. Zimbabwe has suspended all development plans for some islands and Zambia has told a major hotel group that they have to dramatically reduce and modify plans for a new mega hotel. What is now required is a joint team of professionals to put together a sustainable development plan, one that can be extended and modified as time goes on. This plan will formalise and harmonise the existing national plans. It will also help identify which areas can be developed for the benefit of the tourism industry along the common border. Most importantly, the plan should ensure that the great falls remain one of the seven natural wonders of the world, rather than come to look like something in Las Vegas.

Friday, January 26, 2007

UNESCO at Vilnius July 2006

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND
CULTURAL

ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF
THE WORLD

CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Thirtieth Session

Vilnius, Lithuania

8-16 July 2006

Strongly encourages the World Heritage Centre and the Advisory Bodies in

collaboration with States Parties and other relevant partners to develop proposals for the implementation of pilot projects at specific World Heritage properties especially in

developing countries, with a balance between natural and cultural properties as well as

appropriate regional proposals, with the objective of developing best practices for

implementing this Strategy including preventive actions, corrective actions and sharing

knowledge, and recommends to the international donor community to support the

implementation of such pilot projects;

Mosi-oa-Tunya / Victoria Falls (Zambia / Zimbabwe) (N 509)

Decision 30 COM 7B.8

The World Heritage Committee,

Having examined Document WHC-06/30.COM/7B, 1.

2. Notes with concern that the recommendations of the 2002 bi-lateral workshop have not been implemented;

3. Regrets that the integrity of the World Heritage property remains threatened by

uncontrolled urban development, pollution and unplanned tourism development;

Urges both States Parties to urgently follow-up on the recommendations of the 2002 bilateral workshop and in particular the preparation and implementation of an effective joint management framework to address the ongoing threats; and requests the States

Parties to set a firm schedule for their follow-up;

4. Also requests both States Parties to invite a joint World Heritage Centre/IUCN mission

to assess the state of conservation and the factors affecting the Outstanding Universal

Value of the property and progress made in implementing the recommendations of the

2002 bi-lateral workshop;

5. Further requests both States Parties to provide the World Heritage Centre before 1

February 2007 with reports on the state of conservation of the property and progress

made in implementing an effective joint management framework and other

recommendations of the 2002 bi-lateral workshop for examination by the Committee at its 31st session in 2007.

Wednesday, January 31, 2007

ZAWA and NHCC decline to meet...

At a recent meeting of the Natural Resources Consultative Forum steering committee the matter of Governments unwillingness to follow the advice of the NRCF to ban all elephant sport hunting was discussed; it was also agreed that the conservation of the Victoria Falls World Heritage Site required NRCF's urgent attention, and that all stakeholders should address its future. It was decided to hold a preliminary meeting with the Zambia Wildlife Authority (ZAWA), the National Heritage Conservation Commission (NHCC), the Environmental Council of Zambia (ECZ), members of the Livingstone branch of the Wildlife and Environmental Conservation Society (WECSZ) and other individuals willing to take part in a preliminary discussion. ZAWA and NHCC declined to attend and the Chairman of the NRCF therefore cancelled the meeting.

A private luncheon was therefore held by members of the core team - some of whom had travelled up from Livingstone, who had fought against the alienation of part of the Mosi oa Tunya National Park and the development thereon of an 18 hole golf estate, a decision being made to pursue contacts and the support of the World Monuments Fund and the World Heritage Fund - as well as UNESCO and IUCN.

The first meeting of the Natural Resources Consultative Forum took place in 2005. The NRCF was supported by the Zambia Government/Danida Natural Resource Management (NRM)

Component. With Phase 1 of the NRCF now completed – and the original second phase aborted; what is required is for a revised Phase 2 project to commence i.e. the attainment of a fully operational state having the main development objective within the NRM component of improving rural livelihoods and biodiversity conservation, but being guided by the National Policy on Environment. This is now taking place, further financial support from Danida being shortly forthcoming.

NRCF was envisaged as a neutral platform for stakeholder participation in the management of natural resources, particularly policy formulation. The NRCF is member driven, and promotes the transfer of technical information within the sector. The deliveries of the NRCF are advisory notes encapsulating stakeholder issues and concerns, addressed to the MTENR Permanent Secretary. Issues discussed by the NRCF, many of them of a cross-cutting nature, includes all the relevant agencies and sectors that have a bearing on the functioning of MTENR and its core responsibilities to both Government, the legislature and the nation as a whole. The development objective of NRCF was to provide national policy goals – within a supporting technical framework, on the sustainable use and conservation of Zambia's natural resources, with the immediate objective being to provide an organization able to deliver such an objective. However the production of the National Policy on Environment, the final draft of which was produced in May 2005, has already provided the national policy goals – albeit, correctly, of a more holistic nature.

Thursday, February 01, 2007

NHCC meets Livingstone stakeholders but not those in Lusaka...

It is interesting that the NHCC executive director, Donald Chikumbi, while attending a meeting of stakeholders in Livingstone (whom?), was unable to send a representative to a stakeholders meeting in Lusaka.

Monday, February 05, 2007

Legacy wanting to go forward

The Chairman of the ZAWA Board has placed a moratorium on all developments in Mosi oa Tunya NP...

Saturday, February 10, 2007

Livingstone pressure group challenges Legacy Holdings...

The Chairman of the Zambia Wildlife Authority, Walusiku Lisulo, has instructed the Authority to impose a moratorium on all new developments in the Mosi oa Tunya National Park until such time as the IUCN Development Assessment report is re-visited; this includes the revised Legacy development of two single story hotels; and as that is a new development - resulting from the directives of the ECZ's decision on the golfing estate

EIA, Legacy must submit a new EIA, accompanied by a full round of consultations.

Monday, February 12, 2007

Margaret Whitehead's latest map of Mosi reflecting its new boundaries...



Mosi's new boundaries

"I have gone through the Statutory Instrument and the former

definition of Mosi oa Tunya NP.

The changes have nothing to do with Legacy (fortunately!) .

They are :

1. Cut off the western end of the park to allow for the land allocated to Imusho Village which was moved out of the park.

2. Move the boundary from the Songwe River to the road, where Songwe village has spread across the river into the park - apparently the villagers thought the boundary was the road and ZAWA has done nothing for years about checking their boundaries.

3. Add a little triangle of Chief Mukuni's land to compensate for the Songwe land. Clare says they were told it was going to be a bigger area, but the chief has a lodge on the other part. Anyway it doesn't look much use.

There are still some anomalies:

1. The fence for the game park was extended years ago to include an area north of the original fenced area (I have labelled it game park extension.). This is still included in the electric fence but has not been gazetted in the national park. There are now houses built right up to the fence - mostly illegal. People keep breaking the fence and going in for firewood.

2. Near the Visitana Gate on the west, the electric fence cuts a corner which is still not legally in the park. The gate was necessary to allow passage up Mbile Drive which is outside the fence but inside the park. It is also the access for Sinde farms.

3. The part of Songwe Village which has been removed from the park is presumably still in the World Heritage site. The added triangle is not.

4. There is a large farm overlapping into the park, on which United Air Charters is situated. The previous draft management plan said this was to be repossessed but nothing has been done.

5. Chrismar Lodge overlaps into the park. There are various other anomalies because the council planners claim they do not know where the park boundaries are!

The description in the SI has some errors.

1. There is no "Livingstone City Boundary". What is meant is the former Livingstone Municipal boundary. Since Livingstone became a district with a much larger area, this boundary is meaningless.

2. After Beacon BK3, the boundary runs at about 238 degrees, not 183. If you draw it as described you end up in the wrong place altogether.

Various maps I have (including the recent ZAWA ones) have variations on the boundaries, especially the area north and west of the Maramba. I suspect this is just careless drawing. I have tried to follow the official descriptions.

I hope we can have some proper planning of the park."

Margaret Whitehead

Livingstone Branch of the Wildlife & Environmental Conservation Society of Zambia

Monday, March 12, 2007

Smoke and broken mirrors in Victoria Falls...

President Mwanawasa of Zambia's economic advisor, Dr Situmbeko Musokotwane is reported as saying (The Post, Monday March 12, 2007) that development could not be achieved without interference with the environment. This rather general comment on the activities of homo kleptomaniacs was to prepare us for the visit of a Malaysian delegation who were whipped down to Livingstone to view three 5 hectare sites set aside in the Mosi oa Tunya NP for hotel development.

Mitigation. What be that? Perhaps taking something unpalatable and covering it with something equally unpalatable. Whatever happened to the instructions given by the Chairman of the Zambia Wildlife Authority to his Director General that a moratorium be placed on all proposed developments (including Legacy) for the Mosi oa Tunya Park until such time as the IUCN report was submitted and the necessary meeting held to decide on the future management of the Victoria Falls World Heritage Site as a whole? Did someone tell him to back off and allow for some good old mitigation?

Tuesday, March 20, 2007

UNESCO SENDS UNCLEAR MESSAGE..

Ian Sikazwe (any relation to Jacob?) appears to be pleased about a 'compromise' with Legacy. No such compromise exists. The Environmental Council said that Legacy could proceed with the building of the hotels but nothing else. The

Chairman of the ZAWA Board told myself and another member of the Natural Resources Consultative Forum that he had instructed the DG of ZAWA to place a moratorium on ALL new developments in the Mosi oa Tunya NP. As for the Southern Province Permanent Secretary, Darius Hakayobe, saying that “Government has already sanctioned this” (Legacy, presumably), and then being reported as saying that, people who were against Legacy Holdings were against government, is an insult to every person living in Zambia - including those in Government.

The Environmental Council is the statutory body empowered to see that there is a balance between ecology and economic development. We support their work; and decry the xenophobia of those who try to make out that we are against Government, against Zambia. It is this kind of vacant outburst which unsettles those who invest here: including myself and scores of Zambians who are entering into smart partnerships for Zambia’s economic development. The Victoria Falls Heritage Site, which includes Mosi, is not for sale. UNESCO needs to make this clear, and the PS for Southern Province should support it.

Wednesday, March 21, 2007

In Zambia, battle over future of Victoria Falls

Development nearby offers needed employment, but could also threaten local wildlife.

By Joseph J. Schatz | Correspondent of The Christian Science Monitor

LIVINGSTONE, ZAMBIA - For Nalumino Ifunga, a security guard at a quiet campsite and lodge just down the road from Victoria Falls, afternoons often consist of watching vervet monkeys frolic in the trees.

But Mr. Ifunga wonders if those monkeys – and the elephants, hippos, and giraffes that share the woods with them – will stick around after South African hotel developer Legacy Group Holdings opens a controversial new resort next door in Mosi Oa Tuyna National Park, which borders the Falls, Zambia's biggest tourist attraction.

Legacy's plan, which originally included two five-star hotels, a golf course, and 450 villas just a few miles from the falls, sparked a bitter battle late last year between environmentalists, developers, and the Zambian government. It has also posed a dilemma for some local residents, like Ifunga.

"[The hotels] create employment for local people, but on the other hand ... these animals you see here, they will be driven away from their homes," Ifunga noted.

Environmental advocates in this peaceful but stubbornly poor southern African nation say they have staved off the worst after a fierce campaign that persuaded the government to force Legacy to drop the golf course and the villas, while still allowing the group to build the two hotels. But the debate highlighted the uneasy balance being forged in Zambia between the sometimes competing demands of conservation, tourism, poverty reduction, and job creation.

Jobs vs. the environment

“There aren’t so many industries offering job opportunities to the people,” says Danny Mwango, a senior inspector for environmental-impact assessment at the Environmental Council of Zambia. “This was one big project that was going to offer 1,000 employment opportunities to the people. At the same time, the government is also thinking of bringing development to Zambia and reducing poverty. And then, we’re weighing this against environmental and social considerations.”

Mosi Oa Tunya park (which means “the smoke that thunders,” the ancient local name for the falls) covers 25 square miles along the Zambezi River’s final approach to the falls, where it plummets more than 300 feet. The surrounding town of Livingstone – named for David Livingstone, the 19th-century British missionary and explorer who was the first white man to lay eyes on the Falls – has sought to cultivate an image as the “adventure capital of southern Africa,” with bungee jumping, white-water rafting, helicopter rides, and a host of other activities for thrill-seekers available at \$100 a pop. The town is currently enjoying a boom, partly at the expense of neighboring Zimbabwe, which shares the Falls with Zambia and has lost tourists to Livingstone amid the economic decline and political conflict surrounding President Robert Mugabe’s authoritarian rule.

But that won’t last forever, says Rennie Mushingi, the development director at Legacy’s Zambia branch. Mr. Mushingi argues that having a major new resort is vital to the long-term future of Livingstone as a tourist destination, noting that the

town still can't equal the hotel capacity of the Zimbabwean gateway town of Victoria Falls, right across the river.

"Victoria Falls is the biggest asset we have to get tourists into Zambia," says Rennie Mushingi, the development director at Legacy's Zambia branch. "If we don't have adequate bed capacity in Livingstone, how are we going to grow tourism in Zambia?"

Last year, the Zambian Wildlife Authority (ZAWA) opened up a small slice of the park for tourism development, part of the Zambian government's effort to make tourism a key driver of economic growth. Legacy moved in and negotiated with the Zambian government to secure an even bigger chunk of land.

When environmentalists and civil society groups got wind of the proposed deal, they were incensed, in part because the proposal would threaten an important habitat for the hundreds of elephants that cross the river from Zimbabwe into Zambia each year. They also complained that the extra land had been granted in a secretive fashion, raising questions about the transparency of the environmental review process in Zambia, where the government continues to struggle with bureaucratic corruption, especially in the allocation of land.

Lure of investment

But the promise of jobs and cash from foreign investors is a powerful motivator for citizens and politicians in Zambia, where only about 20 percent of the workforce is formally employed.

Legacy won support from some local residents – and the local chief – who argued that job creation must accompany conservation. The project would “create space for us to find work. It’s a very good idea,” Victor Mweela, a young taxi driver, says as he waits for customers outside a recently built Livingstone shopping complex catering to affluent tourists. “Maybe we’ll find jobs. I don’t like to be a taxi driver.”

But conservation and civil-society groups called this a dangerously short-term outlook, given Zambia’s reliance on its national parks for revenue. After raising their concerns at a contentious public hearing last fall, they used Internet blogs to keep supporters updated and to spread the word internationally.

It worked.

Safari tour operators in Britain threatened to boycott Legacy. The US Environmental Protection Agency wrote to the Zambian government to voice its concerns. The UN Educational, Scientific, and Cultural Organization (UNESCO) let it be known that the project would put in jeopardy the World Heritage site status that the Falls and the park currently enjoy.

In December, the Environmental Council of Zambia (ECZ) handed down a compromise decision. Noting that the Legacy proposal would have “far reaching environmental consequences,” the ECZ said that the golf course and villas would have to go. Legacy could keep its two hotels, but would be prohibited from putting up animal fencing or building their hotels higher than the treetops.

“It was a huge victory,” says Mike Musgrave, a South African-born businessman and president of the Livingstone chapter of the Wildlife and Environmental Conservation Society of Zambia. “It’s the biggest environmental campaign ever run in Zambia.”

Legacy lost an appeal to the government, and its investment into Livingstone will now drop to \$50 million from a planned \$260 million, Mr. Mushinge says. “Thanks to our environmental guys,” he says with a laugh.

Legacy may buy up private land to expand their site. And rampant development continues to threaten the Falls, international observers say.

Still, Mr. Musgrave says he is encouraged that at least in this instance, policy-makers took the long view and concluded that development – in the name of tourism – might actually drive away tourists.

“We need to keep the Falls in the way that Livingstone saw them,” Musgrave says. “That’s what tourists come to see.”

Friday, March 23, 2007

The Nature Conservancy Teams with African Wildlife Foundation to Conserve Africa's Zambezi River

Press Release...

Arlington, VA (PRWeb) March 22, 2007 — The Nature Conservancy and The African Wildlife Foundation (AWF) today announced a partnership to protect and manage the Zambezi River for people and nature alike. The collaboration includes the addition of the Zambezi to the Conservancy's Great Rivers Partnership. The Zambezi winds 1,500 miles through eight countries before emptying into the Indian Ocean and is the lifeblood for much of southern Africa. "More than 42 million people and large and diverse populations of wildlife depend on the Zambezi River for survival," said Steve McCormick, President and CEO of The Nature Conservancy. "Protecting rivers like the Zambezi is essential to achieving our mission to preserve life on Earth."

Cross-site exchanges and lessons learned from other great rivers should come to bear and contribute to the formulation of an appropriate integrated water resources management strategy that fosters sustainable freshwater conservation. With a generous \$12 million grant through Caterpillar Inc.'s foundation, The Nature Conservancy created the Great Rivers Partnership in 2005 to help guide protection of the world's vanishing freshwater supply and transform the way large river systems are preserved and protected. In addition to the Zambezi, the Conservancy's Great Rivers Partnership is working to advance conservation of the Yangtze River in China,

the Paraguay and Paraná rivers in Brazil and the Mississippi River in the United States.

The Zambezi is the fourth largest river in Africa. More than 30 million people within the Zambezi River basin depend on agriculture for their livelihood. The Zambezi River system provides people with water for crops as well as fish to eat. One third of the basin's population relies on the river's fish for food. The Zambezi basin supports more than 250 species of fish that are vital to the ecosystem and serve as a key food source, such as the tigerfish and the great Vundu catfish. Hundreds of bird species reside within the basin — including the snake eagle, African fish eagle and the Marabu stork. Plus, the Zambezi and its tributaries provide habitat for the world's largest herd of elephants, lions, zebras, hippos, African cape buffalo, monkeys, baboons, crocodiles, monitor lizards and black rhinos. But rapid human settlement, incompatible agricultural practices, water pollution, alteration of natural flooding and flow patterns, poaching, unmanaged fire, unsustainable fishing, deforestation, invasive vegetation and the introduction of non-native fish from aquaculture operations, have all taken a toll on the Zambezi's ecological health. "Despite all these threats, the Zambezi remains one of the world's great rivers and it can continue to provide for both people and for nature if we apply the lessons we've learned on other river systems," said Michael Reuter, director of the Conservancy's Great Rivers Partnership. "Rivers must maintain their natural ability to provide clean water, convey floodwaters and vary their flow seasonally so that fish and other aquatic species can migrate. Healthy rivers support all life."

“Maintaining the Zambezi River’s role as a functional lifeline from an economic and ecological standpoint is the overall vision for this initiative,” said Jimmiel Mandima, Director for AWF’s Zambezi Heartland. “Cross-site exchanges and lessons learned from other great rivers should come to bear and contribute to the formulation of an appropriate integrated water resources management strategy that fosters sustainable freshwater conservation.”

The African Wildlife Foundation is the only international conservation organization focused exclusively on the African continent. The Conservancy provides technical and financial resources to AWF to help support its African Heartlands Program. Heartlands are vast landscapes in which the African Wildlife Foundation works with stakeholders to balance the needs of people and wildlife. Two of the AWF’s eight Heartlands — the Kazungula Heartland and the Zambezi Heartland — are located along the Zambezi.

The Conservancy’s Great Rivers Partnership and the African Wildlife Foundation will collaborate in supporting the Zambezi River Authority and other stakeholders interested in developing a comprehensive basin-wide assessment of the Zambezi River system. A conservation vision and action plan for the Zambezi River basin that identifies critical ecosystems as well as current and emerging threats to their viability is also planned.

Constituencies will be engaged in developing priority conservation actions, measures and monitoring strategies. In addition, the Conservancy and the AWF will work with communities and the government in Mozambique’s Cahora Bassa Reservoir

in the Zambezi River Valley to develop a pilot sustainable commercial fishery. The goal of this initiative is to simultaneously improve human livelihoods and protect the long-term viability of the fishery through improved monitoring and resource management. Efforts such as the fishery will support the African Wildlife Foundation and The Nature Conservancy's objective to promote conservation and human well-being in Africa.

"This collaboration will unite the financial, scientific and on-the-ground conservation strengths of The Nature Conservancy with the position and expertise that The African Wildlife Foundation holds in the region," said David Banks, director of the Conservancy's newly-created Africa Program. "Scientists and conservation leaders from both organizations also will be able to exchange information and ideas to help conserve the Zambezi."

Sunday, April 01, 2007

UNESCO and the muddied waters...

Apparently this meeting was called over the weekend by UNESCO, who asked NHCC for a list of stakeholders. The list was very incomplete, as ECZ, Livingstone Museum, WECSZ and various others were not on the list. Neither the National Director of NHCC, nor the Regional one attended the meeting, and it mostly consisted of Chiefs, Headmen and other government officials who have not been following what is going on concerning the WHS. This is all hearsay, I do not have an exact

list of who did attend. I tried to find out what was actually resolved but the person I asked did not know. Since then, for most of this week, UNESCO have apparently been having meetings with Zimbabwe etc

A report from Livingstone today...

Sunday, July 22, 2007

Presidential plaque removed...

The plaque commemorating the laying of the foundation stone for the Legacy golfing estate by the President of Zambia has been removed...

Tuesday, July 24, 2007

Irregular Issue of Title Deeds in Mosi-O-Tunya National Parks

The recent Auditor-General's report on parastatals for 2005 is required reading where the Zambia Wildlife Authority is concerned. Government should now require that the Anti-Corruption Commission investigates fully. I quote part of the A-G report:

Irregular Issue of Title Deeds in Mosi-O-Tunya National Parks

29. According to the provisions of the Act, ZAWA allocates sites in National Parks and

Wildlife /Bird sanctuaries to successful bidders. The successful bidders are awarded

a Tourism Concession Agreement (TCA). The TCA is a commercial agreement that

regulates the conduct of the operators. It confers the rights and obligations of the

concessionaire and grantor (ZAWA). An Environmental Impact Assessment (EIA)

is prepared and approved by Environmental Council of Zambia (ECZ) before the

operator would proceed with the development of operations.

However, it was observed that two operators namely Waterfront lodge and

Maramba River lodge had been issued with title deeds in the Mosi-O-Tunya

National Park. The title deeds for Waterfront have since been cancelled and a

Tourism Concession Agreement was signed on 8th February 2005 for a period of

twenty five (25) years. As of August 2006, the title deed for Maramba River lodge

had not been cancelled and the Authority was not receiving any money from the

lodge, as there was no agreement though the lodge operated in the National Park.

Furthermore, there was no evidence of an Environmental Impact Assessment

having been done for the above-mentioned lodges by the ECZ.

Sunday, August 12, 2007

Early notes...

A LEGACY THEY DON'T WANT

14 November, 06.

For anyone suffering from Afro-pessimism, one palliative is to visit the town of Livingstone, Zambia. Here lies the warm heart of Africa where people of the rainbow meet in its myriad and quaint bars and restaurants, in its bush camps lying but a few minutes from the town limits, in its dusty crumbling streets, to exchange the pleasantries of human discourse; and to talk of Legacy.

The Legacy in question is a hotel group of the same name who have obtained from the Zambia Government a tourism concession of unprecedented size and duration in the Mosi oa Tunya National Park, part of the greater Victoria Falls World Heritage Site encompassing a 30 km radius of the Falls in Zimbabwe and Zambia. This area has, through the World Heritage Convention – supervised by UNESCO, achieved the highest protected status that man can afford the natural environment. Yet, on Monday of last week, UNESCO warned that due to the irresponsible development of the area, they might have to remove its WHS status, and in a very rare statement of defiance, that if the development of a massive 18 hole golf estate with two hotels and 500 houses were to be built in the Park, that they would mount a worldwide campaign to encourage tourists not to visit there.

Of course, there are permissions of one sort or another to be obtained for this sort of development though Legacy clearly believed that this was a formality, organizing tZambia's Veep to lay a foundation stone for the future development before the Livingstone Town Council and all the other appropriate authorities had approved the project. And now, supposedly the last hurdle, here was the Environmental Impact Assessment (EIA) hearing held on Saturday the 11th November on the very banks of the river where the bulldozers would soon get to work for three or four years to remove a prime bit of elephant habitat and replace it with a golfing estate blight, cutting the Park in twain.

So on Saturday, redolent of colonial times, there were gathered the 'locals' and the 'notables', the latter – the Legacy brass, cosseted in shade and soothed with mineral water, the former, sitting mostly in the sun, a drink but a distant memory. And somewhere behind us, lurked the local Chief, Mukuni, who had bussed in many of his subjects – suitably 'juiced-up', and who sent forward a Messenger to ask that we should kneel in respect to him, which most of the crowd did, including some of us seven paler people, members of the Wildlife Environment and Conservation Society of Zambia – the only paler part of the rainbow there, but genuflecting, bizarrely, in the direction of the notables (we never did see the chief). This be the same Chief, who although a trustee of the Mukuni Trust, established by the African Wildlife Foundation – a USA NGO, as part of the conservation of what is called the Kazangula Heartlands Conservation Area – which includes the Park, is but a fierce proponent of bulldozer conservation in order to deliver jobs – and presumably some dosh for the trust fund.

Absent of course from this hearing – or faceless in the crowd, were all the people you would expect to be there: the Environmental Council of Zambia (ECZ) - which has sole responsibility for seeing that development in Zambia is sustainable, the Zambia Wildlife Authority – who had issued the lease in the first place and who manage the Park, the African Wildlife Foundation, the WWF, the World Conservation Union (IUCN) – who are UNESCO’s environmental consultants, the UNESCO itself, the World Bank – who are funding the resuscitation of the Park and the town in order to develop tourism and get away from the rather nasty mining industry which makes money for its developers but pollutes northern Zambia (yesterday, to our amazement, the ECZ stopped the giant Konkola copper mining company from mining until it stops polluting) – and which has pulled out some of its funding.

Well, the meeting kicked off, refereed by the rather meek and bewildered former head of WWF in Zambia. Legacy gave its spiel, talking of the socio-economic benefits, forgetting that we were all there to discuss the environmental concerns. But of course this presented some difficulty as the 360 page EIA tome, produced by Legacy itself, clearly states that the 220 ha site will have all its natural vegetation removed and that there will be ‘irreversible ecological damage’. Difficult to come back from an own goal, of course. The captain of the ‘notables’, Bart Dorrestein, Chairman of the Legacy Group in Joburg, did try and cancel the own-goal by saying that of course, the area would be carefully managed...etc. It was not clear how this could be achieved when a man-made environment is to be superimposed on a natural one where elephant roam.

The early part of the game had some structure: members of the Livingstone branch of the Society, a formidable matriarchal assemblage, gave their presentations: Margaret Whitehead, former town councilor defiantly assuring all and sundry that it was all about money, and that if they wanted jobs then Legacy could go and erect the golf estate outside of the Park, on land which was available. This went down rather well. Then a local grandmother whose forefathers had lived around the Falls for 400 years or so, dressed in a striking green dress, gave passionate voice to what the area had meant to her and her children. This was drowned out as the beer – crates of it being seen in one of the buses, hit the collective bussed-in brains. Then I came forward, a visitor from the north, and read out a letter written by the National Movement Against Corruption, an association whose members include the Anti-Corruption Commission and, indeed, the President of Zambia himself. This statement, a series of questions really, inquired of the rather obvious legal and procedural failings which had allowed the whole fiasco to have got this far. And to underline this, the chief executive of Citizens for Better Environment, Peter Sinkamba – who had come down from the Copperbelt, savaged the lack of due process.

The match now moved into a new phase. The Zambian Chairman of Legacy, Jacob Sikazwe – also moonlighting as Chairman of the Commission having responsibility for implementing newly arrived black empowerment legislation imported from South Africa, glared at the crowd and asked who present had Zambian business partners. As about everyone there were Zambians, including the pale spectrum, except for myself, and as I did indeed have Zambian partners, some 8,000

of them from another chieftom, I stuck my hand up. This was ignored. Then people began to press forward, clamouring to be heard. Suddenly, they moved as one towards the river; something had gained their attention. A hippo! "Please take your seats!" commanded the ref. now clearly losing control of the game. Play resumed, but now with the whole crowd on the field.

On the way out, the game droning and chattering on, I joined others on there way down the footpath. They were united in their defiance of the proposed land grab, of their Park being appropriated by developers. Journalists scurried away to get their copies out on the first internet horse. Later, they reported that one of them had been threatened by Chief Mukuni's supporters, that a docket had been opened at the police station...

VICTORIA FALLS WORLD HERITAGE BLIGHT

8 Nov. 06

The Victoria Falls, one of the seven natural wonders of the world, continues to deteriorate as developers have their way with her.

But, in a region where conservation success stories and good news are in short supply, change may be a'coming. Recently, the award by the Zambian Government of a 220 ha "Tourism Concession Area" long-lease to developers to establish a golf estate containing two hotels, an 18 hole golf course, marina and 450 chalets a little upstream of the Falls in the Mosi oa Tunya National Park, has united the people of Livingstone in a rainbow defense coalition, not only of the Falls, but of the

whole 30 km radius of Zimbabwean and Zambian territory registered as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Conservationists, clearly, have had enough.

The developers in question, Legacy Holdings Zambia Limited, are a *mélange* of two companies: Legacy Hotels & Resorts International – based in Johannesburg, and an unknown Zambian company, Tourism Investments Limited, which had originally obtained a 2 ha concession, then, *mirabile dictu*, suddenly had it transformed into 220 ha – obviously with the encouragement of the Joburg connection and talk of an investment of \$200 million, \$8 million of it to be paid to the Zambian Government statutory body having responsibility for the Park, the Zambia Wildlife Authority – which just happens to be seriously in debt. So confident were Legacy Holdings – whose chairman also serves in a similar capacity the Tourism Council of Zambia, the Citizens Economic Empowerment Commission, and is a member of the President’s International Business Advisory Council and an advisor to BP, that they even had the Vice-President Of Zambia lay the foundation stone for the development in the Park, a construction company contracted to ready the site by removing some trees and doing the necessary masonry work, despite the fact that no clearance had been given by the Town Council, the National Heritage & Conservation Commission – which has joint responsibility for the World Heritage Site, nor the Environmental Council of Zambia (ECZ). And what of consultations with the *hoi polloi*? None of that, until that is, the ECZ said that they should do so – though even with them the full SADC protocols governing strategic environmental assessment and the like have not been

followed.

From the 'laying of the stone' milestone, alternative sites available have been put to Legacy – and refused, a management plan workshop for the Park held which then put out five more tourist sites for lease in the Park – with no sign of any environmental clearance, research assembled which showed that elephant make use of the site – in fact that it is an essential part of the elephant home range, that it would completely sever the body of the Park in twain, and that it would severely damage plans for the KAZA Transfrontier Conservation Area – one of the most ambitious elephant conservation plans ever thought up, something that would rival Serengeti for tourism.

Fighting all this is the Livingstone branch of the Wildlife Environment & Conservation Society of Zambia – referred to by Legacy Joburg disparagingly as 'a bunch of Greenies', though in fact a number of them support hunting and sustainable use, and a steadily growing army of the people of Livingstone: shanty town dweller, resident, tourism operator, civil service branch heads and, famously, Bicycle Charlie, a Zambian who with great initiative leads tourists on his own Njinga trail along the river. And what of UNESCO and their advisor, The World Conservation Union (IUCN), and the other international NGOs like WWF and the African Wildlife Foundation – the latter who have their own interests in the area through their Kazangula Heartlands Project, the creator of the Mukuni Trust, whose trustee, Chief Mukuni, in whose customary area Livingstone falls, is a staunch supporter of the developers. Well, like our native red-backed toads, they have been aestivating, doubtless

awaiting the coming of the rains. Or like the World Bank, under its SEED programme, which was to make Livingstone and the Park a thriving, well-managed tourist hub, perhaps have upped their tents and gone elsewhere. But the rains have arrived, and fortunately, so has UNESCO.

On Monday 6 November, the UNESCO representatives came to Livingstone and for a UN agency not known, like all the others, for its stiffness of backbone, lambasted the governments of Zimbabwe and Zambia, threatening them with a world-wide campaign to discourage tourists from coming if the development was not stopped. But they also mentioned that the two countries had manifestly failed to implement agreed protocols for the management of the World Heritage Site as a whole.

For the people of Livingstone, this visit is like rain after drought and suffering; and the timing is immaculate, as a public meeting - called by the ECZ, is being held in Livingstone on Saturday 11 November to discuss the final Environmental Assessment (EIA). This 360 page bit of deforestation (<http://www.necz.org.zm/>) and greenhouse gas - produced by the beneficiaries, makes three telling points – all against themselves: i) that all the natural vegetation would be removed from the 220 ha site, ii) that the activities would cause ‘irreversible ecological destruction’, iii) that the socio-economic benefits outweighed any environmental impacts, and iv) that they did not consider any options other than to build at the site or not to build – the available alternative sites not being considered.

But behind this ruck and maul lurks The Law, the last defense

of the citizen, custodian of our land and the Constitution. And the law hounds of Zambia are gathering, knowing that the country has as good a set of laws as any in the region, and that they are prepared to do whatever is necessary to ensure sense prevails. They point out that the Wildlife Act of 1998 requires that the alienation of land in a national park must have the boundaries altered by statute; that the proposed development stands counter to ZAWA's legal mandate to care for a national park and its wildlife; that all the stakeholders have not been consulted and their agreement obtained – as required; that the decision to proceed is not transparent; that the EIA authors are the beneficiaries of the development and therefore are compromised.

And then there is Zambia's international standing and its commitment to good governance, in expectation of which the G8 wrote off their debt at Gleneagles.

And, of course, let's not forget Charlie.

VICTORIA FALLS LEGACY

The interview on 19 September by John Robbie - a talk-jock at Radio 702 Joburg, of David Gleason (gleason torque.com, publisher, financial editor & journalist, former senior bwana at mining group, Anglo American in Zambia, former Chairman of the Wildlife and Environmental Society of Zambia, organizer of the funding for the Black Lechwe project...), had a bit of rugby about it: a hard pass from the former Greyhounds and Ireland scrummie smacking Gleason in the eye, being introduced by Robbo as "the former columnist with Business Day who was fired and now has his own independent column", then being

given a sound bite to express his concern at the proposed Legacy move of two hotels, a golf course and 300 or so riverside chalets into our tiny Mosi oa Tunya National Park in Livingstone, Zambia, the equivalent of Legacy Hotels moving their Sandton Michael Angelo hotel out to Joburg Zoo Lake under a bit of enrichment camouflage. This brief engagement with a carrier of environmental and business concern was followed, after an agonizing assault of advertising and an interesting interview of an attorney on credit issues, by a soft, slightly forward pass from Robbo right on the tryline to good old Bart Dorrenstein ranging up alongside, Legacy's Big Man 'imself, "Good to see you again, Bart Dorrenstein, now what is this all about...?" Bart replies, kindly, reasonable, bending doubtless forward in unctuous capitalist sincerity – "No, no...we have had no dealings with politicians, only the Zambia Wildlife Authority (ZAWA). Of course, I did meet the Zambian President, a fine gentleman, but only in a group. And of course we are submitting an environmental impact assessment, and so on..." And so on. And no more Gleason...did he have to hang on to the phone for an hour while all this was going on? Finally, Robbo, in a repeat of the time he and old Nasty Booter and good old Dan Retief were gathered on the DSTV rugby programme, Boots and All, to give whatfor to the Griqua Emperor-President of the South African Rugby Union, the formidable nut-squeezer of Griqua scrums, Brian van Rooyen, but then deciding through a pheromone infusion process that driver ants use to communicate, that discretion and a bit of sycophancy was collectively in order, sums up by saying, "Well, Bart, good luck with the project!" Nice.

Not much here, really. Except that on Saturday 29 July 2006, -

before the go-ahead of the Livingstone Town Council, the National Heritage Conservation Commission, the Environmental Council of Zambia and the people of Livingstone and other operators – let alone UNESCO, who are in charge of World Heritage Sites, had been obtained, Vice-President Lupando Mwape of Zambia laid the foundation stone of the Legacy Holdings, Mosi-oa-Tunya Hotel and Golf Estate development in the World Heritage Site in Livingstone, assuring the gathered notables (Chairman of Legacy Holdings Zambia, J.J. Sikazwe, who ushered in the Citizens Economic Empowerment Act into Zambia; Renatus Mushinge, the Legacy Holdings Development Director and brother of the Financial Director of the Zambia Wildlife Authority, Tom Mushinge – who issued the TCA (Tourism Concession Agreement) to Legacy; and Bart and other Legacy Joburg Directors, of course) that “Those who have been hero-worshipped somewhere else based on misdirected superiority complex will not be worshipped in Livingstone” referring to paleface tourist operator investors who because of a precipitous fall in the dollar were having to reduce staff, now appearing so infinitesimally small and mean-spirited in the glare of the Legacy empowerment boast that they would provide permanent employment for 1000 Zambians. Now who put the Veep up to this one?

And the Environmental Council of Zambia, as of yesterday, had still not received the EIA from Legacy, promised them at the end of August, and there is no news from our Livingstone team of the long awaited scoping exercise which requires that civil society be consulted. And the recent five-day Mosi oa Tunya National Park workshop held by ZAWA was abysmal by all reports, the organizers announcing in the middle of the

workshop that they were putting out more lodge sites for tender in the Park and could not wait for the finalization of a park management plan in order to do so.

Now the thing is that we all want Legacy to come to Livingstone, but not in the Park, not close to Livingstone so that their projected 300 000 visitors a year will bring all traffic to a standstill on the one road available, lock-out for ever the people from an area used by them for a few centuries and block for all time the main elephant migration route. There is an alternative site available. Why don't Legacy do us all a favour and pack their wagons and trek over there?

Wednesday, August 15, 2007

Victoria falls threatened...

The National Heritage Conservation Commission says the weed which has invaded the Victoria Falls and Mosi-oa-Tunya National Park is posing a serious challenge to tourism. Commission Executive Director, Donald Chikumbi, said the impact of the weed includes loss of floral and faunal eco-diversity and social-economic effects on the local communities. Mr. Chikumbi also said power generation at the ZESCO plant has also being affected by the weed.

He said the sensitive rainforests, wilderness and natural character of the Victoria falls are being threatened by the invasion and slowly being altered. Mr. Chikumbi was speaking when he officially opened the eco-system management plan consultative meeting for the invading alien species in tourist

capital, Livingstone. He also disclosed that the World Heritage Committee has urged the Zambian and Zimbabwean governments, to address the invasion by the weeds at the world heritage site.

Saturday, August 25, 2007

Jacob sets out his store...

Sunday, August 26, 2007

Legacy gets green light

Sunday Mail

By CYNTHIA MWALE

LEGACY Holdings Zambia Limited says Government has approved phase one of the construction of one of the proposed two hotels, one of which will be five star with 280 rooms and 40 suites.

But Legacy said its was still awaiting for Government's approval of the revised plan for second phase but wants to complete phase one by 2010 in time for the World Cup.

The re-submitted plans were supposed to be in conformity with the Environmental Council of Zambia (ECZ) ruling which denied the hotels group permission to construct a golf course

and villas but approved the two
hotels.

Monday, October 08, 2007

State confers with Legacy...

Zambia Daily Mail, 1st Oct 2007

By NANCY MWAPE

GOVERNMENT through the Ministry of Tourism, Environment and Natural Resources is having discussions with Legacy Holdings Zambia limited on the possibility the firm investing in Livingstone. Tourism, Environment and Natural Resources Minister, Micheal Kaingu, in an interview said discussions were taking place with the Legacy but declined to disclose details.

“When I say we are discussing, it means the matter is not yet conclusive. Giving you details on our discussions will be piecemeal, which is not good,” he said.

Mr Kaingu said discussions with Legacy would take about two months and then Government would give a position on the matter.

In January this year, the Environmental Council of Zambia (ECZ) rejected an appeal by Legacy Holdings to allow it construct two hotels with an 18-hole golf course and 450 villas in Livingstone.

Government restricted the proposed development in the Mosi-O-Munya national park because it was in a protected area, a pathway for elephants and was part of a world heritage

site.

The ECZ asked Legacy to go back to the drawing board and review its master plan and only build two hotels without the villas and golf course.

Last month, Government approved phase one of the construction of the proposed two hotels one of which would be a five star hotel with 280 rooms and 40 suites.

But Legacy is awaiting Government approval for the revised plan for the second phase and wants to complete phase one by 2010 in time for the world cup.

Friday, December 21, 2007

CONTINUING 'DEVELOPMENT' THREATS TO THE VICTORIA FALLS WORLD HERITAGE SITE

I.P.A. Manning

Given that developers are in the process of establishing yet another tourism project in the Zambian portion of the Victoria Falls World Heritage Site (VF-WHS), with possible far-reaching impacts elsewhere, it is time to take stock.

This latest development, one already approved by the Zambian Wildlife Authority and the Forestry Department, but not yet the Environmental Council of Zambia (ECZ), the National Heritage Commission, or UNESCO - who oversee the VF-WHS, is to import captive-bred lion from neighbouring Zimbabwe, to rear them in the Dambwa Forest on the outskirts of Livingstone,

walk them with tourists in the adjoining Mosi oa Tunya National Park - while allowing the lion to hunt prey species there, then when the lion are older and a threat to tourists, to release them into the Zambian bush. All that is now required is for the ECZ to approve the EIA carried out by the developers and for the decision not to be overturned by the Minister of Tourism, Environment and Natural Resources. This project reminds me of another controversial project in the Mosi oa Tunya, one still ongoing.

In January 2007, ECZ rejected an appeal by Legacy Holdings to construct two hotels, an 18-hole golf course and 450 villas in the Mosi oa Tunya in Livingstone, and requested that it review its master plan by building just the two hotels (later ECZ approved phase one of the construction of two hotels, one of which would be a five star hotel with 280 rooms and 40 suites). The reason ECZ restricted the proposed development was because it was to be implemented in a National Park and because it considered that the 220 ha of development would have a major negative impact on the National Park and on the VF-WHS. Legacy later made application to ECZ for approval of the revised plan for the second phase, wishing to complete phase one by 2010 in time for the World Soccer Cup. The last I heard was that Minister Kaingu of the Ministry of Tourism, Environment & Natural Resources was in discussion with Legacy over future plans, but to date I am not aware of any conclusion, nor has any new EIA been considered. In addition, the statement made to me by the Chairman of the Zambia Wildlife Authority Board that he had placed a moratorium on all new developments in the Mosi oa Tunya – and presumably the Dambwa Forest, should have put paid to all new projects until such time as the Victoria Falls

Development Plan - compiled by UNESCO and IUCN, was reassessed.

The Environmental issues apart, my concern is with the disregard for due process. In the case of Legacy, the acting Director-General of ZAWA at the time, Gershom Chilakusha, acted illegally (pun intended) in awarding Legacy 220 ha on a 75 year lease – Legacy's foundation stone being laid before the EIA was approved. In the lion project's case, ZAWA issued the lion project (ALERT) an import permit for 19 lion before the EIA was approved, and the Forestry Department entered into an agreement with them over the use of the Dambwa Forest, both agreements requiring an EIA as is required in accordance with the Environmental Protection and Pollution Control Act (Cap 204 of the Laws of Zambia), Regulation 3 (1) of the Environmental Impact Assessment (EIA) Regulations, Statutory Instrument No. 28 of 1997.

But there is more that is awry. The recent Zambia Auditor-General's report on parastatals for 2005, reports as follows:

” Irregular Issue of Title Deeds in Mosi-O-Tunya National Parks.

29. According to the provisions of the Act, ZAWA allocates sites in National Parks and Wildlife /Bird sanctuaries to successful bidders. The successful bidders are awarded a Tourism Concession Agreement (TCA). The TCA is a commercial agreement that regulates the conduct of the operators. It confers the rights and obligations of the concessionaire and grantor (ZAWA). An Environmental Impact Assessment (EIA) is prepared and approved by Environmental Council of Zambia (ECZ) before the operator would proceed with the development

of operations. However, it was observed that two operators namely Waterfront lodge and Maramba River lodge had been issued with title deeds in the Mosi-O-Tunya National Park. The title deeds for Waterfront have since been cancelled and a Tourism Concession Agreement was signed on 8th February 2005 for a period of twenty five (25) years. As of August 2006, the title deed for Maramba River lodge had not been cancelled and the Authority was not receiving any money from the lodge, as there was no agreement though the lodge operated in the National Park. Furthermore, there was no evidence of an Environmental Impact Assessment having been done for the above-mentioned lodges by the ECZ.”

So, given the lack of due process and accountability, what are UNESCO doing about their area of responsibility? And why do public-funded NGOs such as the African Wildlife Foundation – the latter active in the Zambezi and Livingstone area, continue to remain silent? And is the World Bank, supposedly funding the re-habilitation of Mosi and Livingstone’s environs bringing to bear some conditionality. Ordinary Zambians need to be aware that, apart from the admirable ECZ with their thumb in the dyke and some resolute members of the Livingstone branch of the Wildlife, Environment and Conservation Society of Zambia, the mice are taking over the shop.

Wednesday, March 12, 2008

No permission needed to build at Vic Falls site, says Kaingu

By Mutale Kapekele and Namakau Nalumango

The Post Wednesday March 12, 2008

THERE is no need to get permission from Zimbabwe to build in the Victoria Falls heritage site joint management area, tourism minister Michael Kaingu has said.

And Kaingu has appointed a new national Museums Board to be chaired by Mubita Imukue.

Asked whether the ministry of tourism had consulted its Zimbabwean counterpart on the allocation of a plot to Legacy Holdings on the fringes of the joint management area, Kaingu said the plot was in Zambia and that his office had no explanations to make.

“Obviously you know where the boundaries of Zambia are, that land is in Zambia not in Zimbabwe, so why should we ask for permission?” he asked.

In October, the ministries of tourism in the two countries signed a joint management plan of the Victoria Falls world heritage site which stipulated that developments in the area had to be passed by both Zambia and Zimbabwe.

The Legacy Holdings plot lies in the buffer zone of the Victoria Falls world heritage area.

At the signing of the joint management plan last year National Heritage and Conservation Commission director of conservation services Kagosi Mwamulowe said the management plan was needed for UNESCO, Zambia and Zimbabwe to monitor the activities and state of conservation of the Victoria Falls world heritage site.

And Kaingu urged the new museums board to be innovative and raise own money instead of its looking to the government for everything.

He said although his ministry would fund them from time to time, it was not an ultimate responsibility for the government to provide funding to the museums.

“Museums world over are money spinners. Instead of the government funding them, they should be able to contribute to the treasury,” he said.

And Imukue called for the repealing of the national museums Act as it catered for only four institutions.

“The Act only caters for Livingstone, Lusaka, Motomoto and the Copperbelt museums,” Imukue said. “The other museums which are privately owned are not catered for. Therefore the National museums Act should be repealed and replaced with one that will embrace the rest of the museums.”

The Battle for Victoria Falls - Part III

The Livingstone biWeekly

7 November 2018

Gill Staden



Livingstone

Legacy Plan Resurfaces under a new name.

Twelve years ago, conservationists from around Livingstone and Zambia fought verbally against the development of two hotels and a golf course in the Mosi-oa-Tunya National Park along both sides of the Maramba River. In the end the hotels were not built.

At the end of October, we were told that the plan has been revitalized albeit with a smaller footprint but still two hotels and a golf course ... on one side of the Maramba River.

The scoping meeting for the ESIA – Environmental and Social Impact Assessment – was held at Protea Hotel. It hadn't been well advertised so few people pitched up for it. I was phoned, as were a few others, to come and swell the numbers at this crucial meeting. I thought my days of attending meetings were long-gone but I did make the effort to go and listen.

These are the facts, as I managed to glean from the discussions:

Rennie Mushinge is representing NAPSA, Mukuba Pensions and Mukuba Properties who want to do the construction. The construction will be two hotels – 5-star with 130 rooms and 3-star with 180 rooms, a big conference facility for 600+ delegates and a golf course. Somewhere the name of Hilton Hotels was mentioned but I didn't get the connection (maybe as

management). The ESIA is being done by DH Engineering Consultants from Lusaka; DSA Architects, from South Africa, are the architects. A landscaper had already been contracted. DH Engineering Consultants was represented by Daniel Holmes.

Both Rennie Mushingie and Daniel Holmes spoke with confidence that the development was a done deal. In fact, Daniel Holmes said that their ESIA was scheduled to take 4-5 months and that they had already used 3 months on the work. Part of the ESIA was that they had to have a public meeting, hence the meeting at Protea. I felt that the meeting was just a box to tick, although Daniel Holmes did say that he welcomed comments.

Rennie Mushingie mentioned that this was purely a Zambian development, unlike the Legacy development which had been proposed by a South African company. They had already been given a 50-year lease by Ministry of Tourism.

Rennie Mushingie also stated that they were going to build new Regional facilities for the Wildlife Officers on the site ... as part of the Corporate Social Responsibility ...

After some preliminaries, telling the audience how many jobs were to be created; about how the increase in tourist numbers would benefit the economy of the town; about how sensitive the development was going to be and that it would improve the environment, we got on to question time.

The following issues were brought up.

When Legacy Hotels wanted land to build their hotels they

were approved initially 4 hectares of land along the Zambezi River, north of the Maramba mouth. Their development, though became one of 200 hectares of land on both sides of the Maramba River. A question was asked how this land had now been allocated to the Mukuba Property. They were also asked if the land had been advertised so that other developers could have the chance to apply for it. The answer was given that, no, the land had not been advertised and that the application for the land had been an unsolicited application and that ZamParks had approved it.

During the Legacy debacle, Zambia Environmental Agency had stated that a golf course was not acceptable in the National Park. There was no comment from the developers about this, although Rennie Mushingie did mention that he had been involved in the Legacy application.

It was brought up that the whole of the land area to be developed was an elephant corridor. At present, anyone who wants to walk in the area had to be accompanied by an armed guard. The developers state that the land will not be fenced, but it is assumed that, to prevent human-wildlife conflict, the hotels and the golf course will have to be fenced. All the lodges in the park and on the outskirts are fenced, even though, originally, they had stated they would not fence. Elephant Hills Golf Course in Victoria Falls Town eventually had to be fenced because of the damage done by elephants and hippos. Again, I don't think the developers had a comment; Rennie Mushingie seemed surprised that the Elephant Hills Golf Course was now fenced.

The developers had mentioned that the environment would

be improved by the addition of many trees and water features and that the birdlife would benefit from this. A comment was made that the birdlife already has what it needs – a natural environment.

One of the participants mentioned that the hotels would be under the flight path of Batoka Sky which has helicopters and microlights taking off regularly. It is very noisy. Rennie Mushinge said that he would have to consult with other tour operators in the area to see how this could be managed. One participant stated that maybe Batoka Sky should be moved.

Another comment was about the need for a golf course when Livingstone already had a golf course. Surely it would be better to invest in Livingstone's existing course rather than build another, especially that it was in the National Park. Rennie Mushinge stated that Livingstone Golf Course was very run down and that it was in the wrong place.

Another comment was about mosquitoes. The Maramba River is full of water hyacinth and polluted. Rennie Mushinge said that they were addressing the issue with the Water Company.

Someone mentioned that any development in the park had to go no higher than the height of the trees. Looking at the plans, it seemed that the hotels would be three storeys and that they would go over the trees. Rene Mushinge said that they would not be higher and that they would plant more trees so that the hotels would not be visible from the Zambezi River.

So, that was about it. The meeting was ended and most people

went on to enjoy lunch. I left to do my shopping and go home.

I think you know me by now ... I looked up each company that was mentioned. My first port of call was DH Engineering Consultants. They did not have a website, just a Facebook page. When I entered the Facebook page there was nothing there except there are no stories available. I did find a story about Daniel Holmes:

DH Engineering Consultants

The missing link

Taking on aid projects in third world countries can often mean biting off more than you can chew; but as Alan Swaby learns, enlisting the help of local engineers can help avoid the pitfalls.

There's something about working in under-developed countries that brings out the resourcefulness in people. Sure, it's attractive being at the cutting edge of industry and being able to call on all the backup a multinational organisation can provide, but as Danny Holmes can testify, it's not nearly as fulfilling as pitting your wits against the trials and tribulations of working in a county like Zambia.

"Outside of Lusaka," he says, "the infrastructure is patchy as best. The M25 might have its problems but falling into a chasm while crossing a rickety, hand-made wooden bridge isn't one of them."

Holmes should know. Born and educated in Lusaka, he went to the UK's University of Manchester Institute of Science

and Technology (UMIST) to complete a degree in mechanical engineering. Rather than return immediately he worked for a further three years in the UK before returning home to work for various engineering consultancy firms and BP, and then striking out alone.

“The contracting scene is competitive enough here,” he says, “but nothing compared to the way economic cycles caused engineering companies in the UK to wax and wane, swallowing up others or in turn being swallowed themselves. In Zambia, I saw the opportunity to be my own master and be in control of my own future.”

The result is DH Engineering Consultants, providers of design, project management and commissioning services for electrical, mechanical and water related projects throughout Zambia. Just under half of the time, the group works with architects designing, project managing and then commissioning building services: air-conditioning, water, drainage and the like. A similar amount of time is spent supervising the building of service stations for a couple of the major oil companies.

“Zambia is woefully short of engineering skills,” says Holmes, “so close supervision of any type of work is absolutely essential and quite frankly, takes up most of our time on site.” ...

And then I tried to find out more about Mukuba Property Development. I couldn't find a website for them either, although the company was mentioned in a few articles about their recent development in Kitwe.

And then I thought about the elephants. For me, elephants and people cannot co-exist in close proximity. In the National Parks throughout Zambia (and Africa), visitors and tour operators give way to elephants; elephants are dominant. But what about the town situation, like Livingstone? In this situation, people have to be dominant for safety reasons.

The elephants will not stay in the park or walk along designated corridors ... And they are big and powerful animals ...

From <http://science.jrank.org>

Elephants need massive quantities of food, perhaps 136–159 kg a day. The diet of elephants includes roots, bark, grass, leaves, berries, seedpods, and other fruits. Elephants never roam far from water, ... They may drink up to 189 litres of water a day, ...

At this time of year the only water available for our elephants is the Zambezi River and a small section of Maramba River.

We are continuing to expand Livingstone Town, with suburbs and development springing up all around. I took the Google Earth map and put in (pink) all the present development plus the proposed Mukuba Development. Many of the developments shown on the map are fenced, as is the Mosi-oa-Tunya Park.



We can see that the elephant corridors are gradually being blocked by development, most of which have fences, some electric. The Mukuba Development will block more water along the Maramba and Zambezi Rivers and will block their access to a major food source from the trees in that area. During the past year we have had several deaths from elephants. If we continue to block the elephants' access to food and water there will be many more deaths as they bounce between one electric fence and another. I don't know the answer. This development is welcome in Livingstone; we need the jobs and the increase in the economy. But I don't know what we do with our elephants ... do we have to cull them? Or could Mukuba consider moving their development to a less sensitive location? I think these are the only two options if we are to stop more deaths.

* * *

7 November 2018

Rennie Mushinge is at it again! ZAWA/DNPW are at it again. But twelve years after the Legacy attempt... another golf course, two three-storey hotels... The neoliberal plunder will not end it seems, unless...



ZAMBIA THE OPEN PIT



THE BATTLE FOR VICTORIA FALLS - PART III





Lionscam

The Victoria Falls World Heritage Site 'Walking with Lions' Project

"WALKING WITH LIONS" PROPOSAL

Africa Encounter and ALERT, together with Safari Par Excellence of Livingstone, await an EIA on their plan to establish a tourism project in which lion will be bred and imported into Zambia, will develop further in the Dambwa Forest, will then walk and hunt with tourists in the Mosi oa Tunya National Park, and when they are older and a danger to humans, will be released to the wild in Zambia.

26 July 2006

WALKING WITH LIONS AND CAPTIVE BREEDING IN ZAMBIA

Livingstone branch of the Wildlife and Environmental Conservation Society of Zambia (WECSZ)

June 2006

African Encounters, with Safari par Excellence, are planning to set up a captive lion breeding/tourist attraction in the Mosi-o-Tunya National Park, near Livingstone, and the nearby Dambwa Forest Reserve. The offspring of these lions will then be relocated to the wild to replenish depleted lion populations. On the African Encounter Website (www.africanencounter.org/lions) it states that “captive bred lions can and have been rehabilitated to the wild. In South Africa this is confirmed by senior ecologists and conservationists”.

Lionesses and cubs will be imported from an existing operation in Victoria Falls, Zimbabwe and a breeding male lion from Tanzania to start the project. Cubs will be removed from the mother for hand-raising and habituated to humans for wildlife walks and when too big/dangerous at 12 - 16 months, will be transferred to enclosure(s) in the Dambwa Forest Reserve for wild-release training and “semi-captive” breeding. Second generation animals from Dambwa will then be released into areas where the lion population has decreased e.g. the Kafue National Park, and presumably into GMAs, where the real shortage of lions exists. (For more information on the project: www.antelopepark.co.zw; www.lionencounter.com; www.safpar.com)

The Society's concerns are several:

Captive breeding: The commercial breeding of lions has never been conducted in Zambia. Neither, to our knowledge, has the reintroduction of lions into the wild been successful anywhere else in the world. In light of these considerations and the South African experiences illustrated by Michler (page 14) we believe that the project warrants serious, prior, policy consideration

Reintroduction to the wild: Because the pride structure is absent in captive bred breeding programs, the rehabilitation process is arduous, and although attempted by Norman Carr, George Adamson and Gareth Patterson, has not been successful to the extent of integrating these lions into free roaming prides and achieving successful breeding from them. Dr. Paula White, researcher for Predator Research, who has worked on wild lion populations in Zambia including in Kafue National Park states: "An individual lion being released that way probably has an extremely low chance of survival, even lower chance of establishing itself as a breeding animal, and lower still of producing any surviving offspring even if it does manage to mate. A cohort of lions released together would have a better chance, but there are still issues of territory and hunting technique, the latter of which may be specific to region and prey base".

The Ethical Conservation Network states that "to our knowledge, lions bred in captivity are never used by national parks or game reserves to establish lion populations, to augment free-ranging lion populations or to introduce new genes to free ranging populations. National parks and game reserves wishing

to acquire lions for whatever reason take one or more prides of free-ranging wild lions from other national parks and game reserves. No conservation benefit derives from the breeding of lions in captivity. To claim otherwise is to attempt to put a conservation value on a purely commercial enterprise.” Dr White says, “Rehab rarely works for the animal. Agencies do it for PR, individual volunteers do it with the best of intentions, but the “freed” animals are usually never seen again. Because lions are so territorial, continual dumping of lions into an area would result in a lot of dispersers. This could provide additional huntable lions to GMAs, but it could also result in a lot of problems with hungry, displaced lions moving into human-settled areas and killing livestock and/or people. The African Encounters Mission Statement states that it is: “researching the introduction of captive breeding lions into the wild”, but does not claim any success in actually doing so. At this stage the rehabilitation process is still in a “research” stage. Since 1972, to our knowledge, none of Antelope Park’s lions have been reintroduced to the wild.

The Future of Surplus Human-Imprinted Lions

Technical Issues: Overstocking: The project anticipates up to twelve cubs a year. For the commercial operation, a constant supply of cubs is needed. Once these domesticated cubs are too big to walk with tourists, they are translocated into the fenced enclosures. Their off spring are to be released into the wild. At what density are the lions to be kept in these enclosures? How many enclosures are planned for with how many lions over say a five year period. The necessary stocking rate of lion fodder (live game) will also have a major impact on the environment (Dambwa forest Reserve) – quite part from its practicality.

Antelope Park claims to have a further 14 breeding programs / reserves in the offing. These to be situated in Uganda, Mozambique and a number of other African countries. Surplus “human imprinted” lion from Zambia will be relocated to these reserves and the breeding program will be continued in these countries. Have relocations conducted in this manner ever been successfully carried out before. If so, where? If not, and the lions are unable to be released, what is the policy towards protecting the lions from becoming part of the “excess” of captive bred lions which end up in illegal animal trade or canned or staged hunts. Most breeding centers serve little or no conservation value beyond offering a zoo experience and many owners have been accused of providing lions for canned hunting, although most deny this charge.

“As certain species are bred to excess, individual animals, unwanted and often uncared for, face an ominous future.” In recent years, to cope with this over breeding, an animal trade network has developed between captive breeders, circuses, zoos, research laboratories, the illegal animal trade especially to the Middle East and the canned hunting industry, often with specialized animal dealers acting as well-paid intermediaries. “One might well ask why measures are not taken to prevent over-breeding in the beast wagon. The answer, unfortunately, is that over-breeding, particularly of lions, tigers and leopards, is actively encouraged because those cute and fluffy cubs remain one of the star attractions of commercial enterprises”. *Endangered Species in Abundance: Captive Breeding and Overbreeding of Lions* www.irridescent-publishing.com

Policy, legislative and procedural: Does existing legislation permit the project? If yes, is the policy/legislation/regulatory

framework robust enough to monitor the project adequately and ensure the necessary safeguards? If not what is needed to address loop-holes and omissions? Has the necessary environmental impact legislation and procedure been followed properly?

Ethics: Do the breeding ethics of this project conform to global animal welfare standards? What are the ethics of removing cubs as young as a week to three weeks old from their mother for hand raising, so the cubs can be easier handled for commercial walks. This is done for three reasons - to bring the mother into another oestrus cycle so she can be mated again. - the cubs will be imprinted by humans from a very early age so they are easier to handle as they grow up - this keeps the breeding/hunting/tourist operation with a constant supply of young cubs for tourist attractions, walks with lions, or for sale to other breeders and collectors. Captive lions can live to around twelve years old and are therefore producing double their natural litters. Breeders often argue that the removal of cubs at an early age is because the mother is a "bad mother". Certainly, a lioness giving birth in artificial, unnatural circumstances can very easily become a "bad mother" due to the stress related to the captive environment. A lioness that has had her cubs removed at a very early age becomes visibly distressed. This practice is therefore considered inhumane and unethical.

Allied to canned hunting is captive breeding. These are the facilities that supply the canned hunting industry and also for the local and international and international wildlife trade. In the past Antelope park has sold lions to captive breeders in

South Africa who are involved in the canned hunting industry. We are concerned over the ethics of such practice as it speaks of commercial gain and not conservation. Helen Dagut, Campaigns Manager for IFAW Southern Africa, states “If captive breeding, other than for bona fide conservation purposes, was banned, we would rapidly see the demise of “canned hunting” and the indiscriminate trade of our wildlife.” The society is concerned that a surplus of “domesticated” lions could filter into the canned hunting industry in Southern Africa or lead to a canned hunting industry in Zambia or in other African countries.

Biodiversity: Zambia is a signatory to the Convention on Biological Diversity (CBD) and should abide by the objectives of that convention. Michler states that breeding programs often use the guise of conservation i.e. to preserve and promote the genetic diversity of lions for example to conserve the gene pool. Breeding programs do not always adhere to the convention of biological diversity www.biodiver.org, the principles of which recognize the integrity of species and subspecies in the environment in which they evolve. Dr. White, states “If it was suitable (politically, biologically, etc.) that an existing wild lion population be augmented by releasing additional lions, say perhaps southern Kafue where lion may not be as plentiful, it would be best from both a sub-population and ecological standpoint to release lion that were as close genetically to the existing population as possible”. Is this project compatible with CBD as stated? Is the project necessary from a Zambian biodiversity conservation viewpoint?

“The genetic implications of zoo or captured wild lion moved to a safari park, is huge – particularly if of a different genetic stock to that of the ‘local lion’. We have the evidence of zoo lion:

long confined, fed by man and without the daily imperatives of survival, metamorphosed into an animal having with time an increasingly different genetic relationship with wild lion – the only true lion, because they suffer the curse of inbreeding, of the doubling of malign genes, of confinement. Safari park lion have, like domesticated dogs, come under the considerable selective force of man already, being moulded and changed to fit his design; they too will lose their fitness, will increasingly become domesticated, one day perhaps bearing as much relationship with a real lion as does the Chihuahua and the St Bernard with its ancient ancestor.” Ian Manning

Conservation: The justification behind this project is that second generation lions will be released in the wild in places where populations are low. To date the Society does not know of a single successful lion wild release project and the only attempts that are commonly known were effectively one-on-one programs. This should not mean the rejection of properly structured and planned biodiversity-oriented research programs: a) because captive breeding and wild release in other species has been successful in some cases; and b) lion populations are under threat – mainly from poaching, range encroachment by man, and from safari hunting. But does this project match Zambia’s needs or is it being externally driven with other objectives? Is it a sufficient priority to place in a funding queue ahead of other more urgent requirements? Dambwa Forest Reserve is currently a Joint Forest Management pilot area and part of an elephant movement and feeding route. Should these requirements be laid aside in order to accommodate non-compatible tourism plans?

Commercialism: Mixing commercial and scientific objectives is difficult. Is this primarily a commercial, or a biodiversity conservation project? If the former, are the biodiversity objectives not subverted? If the latter, is it effectively designed with carefully calculated and desirable objectives and outputs that will contain commercial objectives?

Canned hunting experience from zoos worldwide suggests that lions breed well in captivity (because of the removal of most competition, predation, disease and accidental-related losses). Unless the breeding program matches the release rate there is an inevitable build-up of numbers. South African experience indicates that as long as a wildlife trading network exists, the natural end point for this problem is the establishment of a lucrative canned hunting business capable of absorbing the surpluses. Will this project not amount to a self-fulfilling prophesy.

If the Zambian hunting industry was linked to canned hunting in South Africa it could seriously tarnish our hunting credentials through a negative response from the international conservation community. In South Africa lion trophies are no longer accepted in the record books of Safari Club International / Roland Ward as a result of the irregularities in the hunting industry due to canned hunting.

“Whatever one’s sentiments and opinion are, we all have to agree that this method of breeding large predators for hunting has branded South Africa as the skunk of the international conservation community. Hunting ethics in South Africa is at an all time low and respected conservationists are becoming more and more concerned by the day as they are of the opinion that the good conservation record they built up for South

Africa 30-40 years ago are currently being soiled by unethical conservation and hunting practices. South Africans, many of them involved in the commercial utilization of wild animals are no longer practicing sound conservation principles, but are fast gaining a reputation for selective species conservation.”

[www.sanwild.org/NOTICEBOARD/news2005/What is going down South for the African Lion July 08 2005](http://www.sanwild.org/NOTICEBOARD/news2005/What%20is%20going%20down%20South%20for%20the%20African%20Lion%20July%2008%202005)

In South Africa “there is hope for a full ban on canned hunting and the implementation of restrictions on those breeding large predators”. Marthinus van Schalkwyk, the Minister of Environmental Affairs and Tourism is reviewing the recommendations and findings of a panel of experts who are calling for a ban on the hunting of captive bred predators (canned hunting and “put and take” hunting), a ban on the import of all alien species for hunting and legislation that bans a species from being translocated outside of their range zones. Ian Michler *Africa Geographic* February 2006. Because of the depth of concern about these issues the South African government will debate a bill proposing the banning of this industry this year.

While South Africa attempts to control and legislate this industry Zambia is in a position to act wisely and with precaution. By setting regulations and laying down legislation now, we can not only prevent a situation developing like South Africa’s but also make a stand on the international conservation forum.

26 July 2006

CAPTIVE BREEDING LEGISLATION

POLICY AND LEGISLATION

A NOTE

In Zambia, we have yet to see issued regulations accompanying the Wildlife Act of 1998 on game ranching and captive breeding – in the first draft, studied at the Natural Resources Consultative Forum (NRCF) meeting, being hopelessly muddled. This regulation, with some stakeholders hurried inputs – others more considered inputs not being included, were taken off by legal consultants who clearly knew nothing of the issues they had been asked to deal with, and by the Zambia Wildlife Authority (ZAWA), a statutory body now without any credible scientific capability where financial budgetary considerations outweigh those of biodiversity conservation – a necessity foisted on them by the misguided decision to replace the Department of National Parks and Wildlife with a statutory body, one required to ‘pay its way’.

The imperatives of good sense and personal and biodiversity community ethical judgement, supported by the draft National Policy on Environment (NPE), require that we study new proposals and developments carefully so as to adjudge whether they impact negatively, or positively, on our biodiversity. It may be that after careful consideration – working through our cross-sectoral forum, the NRCF, that the Walking With Lions Park in Livingstone will not be in conflict with the NPE; but this we must decide in open forum. At the moment, as with the continuation of the Mosi-oa-Tunya National Park land-grab – a national and global disgrace, ZAWA acts as a runaway horse,

without the jockey (ZAWA Board) required to avoid the strolling prams. THE PRICE OF ALL THIS IS ETERNAL VIGILANCE!

Wednesday, July 26, 2006

NO EIA FOR LIVINGSTONE LION PROJECT

The Environmental Council of Zambia has told WECSZ that no EIA had been received in respect of the Livingstone lion project, that in fact that they had not heard of it! The Livingstone branch of WECSZ reports that the project has started.

2 August 2006

GOOD NEWS FROM SOUTH AFRICA

BANNING OF CANNED HUNTING AND CAPTIVE BREEDING OF PREDATORS

The South African Minister for Environmental Affairs and Tourism, Martinus van Schalkwyk issued two draft regulations on Tuesday, May 2, 2006 regarding threatened and protected species and the much-anticipated draft National Norms and Standards for the Regulation of the Hunting Industry. These are available on the Department's website at www.environment.gov.za

The new regulations would put an end to unethical game hunting: canned hunting (the shooting of animals in enclosures which allow no means of escape), the captive breeding of predators other than for conservation purposes, the trade in exotics and the translocation of species from outside their natural range. The regulations ban the intensive breeding of listed large predators such as cheetah, lion and leopard, unless it has an express conservation purpose. "In effect," said the Minister, "The days of captive breeding of listed species for any purposes except science and conservation, are over. Large predators kept in captivity can no longer be hunted which has not been rehabilitated in an extensive wildlife system and been fending for itself in the wild for at least two years."

Hunting will now be strictly regulated, being required to adopt fair-chase principles and humane methods, conducted by certified professional hunters adhering to sustainable game off-take quotas. The International Fund for Animal Welfare (IFAW), one of the organizations campaigning for tougher controls, welcomed the draft regulations. Jason Bell-Leask, the organization's southern Africa director, commented, "Let's hope they go far enough to address unethical hunting practices and, in the words of the minister, rid this cancer from society". Other African countries need to introduce preventative and protective legislation without delay so as to halt the stealthy invasion of the canned hunting / captive breeding industry. Namibia already has an active canned hunting industry, as does Zimbabwe.

The owner of Antelope Park, Andrew Connolly admitted at the WECSZ talk by Ian Michler on the "Captive Breeding

of Predators and Canned Hunting” held in February 2006 in Livingstone, that he had sold 35 lion to three breeders in South Africa four years ago. When asked if he was aware that these breeders were canned hunters, he said he was not aware. The main question is, if the Livingstone Walking with Lion release programme is unsuccessful, what will happen to the surplus lion once they have outgrown the money-making walks. Are we introducing “put and take hunts” in Zambia?

Ali Shenton

Wildlife & Environmental Conservation Society of Zambia
(Livingstone Branch)

Wednesday, August 02, 2006

Professional Hunters Statement

“We are happy to be quoted that we are opposed to this move: we are totally opposed to canned hunting and we are not convinced that captive breeding of Lion and their release is in the best interests of our own gene pool.”

Simon Burgess

Chairman, Professional Hunters’ Association of Zambia

Mike Musgrave, Chairman of Livingstone WECSZ...

The blog doesn't give a complete picture of what is going on the

ground. There is a lot of concern which ranges from the hysterical to the

legitimate. I think the main concern comes from the possibility of the

excess lions going into canned hunting operations. I know Andy

Connolly said that would not happen but he has no control over lions

once he sells them. Personally I think canned lion hunting could be done

ethically and take the pressure off wild lion populations, but because it has been

done so badly in South Africa (shooting lions in small enclosures,

drugging lions etc etc), one can simply never justify it. All the major hunting organisations (SCI being the biggest) have now come out

strongly against this form of hunting. The major exceptions are bird

shoots which often use bred birds. My concern is that Zambia becomes

known as a canned lion hunting destination and this concern is shared

by the Professional Hunters Association.

Saturday, August 05, 2006

Following the western liberal tradition...

The main concern about the lion is not so much the canned lion hunting but the genetic implications of releasing lion into wild populations, and the impacts of semi-tame lion on villagers.

We don't need canned lion hunting to take pressure off wild populations: what we require is for a competent authority to manage hunting offtakes and to ensure that breeding animals are not shot. Research on lion clearly shows that shooting non-breeding males - as with any species, maintains the necessary genetic vigour. It is the killing of young pride lion which is the problem, as is the shooting of breeding bulls from buffalo herds. A trophy monitoring system needs to be implemented given the farcical and larcenous 'quota' system currently in place. The failure to introduce a monitoring system will lead us inevitably to lion being placed on Appendix 1 of CITES with all sorts of ramifications for rural development.

We need the lion project people to make a case for what they appear to have permission from ZAWA to do. But they must realize that going ahead with the takeover of a forest reserve (who gave them permission?) without an EIA from ECZ and all the other permissions and clearances required, is unwise. There are international standards and conventions in place here, as well as acceptance of a Western liberal democratic tradition - despite the corruption and the cavalier signing off of our resources. But these things require to be defended, the

cant, humbug and hypocrisy punctured, the misguided and corrupt decision makers exposed. Zambia signed up for the principles of the Commission for Africa, as a result of which the G8 wrote off the debt. Let the Government now live up to its part of the bargain, and let the donors develop some backbone. Meanwhile, we, the ham in the sandwich...!

Friday, August 25, 2006

Fundis comment on the Proposed “Walking with Lions” Project

Members of the international scientific community voice their serious concerns and strong opposition to the “Walking with Lions” tourist attraction currently being proposed by African Encounters and Safari par Excellence in Zambia. “Walking with Lions” is a purely commercial enterprise. The purported conservation value of a captive breeding and release program for lions has not been demonstrated. Indeed, many aspects of the proposed program appear ill conceived.

For example, hand rearing of lion cubs will ensure that these animals are imprinted to humans, and that they will thereafter lack natural avoidance behaviors. Teaching hand reared cubs to hunt as sub-adults will not decrease their dependence on humans, nor will it alter their imprinted behaviors. Indeed, semi-tame lions may be as dangerous as wild lions. Recently (August, 2006) in South Africa, three 2½ year-old lions escaped from a game farm and killed two workers. The lions were

obtained as cubs and raised by hand. In Tanzania, wild lions kill nearly one hundred people each year, the majority of them villagers. Alteration of lion behavior through captive breeding, hand rearing, and release of semi-tame animals or their habituated offspring is both dangerous and irresponsible when considering the safety and welfare of humans and their livestock in Zambia.

“Walking with Lions” will require a constant supply of cubs. The possibility that this program would result in overbreeding of lions and subsequent development of a canned hunting industry in Zambia, or trade in surplus lions to canned hunting interests in other countries cannot be ignored. Fair hunting practices of wild lions are paramount to Zambia’s commercial hunting industry. For Zambia to associate itself in any way – either real or perceived – with canned hunting of lions could have far-reaching negative impacts on this industry. Currently, Zambia is moving towards ensuring the long-term protection and survival of its lion populations by supporting field research that examines distribution and abundance of lions countrywide, and a genetic assessment of lion subpopulations. It is also actively seeking to establish sustainable quotas through development and implementation of an age-based trophy selection program.

The claim that releasing captive bred lions into national parks and wild areas will serve any conservation purpose by augmenting lion numbers is wholly unsubstantiated. Further, it fails to take into account the genetic structure of lion subpopulations in Zambia. Far from proving advantageous, the released animals may, in fact, introduce deleterious genes or diseases into Zambia’s established wild lion populations, or otherwise

alter the local adaptations of the naturally occurring genetic stocks.

Given reasonable protection from excessive mortality and sufficient food resources (e.g., game species), wild lions have the capacity to naturally repopulate a depleted area. In addition to conserving local genetic adaptations, the advantages of natural recovery versus introductions include greater stability to pride structure and movements, and greater predictability as to distance and direction of dispersers. Moreover, a naturally recovering predator population will exist at a density that is appropriate for both game populations and available habitat, thereby reducing the risk of conflict with humans and livestock.

It is emphasized here that “Walking with Lions” has no conservation value. If African Encounters and Safari par Excellence’s desire to assist with conservation of African lions is sincere, they will devote themselves to supporting established programs and organizations that are working towards the restoration and protection of Zambia’s wild lands and animals, and seek to educate their clientele in a similarly responsible fashion.

Dr. Paula A. White, Director, Zambia Lion Project

Center for Tropical Research, University of California, Los Angeles, USA

Dr. Craig Packer, Professor, Department of Ecology, Evolution, and Behavior

University of Minnesota, USA

Dr. Luke Hunter, Director, Great Cats Program

Wildlife Conservation Society, New York, USA

Saturday, September 16, 2006

“We will be working with this company to ensure that they bring these wildcats.”

The Director General of the Zambia Wildlife Authority announces that a foreign investor will introduce wildcats into the Mosi oa Tunya National Park!

Tuesday, September 26, 2006

Lion status assessment...

ZAWA briefly advertised a short-term consultancy for an assessment of the status of lion in Zambia

Tuesday, February 06, 2007

The African Lion Working Group say...

Thursday, March 01, 2007

Lion status assessment begins...

Dr Basher Attwell - son of a former senior member of the Game Department, Rolf Attwell, has begun work on a lion status survey of Zambia, the tender having been won by International Conservations Services cc

This work is of paramount importance to the safari industry and to ZAWA and the rural communities which it partially supports. Basher would like to interview all those who work in the field, particularly professional hunters. He may be contacted on bashatt@mweb.co.za, and will shortly provide a cell phone number.

1 March 2007

ZAWA Consultancy ToR On The Status of Lion in Zambia

ZAMBIA WILDLIFE AUTHORITY Terms of Reference for Consultancy to Review and Provide an Update on the Status of the African Lion in Zambia

Directorate of Research, Planning and Information
July 2006

1.0 BACKGROUND

At the 13th Meeting of the Conference of Parties (COP), the government of the republic of Kenya withdrew her proposal to transfer the African Lion to Appendix I of CITES following the concerns raised by SADC countries and the subsequent proposal to hold consultative workshops. The workshops would examine the status of the African lion in different regions and countries.

1.1 Uplifting of lion to Appendix I of CITES as proposed by Kenya would subject the species to the stringent provisions of Article III of the Convention text of CITES, which delimits commercial exploitation of the species. Despite the inadequate information regarding the lion population estimates in the country, Zambia feels that the species does not qualify for an instantaneous uplifting to Appendix I. Unjustified uplifting of lion to Appendix I would have serious ramifications on the Safari Hunting industry in Zambia. This is because, lion is an important component in the classical Safari and its removal would distort the classical package/bag. This would present serious challenges and present areas of potential litigation by Safari companies with valid Concession Agreements and would eventually lead to loss of revenue to ZAWA and the local communities which would also work against Government's policy of reducing poverty in line with the Millennium Development Goals (MDGs).

2.0 JUSTIFICATION

In view of the foregoing, Zambia as a range state is required to collect reliable and systematic data on the status of lion in the country. This data would be used in the implementation of

an effective and efficient conservation of species countrywide and to justify the lion's retention in Appendix II at COP 14 or other subsequent Cops.

Following the above, ZAWA needs to update information on the status of African Lion across its entire range in the country.

3.0 CONSULTANCY OBJECTIVE

The objective of the assignment is to review and provide an update on the status of the African Lion in the country.

4.0 SPECIFIC TASKS

The consultant will undertake, among others to do the following in order to carry out this task: -

4.1 Review literature on African lion population and distribution in Zambia.

4.2 Conduct interviews with stakeholders (Professional hunters, Safari Operators, Community Resource Board Members, NGOs, ZAWA staff and others with information on lion).

4.3 Review records on lion trophy size measurements from all Safari hunting Companies and Hunting Blocks, and ZAWA licensing for more than five (5) years of hunting activities.

4.4 Review lion quotas for more than five (5) years.

4.5 Review records on human-lion conflicts for more than five (5) years.

4.6 Collect and review ZAWA lion data forms, which have been distributed to all Protected Areas with Lion.

4.7 Prepare comprehensive and consolidated report on the status of the African Lion in Zambia.

4.8 Prepare operational arrangements for implementation in National Parks, Game Management Areas and Open Areas where human-lion conflicts occur.

4.9 Recommend short, medium and long-term monitoring strategies.

5.0 EXPECTED OUTPUTS

5.1 The consultant shall produce a comprehensive and consolidated report with distribution maps, numbers and trophy measurements to show trends for a period exceeding five (5) years.

5.2 Produce and make available ten (10) hard copies and five (5) electronic copies on CD.

6.0 APPROACH

6.1 Field visits to lion range areas, to obtain on the ground information.

6.2 Field consultations with members of the local community in areas with documented human-lion conflicts.

6.3 Collaborate with other lion researchers in Zambia and the Sub Region currently involved in lion research.

6.4 Review CITES Annual reports and licensing records at ZAWA, and lion trophy measurements with Safari Operators.

7.0 TIME FRAME

7.1 The expected duration of the assignment is two professional

months.

7.2 The first draft report should be ready by mid of the second month.

7.3 The final report should be submitted to the office of the Director General
by the last day of the second month or earlier.

8.0 QUALIFICATION AND EXPERIENCE OF PRINCIPAL CONSULTANT

8.1 The study will be entrusted to a principal consultant who shall be a holder of a Postgraduate degree in Zoology, Wildlife Management/Ecology, Conservation Biology or closely related field and must have not less than five (5) years experience and must demonstrate familiarity of the consultancy by way of having successfully worked on similar assignments in the recent past.

8.2 The Principal Consultant shall be assisted by one or two assistants who should be holders of a Graduate degree or three years diploma from a recognized University or College in the field similar to the Principal Consultant.

9.0 RESPONSIBILITIES OF THE PRINCIPAL CONSULTANT

9.1 To ensure that the Consultancy proceeds in accordance with the Terms of Reference herein specified.

9.2 Responsible for quality control so as to ensure that the final report is of the best quality possible and acceptable to the client

Thursday, March 15, 2007

The Irish lion blarney...

Lion kings

Irish efforts to bring the 'King of the Jungle' back

By Jay Mwamba

jmwamba@irishecho.com

Across Africa's vast savanna grasslands a dark cloud hangs over the "King of the Jungle." The continent's lion population — once numbering 250,000 — has fallen to an alarming 20,000, decimated by hunting, disease and human encroachment on their habitat.

The International Union for the Conservation of Nature (IUCN) lists lions a "vulnerable" species.

"Unless something is done real soon it is very possible that the species will become extinct within 20 years or less," Cork native Roy Penney warned from the Zambian capital, Lusaka.

Penney, a long-time Zambian resident; his fellow Cork exile in Zimbabwe, Steve McCormick and Andrew Conolly, an Irish-Zimbabwean who calls Bandon his ancestral home, may just be the last best hope for the fearsome beasts.

The three Corkmen, along with Conolly's wife Wendy, are working in the African bush to save the lion through a program developed by African Encounter, a safari company founded by the Conollys. The Conollys have been breeding and

rehabilitating lions in Zimbabwe, south of Zambia, since 1982 with remarkable devotion considering that Andrew lost his left arm to a lion. Operating out of Gweru and Victoria Falls town, the “African Encounter Lion Rehabilitation/Reintroduction Program” comprises three stages.

Over the three stages, volunteers, guides and handlers walk cubs into game areas to allow them to develop hunting skills; then the young lions are placed in prides and closely monitored in huge game-stocked 500 acre enclosures before they are translocated, in select breeding groups, to fenced 25,000 acre mini-ecosystems devoid of other lions and humans. “Up to 100 lions have been coming out of (this) program every year,” said Penney.

The plan is to reintroduce the big cats in game reserves, conservancies and national parks across the continent. Outside India’s Sasan-Gir National Park, where the World Wildlife Fund estimates 300 lions live, Africa is the last free-range habitat for a species that once roamed throughout Asia and Europe. Across the raging Zambezi River, Penney oversaw the expansion of the program to Zambia last year, a country slightly larger than Texas, with 20 cubs from the Conollys.

McCormick, a tourism entrepreneur, will run the venture in Livingstone, Zambia’s tourist capital and the site of the Victoria Falls — one of the seven natural wonders of the world. Penney and Xen Vlahakis, a former top Ministry of Tourism official, will serve as its Zambian directors while Englishman David Youldon, executive director of African Lion & Environmental Research Trust (ALERT), will manage the lions and lead the walks.

“I was approached by Steve (McCormick) to set up this company. I went to Gweru and was taken in by it,” said Penney. “If we don’t make a stand now with 1,000 lions left in Zambia, it will be a tragedy.”

The real tragedy, though, may be why lions are in such peril. According to Penney, hunting, both legal and by poachers, has taken a heavy toll. “In Zambia you can shoot lions for \$80,000,” he noted soberly. “So what are we going to tell our children and grandchildren? That we shot all of the lion population but got paid between \$80,000 and \$120,000 for each one?”

Yet even as efforts are being made to curtail hunting by big game hunters — Americans among them — other threats exist. “Lions are also dying of inbreeding and disease,” added Penney, while in other parts of Africa, the human encroachment on wildlife habitat has had dire consequences. Still, he’s upbeat over African Encounter’s mission.

It has piqued the interest of a couple of Wild Geese Society members in Zambia, both conservationists, and has the backing of the government. “This project is making a huge (effort) to save lions,” said Penney. “There’s a lot of support.”

Funding for the project will mainly come from private sources, although Penney expects the walking program to generate some revenue, too. For \$50, tourists and other individuals will be able to join Youldon and the cubs on walks.

A successful accountant, philanthropist and Irish trade consultant who apart from brief spells in the UK and the U.S. has

spent the last 39 years in Zambia, Penney is no stranger to good causes in his adopted home. He is the founder and trustee of the Kenneth Kaunda Children of Africa Foundation — set up by him and Kaunda, Zambia's first president, to care for AIDS orphans. Former Taoiseach Albert Reynolds is a board member. As Wild Geese Society chairman in the 1980s, and later captain of the Lusaka Golf Club, Penney spearheaded fundraisers for different charities, rural projects and mission hospitals. The Cork City product has over the years been involved in business ventures with Irish companies, mainly through the Irish Enterprise Board (formally CTT), including Irish Cement, Bord Baine, Clonmel Chemicals and Masstock International.

Penney works with the accountancy firm of Moores Rowland International and manages its consulting company.

For more information, contact Penney at renco@ix.net-com.com or MRLSK@zamnet.zm, or visit African Encounter at: www.africanencounter.org.

This story appeared in the issue of March 14-20, 2007

Saturday, March 17, 2007

Survey of Zambian lion

ZAWA has contracted ICS (International Conservation Services) to give an overview of the status of lion countrywide, with

particular reference to population distribution, hunting quotas and trophy quality. The findings are to serve as a basis for Zambia's response at the next CITES meeting (Kenya has made a proposal to list lion under Appendix I). We have ridiculously little time in which to complete the study, and so must rely to an overwhelming extent on existing data as well as on interviews with PHs and safari operators.

Dr Attwell of ICS is currently in Zambia where he is interviewing stakeholders and reviewing reports. However, as time is limited (the report is due next month), it will be impossible to contact all those who may wish to contribute directly. This email serves as a questionnaire in an attempt to capture data and opinions from those who cannot be interviewed directly.

.....

(in responding to questions, please use italics or a different font)

NAME:

Address (email)

In stated areas you are familiar with, how many lions do you estimate to be present?

Do you have any data on pride sizes and structure?

Have lion populations increased/decreased, and why?

Have you noticed any changes in pride composition (sex and

age structure)?

If so, how do you account for this?

What are the principal prey species of lion in the areas with which you are familiar, and what is the status of those prey species? (over the last 10 years, have numbers increased, decreased, or remained stable?)

How many lions are killed each year in your region, and by what means?

What problems do you have with the present quota system for lion, and how should they be addressed? (e.g. how should hunting quotas be set?)

What % do you consider to be a sustainable offtake for a lion population?

What is an acceptable age to hunt male lion?

How do you determine the ages of male lions in the field?

How do you think age restrictions on hunting lion could be enforced?

Has trophy size (for a stated area) improved, declined or remained stable in recent years?

On what do you base the above trends?

If you think trophy monitoring could be improved, please state

how:

Do operators comply with the law regarding lion hunting?

Were lion to be listed on Appendix I of CITES, how would that affect the wildlife industry in Zambia?

What is the contribution of safari hunting operations to conservation in GMAs?

Do you have any ideas on an overall management strategy for lion in Zambia?

What measures could be taken to minimize friction between photographic and hunting safaris?

Do you have data on poisoning of lion? Expand

Is the bushmeat trade impacting on prey populations to the extent that it is affecting the distribution of lion?

Are you aware of any reports on lion in Zambia that might be useful?

THANK YOU

Please send emails to:

C A M ATTWELL (Dr)

bashatt@mweb.co.za

Zambian cell: 097200290

International Conservation Services (ICS)
www.ics-consulting.co.za

Friday, May 11, 2007

Livingstone lion project scoping meeting...

Dear all

As Secretary of the Livingstone Branch of the Wildlife and Environmental Conservation Society of Zambia I received this letter to attend a Scoping Meeting for the Lion Encounter and Dambwa Forest Lion Rehabilitation Project, to be held on 17th March at 09:00 hours at Zambezi Sun Hotel.

The letter:

ENVSOL CONSULT; Environmental Solutions Consultants,
POSTNET BOX5, E891 Lusaka Tel: 096 450218

Invitation to a scoping meeting for the Lion Encounter and Dambwa Forest Lion Rehabilitation Project

The African Lion & Environmental Research Trust (ALERT), supported by African Encounter, under the trading name of Lion Encounter (Zambia) Limited is bringing a lion rehabilitation & release into the wild program to Zambia. The program has been operating in Gweru, in Zimbabwe, since 1999 and in Victoria Falls, Zimbabwe, since 2005. We are now planning to extend our operations to Livingstone, Zambia.

ALERT has secured a Forest Concession Agreement (FCA) on a section of the Dambwa Forest from the Zambian Government. Lion Encounter (Zambia) Limited has secured a Tourism Con-

cession Agreement (TCA) with the Zambia Wildlife Authority (ZAWA).

The operation will be run from a site within the Mosi O Tunya National Park for stage one (see attached information sheet) and within the Dambwa Forest for stages two and three. Envsol Consult has been engaged as consultants to undertake an Environmental Impact Assessment (EIA). An important part of this assessment is stakeholder consultations. A scoping meeting will be held prior to commencing the environmental studies in line with the Environmental Impact Assessment Regulation of 1997. The purpose of this meeting is to get views and concerns of stakeholders so that they can be taken into account within the EIA. As one of the key stakeholders your views over this project and support would be valuable to the successful implementation of this lion rehabilitation program. In this regard, you are cordially invited to attend a scoping meeting on 17th May 2007 at 09:00hrs at Zambezi Sun, Livingstone. Your presence at this meeting is highly valued. Please indicate by return email your participation and names of participants to facilitate travel and accommodation arrangements for those traveling from outside Livingstone. Please address all correspondence to alert@safpar.com

Thank you and regards

Kenneth Nyundu

Envsol Consult

This is a project whereby lions are to be bred in captivity in cages within the Mosi-o-tunya National Park, just south of Livingstone. The young will then be taken from their mothers at the age of 3 weeks to provide tourism in the form of “walking with lions”. When the lions are too old to be safe to walk with

tourists, they will be released into an enclosure in a leased part of Dambwa Forest Reserve, on the north edge of Livingstone City. They will then be allowed to breed again and the next generation are to be transported elsewhere and released into the wild.

In order to provide food, the young lions within Mosi-o-tunya National Park will be allowed to hunt antelope. When they are released into Dambwa Forest Reserve prey animals and competitors such as hyaenas will be added to give them a more natural environment.

For more information on the project from the consultants, please see attached Information Sheet.

The Society has been aware of this project for some time and correspondence has been passed around among some members and other concerned individuals. It is quite a controversial project in terms of lion ethics, as well as human safety around Livingstone and elsewhere. Some of the questions raised include:

i) How ethical is it to breed lions in captivity, separate them from their mothers at a very early age, and train them to walk with humans in order to provide tourism income?

ii) How safe will it be to release them into Dambwa Forest Reserve, which is so close to Livingstone City and surrounding villages?

iii) Will it be possible for these lions to be released into the wild successfully, without the risk of them becoming man-eaters?

iv) Is there a possibility that some of them will eventually be used for canned hunting, an activity which has recently been banned in South Africa for ethical reasons?

For more information on the controversies and issues involved please look up <http://www.lionscam.blogspot.com/>

I need your comments, proposals, suggestions, opinions, professional advice, on this issue for whoever is to attend this meeting on behalf of the Society. Please keep in mind that this is a Scoping Meeting in preparation for an Environmental Impact Assessment. As is mentioned in the letter, the main purpose of the meeting is to get views and concerns of the stakeholders so they can be taken into account within the EIA. We need to consider all the possible environmental concerns and issues that should be looked into and alert the consultants who are carrying out the EIA. As can be seen below, the letter is addressed to the Society and we are to confirm the names of participants (number not stated). If you are a member of the Society and would like to attend this meeting, please let me know as soon as possible (agenda attached).

The consultants would also like to meet some members of the Society on the 15th or 16th of May (before the meeting) while they are in Livingstone. Is anyone available? Please let me know when, so I can get back to the consultants.

Yours in conservation

Clare Mateke

SECRETARY

Wildlife and Environmental Conservation Society of Zambia
(WECSZ)

Livingstone Branch
ZAMBIA
vcmateke@zamnet.zm

Information Sheet for the
Lion Encounter and Dambwa Forest Lion Rehabilitation
Project

Historically, lions were widespread throughout Africa however their range has been severely reduced in recent years.

Over 200,000 lions roamed the continent as recently as 1975 but in 2002 two surveys provided evidence of a dramatic decline estimating that only 23 to 39,000 remain with the lowest estimate being just 16,500. This represents an extremely worrying 80 to 90% population drop in less than 30 years, and it is widely accepted that the population has continued to decline.

The African lion has been placed on the list of “vulnerable” species, but the alarming speed of the crash in lion populations has led many to call for the species to be upgraded to “endangered”.

The Lion Rehabilitation & Release into the Wild Program.

The reintroduction of lions into their natural habitat is very difficult, and previous attempts have had limited success. The reasons for this are suggested that:

firstly the lions had no experience of their natural environment
that their reliance on humans wasn't sufficiently removed

thirdly, they were released as individuals with very little social organization,

and finally they had no experience of predatory and competitive species.

The program was developed in 1999 at Antelope Park in Zimbabwe. We are seeking to solve those previous problems by using a four stage rehabilitation program.

In stage one, lions born in our breeding centres, are removed from their mothers at three weeks old. This allows us to train them only to the point that they're safe for us to walk with them in the African Bush. When the cubs are six weeks old they're taken out into their natural environment on walks. They're accompanied by experienced handlers and volunteer workers who act as dominant members of the lions' pride. As their experience grows over the following months they're introduced to the game species in the Park, and by 18 months they're quite capable of stalking and taking down some of the smaller prey here in the Park. By 2 years old they're seasoned hunters, and we give them every opportunity to hone their hunting skills.

In stage two the lions have the opportunity to develop a natural pride social system in a minimum 500 acre enclosure. They have plenty of game to hunt, and are monitored closely. Importantly, all human contact is removed. The lions will remain in stage 2 until we're happy that they have a fully self-sustaining and socially stable pride.

In stage three the lions will be radio collared and translocated as a pride into a managed ecosystem of around 10,000 acres or

more,

- There will be no other lions, no resident human beings
- They'll have a broad range of prey species to hunt
- but they'll also have competitive species such as hyena

The lions in Stage 3 will give birth to cubs that will be raised by the pride in the managed ecosystem, very close to their natural environment. These cubs will develop skills that will enable their re-introduction into appropriate National Parks and reserves across the African continent.

In stage four the lions born in stage three can be released into the wild where their numbers have been most diminished. We're able to provide complete, self-sustaining prides; or female only groups that can be integrated with existing wild prides. We can also provide male only coalitions which can add a natural gene flow to an existing population.

All four stages of the rehabilitation & release into the wild program have the potential to generate much needed income for the lion project as well as funding research, conservation and community programs. Hence, the lions themselves are also a fundraising ambassador for Africa's wildlife and its people.

The Conservation Centre for Wild Africa (CCWA) conducts research & conservation activities, not only for lions, but for a diversity of Africa's wildlife that will provide a comprehensive body of work to assist in the preparation of sound management plans in order to conserve a Wild Africa for future generations.

The ALERT Communities Trust (ACT) is our way of giving back

to the communities bordering conservation areas so that they receive benefits for supporting those conservation programs. A primary element of this is our community education and awareness program to further understanding of the importance and relevance of sound conservation practice. Local communities are involved in eco-tourism ventures related to the programs, and money generated goes back into community development schemes agreed as priorities with the local community, such as building schools or providing medical supplies.

AGENDA

1. Registration
2. Introductions
3. Opening remarks
4. Outline of scoping meeting objectives
5. Developer presentation
6. Plenary discussion
7. EIA consultant presentation
8. Plenary discussion
9. Concluding remarks

Monday, May 14, 2007

Lionscam in Livingstone...

Livingstone, Zambia, was recently the battle site of some hard-headed developers and pragmatic conservationists. The developers came filled with the hubris of political power, laying their foundation stone before a shot was fired, attacking and

imperiously claiming 220 ha. of land for their 18 hole golfing and housing estate in the Mosi-oa Tunya National Park – itself contained in the Victoria Falls World Heritage Site. But, standing in their way, were a few conservationists – mere individuals and mainly Zambians, and the rule of law and, we had hoped, the government departments responsible for natural resources protection whose genesis lies in the forestry and game departments of Magna Carta, bequeathed to us all of 792 years ago. That we stopped the golf course scheme was remarkable, testament, I suppose, to blog power and the encouragement and support of the one-time Warden of Mosi, Barry Shenton, who died on his farm in Mkushi not long after our victory.

Now, so it seems, history repeats itself: once more we must suffer the absurd and corrupt, the dangerous and scientifically gimcrack - suitably clothed of course as it always is in the garments of bogus good reason, of conservation and villager development claptrap, of greed and fulfillment at any cost. I allude here to a plan to remove lion cubs from their incarcerated mothers at the age of three weeks, to begin training them at six weeks of age to walk with humans in the Mosi oa Tunya NP, allowing them, if you can believe it, the opportunity until about 18 months old to hunt whatever beastie there they may encounter on their man led perambulations. This we are told in the briefest of rationales put out by Envsol consultants, on behalf of their client - some NGO called The African Lion & Environmental Trust, supported by a business going by the name of African Encounter, all now embraced under the name Lion Encounter (Zambia) Limited, will then advance to stage two where the lion will be confined in a 500 acre enclosure, now devoid of further human contact, so that they may develop into

stable prides, and then be released into 'managed ecosystems' of around 10,000 acres devoid of other lion or humans, but, we are assured, where there will be much for them to hunt - though they will be in competition with other predators. Then, as the breathless document intones, cubs that result from these large free-ranging areas, will 'develop skills that will enable their re-introduction into appropriate National parks and reserves across the African continent' either as complete self-sustaining prides, or 'female only prides' that can be integrated with existing wild prides. And, of course, all of this will do this and that for all and sundry; the usual poorly defined, anti-climactic grabbing-at-straws ending to what will be a jolly old King of Beasts, money tingling romp after all. Perhaps it will also help global warming.

It is difficult to know whether to fall about with some temporary self-induced fit, or to just burst into tears. Certainly, anger, in our harvester assailed land, is no longer an option.

This scheme has been hanging around for some time. Various attempts to talk to some of the central characters came to nought, the Environmental Council of Zambia (ECZ) admitted that no EIA had been done, the Zambia Wildlife Authority (ZAWA) said that they wanted 'cats' in the Mosi, the bush telegraph said the 'walking with lions' chappies had been given the go-ahead and were actually building enclosures. Now we hear that ZAWA has given these people a Tourism Concession Agreement (TCA) in the Mosi, that the Forestry Department (both part of the Ministry of Tourism, Environment and Natural Resources) has given them a Forestry Concession Agreement (FCA) in the adjoining Dambwa Local Forest. So, clearly, they

think the scheme is fine. Did not this happen before with the Legacy project? Perhaps we should be thankful that we and the local community are being ‘consulted’ here, for other forests – at least one National Forest, has simply been sold off for a pittance to ‘investors’ – without regard to the fact that the areas had originally been given to the Government for conservation purposes by the traditional owners of the land.

There are many questions, in no particular order: what happened to the moratorium placed by the Chairman of the ZAWA Board on all new developments in Mosi until such time as the IUCN development plan for the heritage site had been debated; what happened to the IUCN plan and, more importantly, to UNESCO itself – supposedly the legal guardian of the site; how be it possible for a scheme without a shred of conservation value - indeed, the complete reverse, being allowed to see the light of day; why was ZAWA’s own appointed lion researcher, Dr Paula White, not consulted by them prior to the issue of a concession being awarded in the Park; and why were Dr’s Anderson and Attwell – currently writing up a lion status study for Zambia on behalf of ZAWA, not asked to give their views.

This lion ‘four stage rehabilitation plan’ will almost certainly result in some of the following: distress to lion mothers; mayhem in the Mosi oa Tunya NP as young lion start their hunting careers under the tutelage of humans, confusing tourists on njingas (bicycles) and strolling Livingstone residents with other game, fair game, and allowing the immediate escape, by accident of course, of a member of this new lion cocktail set – they being a genetic Heinz variety of genes drawn from other parts of Africa, from zoos and so on; then allowing

large numbers of these animals out into the wild, these semi-habituated lion-human Heinz varieties without fear and, like the villagers, permanently hungry, leading inevitably to death of one or the other and the pollution of our lion gene pool. And we will see canned lion hunting enter Zambia by stealth.

But there will be other effects, the law of unintended consequence once more raising its trident aloft to drive it into the holistic dumb ass. Following so closely on the heels of the Legacy imbroglio, this scheme, were it to come to fruition, would fan the coals of a tourism boycott of Livingstone and Zambia - the very industry on which efforts to allay poverty is based. And already in this country, we are assailed by industrial pollution, unhindered commercial game and elephant poaching, the destruction of our fish stocks by the endless mosquito nets parachuted in by muddle-headed donors, policies which promote the ivory trade despite the elephant carnage, the alienation to 99 year leases of National Forests, and so, on and on goes the list. And of course, an unwelcome result of this opposition to highly dodgy development in a developing democracy - already reeling from corruption, poverty and the lowest life expectancy rate in the world, is the misuse of the state machinery against the few individuals who dare to oppose and expose corruption and incompetence. Already, because of this, we have lost, and are losing, the sort of people and their families who guide society forward. This is the true and lasting impact of what is happening.

Monday, June 04, 2007

The lion project people give their side of the story to Gill Staden...

You probably remember that there was a scoping meeting for the proposed Lion Project in Dambwa Forest. As a quick rundown ...

The 'Walking with Lions' activity for tourists which operates in Vic Falls, Zimbabwe, is to be brought over to Livingstone. The lions can walk with tourists from a few weeks up to the age of 18 months, after which time the lions are replaced by other younger lion cubs. The 18-month old lions are taken to a sanctuary (in our case, Dambwa Forest) The sanctuary is securely fenced off by an electric fence. The lion sanctuary includes other game so that the lions can learn to hunt and feed themselves. They are given supplementary food to make sure that they are properly fed. The lions are allowed to breed and these cubs are brought up without human contact. The hope is that these cubs or their offspring can be released back into the wild.

I had a few concerns which I emailed Dave Youldan about, and here is his response: As I said at the meeting we have always, and will continue to invite concerns to be aired about our project. It is through these raised concerns that we have been able to hone our release protocols and policies.

Firstly, is walking with lions ethical?

We have received a lot of support for the aims of the project as well letters of approval for the "highly ethical and extremely well

managed” methods employed in the raising & rehabilitation of lions from notable individuals and organizations including: Dr R D Taylor, Director of WWF’s Southern Africa region, the Zambian wildlife authority, the Zimbabwean National Society for the Prevention of Cruelty to Animals, Zimbabwe Parks & Wildlife Management Authority, Mr V Booth, independent ecologist, Dr Pieter Kat, consultant ecologist, Mr Norman Monks, Senior Warden for Zimbabwean Parks & Wildlife and Sarel van der Merwe, Chairman African Lion Working Group (IUCN / SSC). In addition, our program is registered with PAAZAB and last year we were invited to apply for IUCN membership.

Dr Pieter Kat – “...we can begin programs of lion reintroduction in a wide variety of depopulated areas. Such programs will not only be immediately positive, but will also place lions squarely in the category of animals like rhinos whose plight seems to be better appreciated by the international conservation community. This is why I am appreciative and excited to be involved by the initiatives taken by Andrew and Wendy Conolly. Through years of self-funded and determined effort, they have developed a program of re-introduction that has a very good chance of success. Predators of any description are notoriously difficult to reintroduce, but now we have at least a workable plan. As I said, the future of African lions is in African hands. Let us salute those who have been steadfast to ensure this future, and recognize that any action is better than the currently looming extinction of an African icon if we do nothing.”

Dr Sarel van der Merve – “Generally speaking, the feeling amongst scientists are that captive bred lions cannot survive

in a natural environment. I beg to differ. I have reviewed too many reports to the contrary....I believe one can rehabilitate the lions”

Vernon Booth – “I have done some research regarding the re-introduction of lions in RSA and was pleasantly surprised to see that this was feasible and had been done successfully”

Norman Monks – “I am...exited about rehabilitation of lions back into the wild and I know that this can happen”

One issue here is whether removing the cubs from their mothers causes undue stress to the mother and cubs. In stage one the cubs born in our breeding centre are taken from their mother at 3 weeks old. We have observed over the years that cubs are very quick to see a handler assigned to raise them as the dominant member of the pride and start suckling and playing in a completely relaxed way within a couple of hours, and unusually up to 18 hours. The mothers are never overly stressed by this practice and we observe their behaviour returning to completely normal in their usual social groups within 24 hours. Removing the cubs at this age allows us to train the lions only to the point that they are safe for us to take out on walks from 6 weeks to 18 months old. This gives the lions the opportunity to experience their natural environment.

Inviting eco-tourists to join the walks serves three purposes. The principal one is that we are able to take the lions out for many more hours in a day. As a result our research has shown a dramatic increase in the lions’ hunting ability which improves their chances of success. The walks also increase awareness of

the plight of the lion, as well as raising funding for the release sites.

Lion gene pool - how does this affect lion populations in general?

Our genetics policy has been put together with the assistance of Jean Dubach of the Chicago Zoological Society and author of the paper Molecular genetic variation across the southern and eastern geographic ranges of the African lion, as well as our consultant ecologist Dr Pieter Kat. Finally, we are following the IUCN / SSC Guidelines on reintroductions.

Firstly, let's deal with the claim that our lions are a genetic Heinz variety cobbled together from zoos and other places across Africa. This simply is not the case and we are somewhat bewildered how such claims have been made from people with no knowledge of the origin of our lions or their DNA testing results. All the lions in our program were born in Zimbabwe. We have in the past had a male from Tanzania who bred with some of our Zimbabwean lions. The Tanzanian lion was of the same haplotype as the lions he was bred with and therefore follows sound genetic protocols.

We have taken a lot of advice on the issue of genetics, and that advice ranges from ignoring the issue entirely as the genetic difference between lions across the continent is so small as to not matter, up to no lion can ever be moved because even the most insignificant genetic difference is enough. With our consultants we have decided to take a cautionary stance on genetics with the policy "translocations to increase genetic

diversity would mimic natural gene flow by moving only individuals from the nearest areas with similar haplotypes”

To date evidence shows that Zambian lions fall into the haplotype that categorizes Eastern & Southern African lions which includes much of Kenya, Tanzania, Zambia, Mozambique and eastern South Africa. One study has suggested that Zimbabwean lions are more closely linked with the haplotype found in Botswana and Namibia. However, these studies are based on only 1 or 2 samples, and recent DNA testing of our lions by Jean Dubach contradicts those previous findings, placing our lions in the same haplotype as those found in the Eastern & Southern African grouping, and therefore compatible with Zambian lions. It has also been suggested that, in genetic terms, Zimbabwean lions were part of the same meta-population as those in Zambia until recently, in genetic terms.

How many lions are going to be bred and what are their final destinations?

The number of lions to be bred will depend on the demand for lions in stage four of our release program. At present we are being cautious and are only breeding sufficient to stock our initial stage three release plans, however with 2 sites confirmed and a further 9 having been asked of us, we are currently well behind the breeding level for these sites. This is a conscious decision to make sure we have the protocols for these first 2 stage three release sites correct. Once we are happy with that we can increase breeding to stock the remaining planned stage three sites. Breeding within our program at all stages of the program can and will be carefully controlled to breed lions only

to meet the demand in stage four. We have a significant number of requests for stage four releases both from governments and from private reserves, however, we are again being cautious as we want to make sure stage three is working as expected before increasing breeding to meet this demand.

In practical terms, so far in 2007 only two females have been allowed to breed, one producing a litter of 5, the other a litter of 2. We have no breeding plans until later in the year when a further two lions will be allowed to breed.

How can you monitor the lions when they have left your control, the major concern being canned hunting?

All of our lions will be collared at release as well as micro-chipped for identification, and we will be conducting research on the released lions so they will be monitored closely. As we have done in the past, contracts will be drawn up that forbid hunting of our lions for any reason. It is clear that illegal hunting cannot be controlled and we will almost certainly lose some lions for this reason, also we will have to rely on the legal framework of the release country in order to enforce the no hunting clause in the contract, however we believe we are taking reasonable measures to ensure our lions do not end up in canned hunting.

With regards our export of lions to South Africa, some 37 lions were sold, in two groups, one in 1999 and the majority in 2002 to a captive centre in South Africa. All lions in the second sale were micro-chipped. The pertinent details are that the export permits and agreements drawn up for the sale by the

Zimbabwean Parks & Wildlife Authority required that the lions could never be hunted in any form and that the South African wildlife authorities were responsible for monitoring the status of the lions after sale to ensure the agreements were upheld. As we became aware of the country-wide rise of canned hunting in South Africa a decision was made to cease any further exports to the country until the legal situation changed.

We support any move to make canned hunting illegal in all countries.

To bring in a few other points, the reintroduction of lions has proved unsuccessful to date for four reasons.

1. that the animals were given no pre-release training,
2. that their reliance on humans was not curtailed,
3. that lions were released as individuals with no natural pride social organization,
4. and that they had no experience of competitive and predatory species.

Without repeating the information about each stage of the program, you can see that we have tried to tackle each of these issues within our first three stages of the program to ensure that the lions born in stage three and released into stage four are as prepared as possible. Most people focus on the stage three release as being our end goal. It is not, and try as I might to get this message across in film, print and by talking to people, the message does not seem to be getting through – we must do better at this. Our goal is to rehabilitate captive bred lions so they can survive without human intervention in an artificially created eco-system, as close as possible to their wild

environment such that they can teach their cubs in a natural way. Those cubs will essentially be wild cubs with no experience of humans, born and raised in a natural pride social group, within as wild an environment as we are able to create for them. We believe that these cubs will grow up with all the skills necessary to survive in the wild in stage four, without any of the problems faced by previous attempts to release lions which were from a purely captive environment to a wild one. So the only question is whether our program sufficiently prepares our lions to be able to survive in stage three such that they can teach their cubs to survive in stage four. Evidence from our program to date suggests that we are getting it right, and as you will have read in the quotes from letters and emails we have received from notable ecologists and experts, others believe we have gotten it right as well.

As for our broader program, and the claim that our goals of community involvement and conservation of the broader eco-system were unachievable, I would make one point. The concern was raised without any reference to the context within which these benefits could be achieved. The concern assumed that we are responsible for all of those programs that we mentioned that could benefit the community. Many of those programs are already in action through the Joint Management Plan between Forestry and the communities surrounding Dambwa. We believe, as a stakeholder in Dambwa that we should play our part in assisting in that existing program, and by bringing additional funding and manpower that we can help make those existing programs more effective and bring results quicker than is currently expected. This point, even though I made it verbally and visually in the presentation was

ignored by the person raising the concern, in my opinion, in favour of grandstanding. We are already doing a huge amount for the local communities within Livingstone through our eco-tourism program working in a number of schools, medical clinics, orphanages, home help programs and with the elephant pepper project. We have already started our community program in advance of bringing the lions and have invested large amounts of money in building new classrooms, providing medical supplies, teaching aids etc etc. Our next plan is to extend our community programs to assist the communities specifically surrounding Dambwa. Our conservation and research programs are already underway in Zimbabwe in a number of the National Parks and covering a range of species. We will be copying this already successful program within Zambia when the lions move across. So, I find it difficult to understand how a claim can be made that we cannot achieve our goals without first looking at what they are and finding out how we intend to achieve them through funding and manpower, a model that we have already shown is successful in Zimbabwe.

The final point that I am going to raise in this email is that of why are we bothering with this program at all? Why not just put the money into beefing up legal protection of the species and its habitat. There is a simple answer to this and that is that the millions of dollars already spent by far more influential organizations than ours over many years have failed almost completely in this regard. For all the money poured into such programs the populations of lion as well as other species are still declining. We believe that we should not make the same mistakes of the past. Why wait for the inevitable to happen – the last few remaining lions with a very small gene pool, protected,

but inevitably heading towards extinction. We believe that we can create a release program that can work, and can be one of a number of solutions to the problems faced by the lion. And we want to do this now so the plan is already in place and known to work before the number of lions gets down to critical level – is there anyone who does not believe that this will happen?

I do hope that I have helped to inform you better about our program, and have covered your concerns in enough detail. If I have not, please believe it is not intended as a way of hiding something. I would gladly expand on any point raised as well as any others that may arise.

In response to this email I wrote:

I just have one more question for you:

The lions which are used for the 'Walking with Lions' walk with clients for 18 months, and I believe that there are 10 of them. So that means that every 18 months 'Walking with Lions' requires 10 lions, and 10 lions have to be 're-homed'. A lion lives for between 15 and 24 years. So, by my estimate, you will have about 100 lions which have been walking with people and need to be looked after in captivity. The concern is that these lions are looked after properly and not sold on to zoos, canned hunting, etc. So what happens to them?

With regards to what happens with the lions once no longer walking in stage one...at that age, as is the case now while we build our release areas, if there is no stage two release site ready, the lions are returned to holding enclosures where the animals

can be held in suitable enclosures awaiting release. As is the situation now, lions up to 2 years and 4 months old can be taken out to hone their hunting skills. This is done by vehicle. We are able to do this at the Park as we are an enclosed area, and one of the areas in Dambwa is being built for this purpose. Once we have our stage two and three release sites fully operational we will only be breeding at a level that our release sites can support, and if we have to shut down any part of stage one such that we do not have lions retired from stage one with nowhere to go, then we have always stated that we will do that.

If anyone has questions that need answers about the project, let me have them, and I will pass them on.

I have been invited to go and have a look at their lion project in Gweru which I intend to do, so will tell you more after the visit.

Tuesday, August 28, 2007

IFAW Calls on US Congress to Pass Haley's Act

IFAW Applauds Congresswoman Boyda's (D-Ks) Initiative To Prevent Further Tragedies From Direct Public Contact With Captive Big Cats

Tuesday, October 30, 2007

The Zambia Wildlife Authority give permission for the import of 19 lion before EIA is completed...

Update from David Youldon, the ALERT (African Lion Environment and Research Trust)

Newsletters » June/July 2007 » African Lion and Environmental Research Trust

It's exciting times for the Lion Rehabilitation & Release into the Wild Program! At the end of August this year we will be releasing our first pride of lions into stage two of the program at the Dollar Block Reserve in Zimbabwe. The pride will be made up of two males and five females, who have all benefited from time out in their natural environment at Antelope Park in stage one of the program. The release will be attended by ALERT & African Encounter staff as well as special invited guests including Sir Ranulph Fiennes, described by the Guinness Book of Records as "the world's greatest living explorer". A number of media agencies will also be covering the event. Our staff have been working hard at the release site, and building work is right on schedule. The last few upright poles to support the double fence are being placed, water pans are being built and observation towers are being constructed for research purposes. Working with our consultant vets, and with advice from the Zimbabwean Wildlife Veterinary Service, the necessary vaccinations and disease testing is about to commence and the DNA testing has been completed by Jean Dubach at the Chicago Zoological Society.

On May 17th a scoping meeting was held in Livingstone as

the start of an Environmental Impact Assessment (EIA) of our release site in the Dambwa Forest in Zambia. The meeting, attended by government agencies, local communities and other interested groups, gave the chance for the various stakeholders in the Forest to air concerns about the intended development. These concerns will be considered within the EIA to negate or limit negative impacts and maximize positive ones. The EIA is being conducted by Envsol Consult. We plan to build 2 stage two and a stage three release site within the Forest. We hope to start work on the first of the stage two release sites later in 2007. Applications have been made to the Zimbabwean government to export 19 lions to Zambia. This is the final stage before we can move the lions over, **having already received the import permit from the Zambian government back in March of this year.** We are working with the Zimbabwean government to ensure that they are happy with all the arrangements we are making for the transport of the lions as well as the condition under which they will be kept once moved. ALERT continues to thank all the supporters of the project that have helped us to get so far towards our goals.

David Youldon

ALERT Executive Director

Friday, November 30, 2007

Unwitting support for dodgy Lion Project in Zambia...

The Editor

The Independent Newspaper

London

letters@independent.co.uk

Dear Sir,

Richard Grant's article of 29 November on the Zimbabwe Walking with Lions Project

<http://news.independent.co.uk/world/africa/article3207748.ece> – will seriously mislead your readers into thinking that it is a conservation project and that it will help save the African lion from extinction. This project has now expanded into Zambia – despite not yet having the permission of the Environmental Council of Zambia to operate in the Mosi oa Tunya National Park and the adjoining Dambwa Forest Reserve, both part of the Victoria Falls World Heritage Site, and recently the front for a major battle between developers, their corrupt lackeys and a small group of people who are determined to protect the integrity of the area. <http://victoriafallsheritage.blogspot.com/>

As the Chairman of the African Lion Working Group said, "The conservation value of the project is very small, and then only because this sort of contact with lions does help people to become supportive of their conservation in the wild, but at best this will be a very small contribution to conservation." He is being excessively diplomatic. Your readers should take note of <http://lionscam.blogspot.com/> for full details of this project – a money making scam and nothing else.

Sadly, once again, the Zambian Government has followed the money and not the principle: the Zambia Wildlife Authority (ZAWA) having already issued the import permits for 19 lion from Zimbabwe, and the Department of Forestry – already the

subject of an investigation for their illegal alienation of at least one National Forest <http://zambiaforests.blogspot.com/> have issued the lion walkers a lease. And the Environmental Council is only now considering the EIA.

Sincerely,

I.P.A. Manning

Monday, December 24, 2007

Conversation on the lion project and conservation aid...

Jude of Safaritalk.com inquires:

1) What are the preferred models for the conservation of lion? We are aware of the encroachment of humans on Lion habitat and the conflicts with livestock etc - but are there models that do work and what are the successes?

IPAM. Obviously any species should if possible be conserved as part of a thriving and viable ecosystem. As a keystone species, lion are particularly important biologically and culturally, their impact and meaning for man in general lying deep in the psyche, and for the hunter-gatherers and shifting agriculturists of the Neolithic revolution - a revolution still ongoing, in particular, they are the reincarnated spirits – both 'good' and 'bad', of their ancestors. The paradox is that it is the pressures from outside brought to bear on the bush folk who live with lion - the powers of the chemical agriculture industry in spreading

the use of insecticides among those recruited into agricultural outgrower schemes, the invasion of the bushfolk lands by outsiders in search of bushmeat, fish and ivory, the failure of over centralized governments to see that the full benefits of safari hunting and tourism goes to them, which threatens both them and the lion. The poisoning of lion, the killing of elephant and hippo by the very people who should benefit from them is the faustian bargain that the bushfolk have been forced to accept by their own governments – though, as in Namibia, there are some notable exceptions. So, one cannot just concentrate on lion conservation without diagnosing and treating the actual cause of the conservation problem, much of which hinges around getting central government off the backs of the bushfolk. Successful wildland models? There are some hunting safari companies who ensure that only those lion which have passed the breeding age are hunted and shot, though the resurgent lion population then may have other impacts, notably, for example, on Masai cattle, and then back on the lion itself. I always think that the management of the lion population of the Umfolozi and Hluhluwe Game Reserves was a successful model in the 70's in what was, and remains, a biogeographic island. There wildlife managers knew that if they controlled the nomadic males in search of new territory, that they could contain the problem, and did. But, sadly, that degree of management and effort is now lacking across Africa. And so we must recognize that the models of the future have to evolve out of the local culture, joined in partnership with investors who do not seek to alienate traditional lands.

Community ownership and smart-partnerships which provide incentives for the protection of customary lands and adjoining

protected areas, followed by management, is the key; without it the tragedy of the commons will prevail.

2) Even if Zambian Authorities have approved the ALERT permits and importation, in what other ways (other than perhaps the obvious impact on the individual lions and their freedom) will this impact on the environment and communities they are introduced to?

IPAM. A captive-bred release of any species back to the wild is fraught with all kinds of potential problems: genetic, disease, wildlife and people impacts – and not least, the fact that dubious schemes which are not of irreproachable conservation value often get the green light. In Zambia, we have healthy lion populations in some places, and declining, threatened or locally extinct lion scenarios in other places. We have no need of more lion in Zambia. What we do need is to conserve the viable lion populations we have by implementing sound management and by implementing community trust structures whereby communities take on responsibilities for natural resource management, assisted by investment partners and NGOs. We can start with the safari hunting industry – virtually the only source of income for 34 Game Management Areas - in which the hunting concessions are located, by ensuring that only lion which are six years or older are shot. This would mean that about 30% of the present lion quota would be taken. But the Government are now insisting that hunting operators purchase 100% of the quota in advance – a non-refundable purchase. Obviously this is not in the lion's best interest, nor of the investors, the community or Zambia.

If lion are reared in the Dambwa forest and allowed to walk and hunt other game with ALERT's tourists in the Mosi oa Tunya National Park, we will witness mayhem. And when these semi-domesticated lion are released into the wild, people will be killed and lion in general targeted by the poisoners. We know this from our Zambian experience: the lion which Norman Carr, Nelso Chilagwa, Johnny Uys and Barry Shenton helped raise in the late 50s killed a young boy before they were released into the wild. Semi-domesticated lion don't fear people and soon learn how to kill them.

In accordance with the Biodiversity Convention, Zambia, as a member, is obliged to adhere strictly to the Precautionary Principle. We must ensure she complies.

3) If there is no or little conservation value in tourism products that promote and breed animals for the tourist "encounter" market - in what ways can concerned individuals (other than to not use marketers and organisations involved in this kind of product) get involved to influence African nations with tourism/wildlife capabilities to promote and concentrate on those activities with the least environmental impact and the best outcome for conservation?

IPAM. They should directly support rural livelihoods and conservation projects which are centered on rural communities, but only where some sort of trust structure is in place; and they should not give money directly to highly centralized governments where the money will be misappropriated, or to large NGOs who behave like donors, giving rise to the Principle-agent malady whereby donors and conservation NGOs con-

spire to ensure that the mandated implementer does nothing. A good example is the Zambia Wildlife Authority which attempts to satisfy a number of 'supporters': the government, the World Bank, NORAD, its partner tourism investors (not much), the EU, DANNIDA, WWF, AWF, Parks Africa, Peace Parks, UNDP, its BOARD, itself – hoist as it is on its own burgeoning senior staff payroll. Donors and NGOs impose few conditions on government, by default supporting dysfunctional departments and corrupt practices. Forget the big plans; and I think here of the Seattle/Omaha/UN malaria nonsense where three million mosquito nets have been dropped off in Zambia, most now stitched together and used as fishing nets, impacting on our total fishery, on crocodile, on otter...on lion perhaps. No environmental impact assessment was ever carried out for this – a massive assault on rural livelihoods.

Giving to the needy is at the heart of western man's conscience and is something of which we can be inordinately proud. But giving irresponsibly, or in ignorance, is unworthy of our traditions to do better for our fellow man and for the wildlife and wild places that lend us succour.

Tuesday, December 25, 2007

The Chairman of the African Lion Working Group says...

Lions can be rehabilitated into what some people might call “The Wild”. By such “rehabilitation” is meant they are being taught to hunt for themselves, and they breed successfully. That, I’m afraid is not rehabilitation at all. I have other reservations, though, some of which are as follows:

“Rehabilitated” captive-bred lions can only be released into relatively small areas, such as properly fenced-off game farms and private nature reserves. In such case, invasive management will always be necessary, such as removing of the breeding males to prevent inbreeding, replacing them with younger, non-related males, which are fully adapted to that specific ecosystem.

In such case the older males will have to be placed elsewhere – and where will that be? I’m of opinion that such males will have to be hunted for trophy purposes, such as was the case in Pilansberg. Trophy hunting, if scientifically managed, is not a negative, though it will always be controversial.

Rehabilitated lions do not have natural fear or respect for humans, and, as was the case with the Born-Free lions of George and Joy Adamson, they will become man-eaters. Few people are aware of this, and I’ve always wondered of this fact remains untold because it may suit some people’s philosophies. Such lions also become livestock raiders.

The removal of cubs from mothers usually has an economic focus: (a) The mother comes into oestrus sooner, and breeding

can be stepped up and (b) the cubs can be hand-reared to make them used to humans, once again, to exploit uninformed animal lovers' sentiments – it remains a special experience to physically touch and stroke a lion. From “cuddly” cubs, to massive adult males with exceptionally heavy manes, due to their easy life and diet. (By the way: this is where the many claims of Barbary lion breeding come from: captive lions develop exceptionally heavy manes, and unscrupulous people quickly claim ownership of an extinct sub-species. Maybe I should add: such lion, if offered for canned hunting purposes nowadays might easily fetch \$ 50 000 or more).

Most if not all captive-involved managers do not or cannot trace the origin of their stock's genes, and within the ALWG we are concerned that corrupt gene pools may find their way into our wild lion populations from as far as European circuses, safari parks and zoos– even though it is unlikely, due to free-ranging lions not allowing foreign lions into their territories. Naturally, as stated above, one can manipulate management, e.g. by introducing new adult males, which are able to take over an existing pride, provided there are not too many adult and determined females in such pride.

“Diversity” of gene pools is a relative term, too often used loosely. Geneticists argue that, due to frequent exchange of blood lines, captive lions have a greater diversity of gene pools. That may be so, but diversity does not guarantee fully acclimatised individuals. A specimen, imported from say Canada , may have a hugely diverse gene pool, but will soon die of overheating. More so, if a lion does not have natural resistance to diseases and parasites etc. of a specific ecosystem,

such lion does not have a bright future.

There are no vacuums left in Africa where free-ranging lions can be reintroduced. Human encroachment will have to be controlled, and to achieve that, we will have to convince African governments to cooperate – please refer to the Regional Lion Strategies of IUCN.

The keeping and breeding of captive lions results in canned lion hunting. At this very moment, I'm very concerned that canned lion hunting is spilling over into South Africa's adjoining countries, such as Botswana, Zimbabwe, Mozambique, Swaziland and Zambia. Angola would be excellent ground for such ventures: a way to make money where a country's government is in shambles. There are a number of lion breeders in SA who are determined to continue making money out of canned hunting, and I know that a few of them have very firm intentions to take their breeding stock to neighbouring countries.

The Alert Project has no conservation value at all. Wild, free-ranging lion populations cannot be saved from extinction through this method. We should rather spend our money and expertise to find ways of protecting existing wild lion populations. Currently, some of our members are doing excellent conservation work, and they need to be supported. But there are too many lion populations, especially in West Africa, which are locally endangered, and where tourism, e.g. does not pay sufficient to motivate the existence of lions as opposed to livestock and sustenance farming.

Sarel van der Merwe

Chair: African Lion Working Group

Sunday, February 03, 2008

Be on the ALERT when walking

<http://www.telegraph.co.uk/news/main.jhtml;jsessionid=Z2FHOEV5EPDNFQFIQMFSFGGAVCBQ0IV0?xml=/news/2008/02/01/nlion101.xml>

Sunday, February 10, 2008

African lion encounters: a bloody con

By Chris Haslam

From The Sunday Times

February 10, 2008

http://travel.timesonline.co.uk/tol/life_a...icle3333595.ece

Chris Haslam reveals the gruesome truth behind big-cat conservation projects that are championed by British tour operators. It's the latest attraction for tourists visiting southern Africa, but conservationists are warning that walking with lions is – quite literally – a bloody con. Dozens of private game parks across South Africa and Zimbabwe offer, or have offered, tourists the opportunity to walk with, handle and be photographed with

lion cubs. Excursions to some, such as the Aquila Private Game Reserve, outside Cape Town, and the Seaview Game and Lion Park, in Port Elizabeth, are offered by tour operators such as Kuoni, Virgin Holidays and the Holland America cruise line.

Antelope Park, in Zimbabwe, charges about £20 for a 90-minute lion encounter it describes as “not just a very privileged photo opportunity, [but] the chance for you to become a conservationist”. The park’s African Lion Environmental Research Trust (Alert) programme is enthusiastically supported by Sir Ranulph Fiennes, who, on his www.7summits.com website, praises its efforts “to help steadily increase the number of lions into areas carefully protected from poachers”.

The Sunday Times, however, has learnt that, far from being released into the wild, as many as 59 lion cubs raised at Antelope Park have been sold to big-game-hunting operations to be shot for sport.

So-called “canned hunting”, where rich trophy-hunters pay thousands of pounds to shoot big game in fenced enclosures, is big business in southern Africa. The price of shooting a lion bred in captivity ranges from about £9,000 to £16,000, and the breeders who supply the trade are struggling to keep up with demand.

While some estimates suggest that there are less than 20,000 wild lions remaining in Africa, the International Fund for Animal Welfare reports that another 3,000 languish in captivity, bred as targets for trophy-hunters. But breeders have found a lucrative sideline to the bloody business of feeding canned

hunts. By removing cubs from mothers after about four days – to induce another breeding cycle – they can rent them out to tourist parks to participate in lion-walking attractions.

Tourists and the gap-year students employed as guides – many of whom have paid up to £2,000 for conservation placements with agencies such as Real Gap and All Africa Volunteers – are told that the lion cubs are being raised for release in the wild, but big-cat expert Dr Sarel van der Merwe, of the African Lion Working Group, says this is impossible.

“Captive-bred lions can be released only into relatively small areas, such as fenced-off game farms and private nature reserves. Invasive management will always be necessary, such as removing the breeding males to prevent inbreeding,” he says. “In such cases, the older males will have to be placed elsewhere – and where will that be? I’m of the opinion that such males will have to be hunted for trophy purposes.”

In fact, there’s not much else you can do with a hand-reared lion. “Hand-rearing of lion cubs will ensure that these animals are imprinted to humans, and that they will thereafter lack natural avoidance behaviours,” warns Dr Luke Hunter of the Wildlife Conservation Society. Put another way, captive-bred, hand-reared lions have the potential to become man-eaters, and thus can never be allowed to roam free.

Daniel Turner, of the animal-welfare group the Born Free Foundation, says that captive-bred lion cubs often have their teeth and claws removed, and are drugged before meeting tourists. “These animals are bred entirely for entertainment and

derive no benefit whatsoever from these operations,” he said. “We urge people not to participate in any form of interaction with lions or other big cats.”

Neither the Alert programme nor Sir Ranulph Fiennes could be reached for comment, but the Aquila game reserve, in South Africa, said that, following complaints from tour operators, it had now ceased offering lion-cub petting. In an e-mail to The Sunday Times, the park said: “We do not have lion cubs at the moment, but we do have cheetahs you could interact with.”

Kuoni said that it works with the Born Free Foundation to ensure that the excursions it offered were ethical, but that it is sometimes impossible to stop customers being offered unapproved products by suppliers. ”

Kuoni currently features Aquila as an overnight excursion from Cape Town, as a safari experience,” it added. “Given the allegations regarding cub petting, which is condemned by Born Free, Kuoni has withdrawn Aquila from sale until further notice while investigations are being carried out.”

Thursday, February 14, 2008

To the Sunday Times, London.

To:

online.editor@timesonline.co.uk
newsdesk@sunday-times.co.uk

travel@sunday-times.co.uk

c.c.

Chris_Haslam@ipcmedia.com

marleen@africanencounter.org

david@africanencounter.org

Sarah.Raine@realgap.co.uk

From:

I.P.A. Manning S.A.I.E.E.

Former Chief Technical Advisor

South African CITES Implementation Project

Department of Environmental Affairs & Tourism

Date: 11th February 2008

Sirs,

I am in receipt of a press statement of 14 February 2008 issued jointly by Antelope Park, ALERT, and a Sir Ranulph Fiennes in response to the Sunday Times article by Chris Haslam "African lion encounters: a bloody con," published on February 10, 2008.

The press statement attempts to deal with what I consider are two essential points: 1) that ALERT exported 37 lion to South African captive centres and that there was no intention to sell them to a canned hunting operation. This is naïve or disingenuous in the extreme given the many conservation bandits at work in the semi-autonomous nine provinces of South Africa. And to state that "there was a pre-condition on

the provision of an export permit by the Zimbabwe Wildlife Authority that those lions could not be used for canned hunting” shows a degree of respect for the Zimbabwean Government and its powers which is touching.

The other crucial issue which got us all huffing and puffing in the first place in Zambia is 2) the question of what will happen to the lion once they tire of being cuddled and strolled about with. ALERT’S statement denies that tourists and volunteers are told that the lion cubs are being raised for release in the wild, or that “this form of release has never formed part of the release programme “, yet concluding the paragraph by saying “they will therefore be able to be released into the wild with the same avoidance behaviours towards humans as any wild born lion.” This is all very confusing and clearly contradictory.

In the statement put out by ALERT’s own consultants, ENVISOL CONSULT; Environmental Solutions Consultants, POSTNET BOX5, E891 Lusaka Tel: 096 450218 on 11 May 2007 for a scoping meeting held in Livingstone on 17 May 2007, supposedly leading to the preparation of environmental impact statement, but which has yet to see the light of day, now fully nine months later, they wrote: “The African Lion & Environmental Research Trust (ALERT), supported by African Encounter, under the trading name of Lion Encounter (Zambia) Limited is bringing a lion rehabilitation & release into the wild program to Zambia”. Towards the end of the statement stage four of the project is described as follows: “In stage four the lions born in stage three can be released into the wild where their numbers have been most diminished.”

As they say in Zambia, “I have got a problem.”

Sincerely,

Ian Manning

On 11 May, 2007 the following was forwarded to me:

ENVSOL CONSULT; Environmental Solutions Consultants,
POSTNET BOX5, E891 Lusaka Tel: 096 450218

Invitation to a scoping meeting for the Lion Encounter and
Dambwa Forest Lion Rehabilitation Project

The African Lion & Environmental Research Trust (ALERT), supported by African Encounter, under the trading name of Lion Encounter (Zambia) Limited is bringing a lion rehabilitation & release into the wild program to Zambia. The program has been operating in Gweru, in Zimbabwe, since 1999 and in Victoria Falls, Zimbabwe, since 2005. We are now planning to extend our operations to Livingstone, Zambia.

ALERT has secured a Forest Concession Agreement (FCA) on a section of the Dambwa Forest from the Zambian Government. Lion Encounter (Zambia) Limited has secured a Tourism Concession Agreement (TCA) with the Zambia Wildlife Authority (ZAWA). The operation will be run from a site within the Mosi O Tunya National Park for stage one (see attached information sheet) and within the Dambwa Forest for stages two and three. Envsol Consult has been engaged as consultants to undertake an Environmental Impact Assessment (EIA). An important part of this assessment is stakeholder consultations. A scoping meeting

will be held prior to commencing the environmental studies in line with the Environmental Impact Assessment Regulation of 1997. The purpose of this meeting is to get views and concerns of stakeholders so that they can be taken into account within the EIA. As one of the key stakeholders your views over this project and support would be valuable to the successful implementation of this lion rehabilitation program. In this regard, you are cordially invited to attend a scoping meeting on 17th May 2007 at 09:00hrs at Zambezi Sun, Livingstone. Your presence at this meeting is highly valued. Please indicate by return email your participation and names of participants to facilitate travel and accommodation arrangements for those traveling from outside Livingstone. Please address all correspondence to alert@safpar.com

Thank you and regards

Kenneth Nyundu Envsol Consult

Information Sheet for the Lion Encounter and Dambwa Forest Lion Rehabilitation Project

Historically, lions were widespread throughout Africa however their range has been severely reduced in recent years. Over 200,000 lions roamed the continent as recently as 1975 but in 2002 two surveys provided evidence of a dramatic decline estimating that only 23 to 39,000 remain with the lowest estimate being just 16,500. This represents an extremely worrying 80 to 90% population drop in less than 30 years, and it is widely accepted that the population has continued to decline. The African lion has been placed on the list of “vulnerable” species, but the alarming speed of the crash in lion

populations has led many to call for the species to be upgraded to “endangered”.

The Lion Rehabilitation & Release into the Wild Program.

The reintroduction of lions into their natural habitat is very difficult, and previous attempts have had limited success. The reasons for this are suggested that:

- § firstly the lions had no experience of their natural environment

- § that their reliance on humans wasn't sufficiently removed

- § thirdly, they were released as individuals with very little social organization,

- § and finally they had no experience of predatory and competitive species.

The program was developed in 1999 at Antelope Park in Zimbabwe. We are seeking to solve those previous problems by using a four stage rehabilitation program.

In stage one, lions born in our breeding centres, are removed from their mothers at three weeks old. This allows us to train them only to the point that they're safe for us to walk with them in the African Bush. When the cubs are six weeks old they're taken out into their natural environment on walks. They're accompanied by experienced handlers and volunteer workers who act as dominant members of the lions' pride. As their experience grows over the following months they're introduced to the game species in the Park, and by 18 months they're quite capable of stalking and taking down some of the smaller prey here in the Park. By 2 years old they're seasoned hunters, and we give them every opportunity to hone their hunting skills.

In stage two the lions have the opportunity to develop a natural pride social system in a minimum 500 acre enclosure. They have plenty of game to hunt, and are monitored closely. Importantly, all human contact is removed. The lions will remain in stage 2 until we're happy that they have a fully self-sustaining and socially stable pride.

In stage three the lions will be radio collared and translocated as a pride into a managed ecosystem of around 10,000 acres or more,

- There will be no other lions, no resident human beings
- They'll have a broad range of prey species to hunt
- but they'll also have competitive species such as hyena

The lions in Stage 3 will give birth to cubs that will be raised by the pride in the managed ecosystem, very close to their natural environment. These cubs will develop skills that will enable their re-introduction into appropriate National Parks and reserves across the African continent.

In stage four the lions born in stage three can be released into the wild where their numbers have been most diminished. We're able to provide complete, self-sustaining prides; or female only groups that can be integrated with existing wild prides. We can also provide male only coalitions which can add a natural gene flow to an existing population. All four stages of the rehabilitation & release into the wild program have the potential to generate much needed income for the lion project as well as funding research, conservation and community programs. Hence, the lions themselves are also a fundraising ambassador for Africa's wildlife and its people. The Conservation Centre for Wild Africa (CCWA) conducts research & conservation

activities, not only for lions, but for a diversity of Africa's wildlife that will provide a comprehensive body of work to assist in the preparation of sound management plans in order to conserve a Wild Africa for future generations.

The ALERT Communities Trust (ACT) is our way of giving back to the communities bordering conservation areas so that they receive benefits for supporting those conservation programs. A primary element of this is our community education and awareness program to further understanding of the importance and relevance of sound conservation practice. Local communities are involved in eco-tourism ventures related to the programs, and money generated goes back into community development schemes agreed as priorities with the local community, such as building schools or providing medical supplies.

The Livingstone Branch of the Wildlife and Environmental Society of Zambia included the following comments:

This is a project whereby lions are to be bred in captivity in cages within the Mosi-o-tunya National Park, just south of Livingstone. The young will then be taken from their mothers at the age of 3 weeks to provide tourism in the form of "walking with lions". When the lions are too old to be safe to walk with tourists, they will be released into an enclosure in a leased part of Dambwa Forest Reserve, on the north edge of Livingstone City. They will then be allowed to breed again and the next generation are to be transported elsewhere and released into the wild. In order to provide food, the young lions within Mosi-o-tunya National Park will be allowed to hunt antelope. When

they are released into Dambwa Forest Reserve prey animals and competitors such as hyaenas will be added to give them a more natural environment.

The Society has been aware of this project for some time and correspondence has been passed around among some members and other concerned individuals. It is quite a controversial project in terms of lion ethics, as well as human safety around Livingstone and elsewhere. Some of the questions raised include:

i) How ethical is it to breed lions in captivity, separate them from their mothers at a very early age, and train them to walk with humans in order to provide tourism income?

ii) ii) How safe will it be to release them into Dambwa Forest Reserve, which is so close to Livingstone City and surrounding villages? iii) Will it be possible for these lions to be released into the wild successfully, without the risk of them becoming man-eaters?

iii) iv) Is there a possibility that some of them will eventually be used for canned hunting, an activity which has recently been banned in South Africa for ethical reasons?

For more information on the controversies and issues involved please look up <http://www.lionscam.blogspot.com/> I need your comments, proposals, suggestions, opinions, professional advice, on this issue for whoever is to attend this meeting on behalf of the Society. Please keep in mind that this is a Scoping Meeting in preparation for an Environmental Impact Assessment. As is mentioned in the letter, the main purpose of the meeting is to get views and concerns of the stakeholders so they can be taken into account within the EIA. We need to

consider all the possible environmental concerns and issues that should be looked into and alert the consultants who are carrying out the EIA. As can be seen below, the letter is addressed to the Society and we are to confirm the names of participants (number not stated). If you are a member of the Society and would like to attend this meeting, please let me know as soon as possible (agenda attached). The consultants would also like to meet some members of the Society on the 15th or 16th of May (before the meeting) while they are in Livingstone. Is anyone available? Please let me know when, so I can get back to the consultants.

Yours in conservation

Clare Mateke

SECRETARY

Wildlife and Environmental Conservation Society of Zambia
(WECSZ)

Livingstone Branch

ZAMBIA

vcmateke@zamnet.zm

P R E S S S T A T E M E N T OF 14 FEBRUARY 2008 ISSUED
JOINTLY BY ANTELOPE PARK, ALERT, AND SIR RAN-
ULPH FIENNES IN RESPONSE TO THE SUNDAY TIMES
ARTICLE "AFRICAN LION ENCOUNTERS: A BLOODY
CON," PUBLISHED ON FEBRUARY 10, 2008

To: online.editor@timesonline.co.uk
newsdesk@sunday-times.co.uk
travel@sunday-times.co.uk

Chris_Haslam@ipcmedia.com

Date: 11th February 2008

Contact: Marleen Lammers, PR Manager, Antelope Park,
Gweru, Zimbabwe Email: marleen@africanencounter.org

David Youldon, Chief Operating Officer, ALERT, Gweru,
Zimbabwe Email: david@africanencounter.org

Sarah Raine, PR Manager, Real Gap, Kent, United Kingdom
Email: Sarah.Raine@realgap.co.uk

The article “African Lion Encounters: A Bloody Con,” which was written by Chris Haslam, and published in the Sunday Times on Sunday February 10, is full of inaccuracies. We feel that this article strongly misrepresents ALERT, a trust that is dedicated to ensuring the future of the African Lion, and Antelope Park, where the programme is based.

The article claims that “as many as 59 lion cubs raised at Antelope Park have been sold to big-game-hunting operations to be shot for sport.” No lion from Antelope Park has ever been, and never will be, intentionally sold for canned hunting. African Encounter is completely against canned hunting. Our freely available information clearly states this. A total of 39 lions have been sold by Antelope Park since the current owners acquired the property in 1987. 37 of those lions were sold, in two groups, one in 1999 and the majority in 2002 to a captive centre in South Africa. There was a pre-condition on the provision of an export permit by the Zimbabwe Wildlife Authority that those lions could not be used for canned hunting.

Furthermore, the lions that were exported were to be monitored by the relevant wildlife authorities within South Africa to ensure that the provisions of the sale were upheld. Two further lions were sold to a private breeder within Zimbabwe, not associated in any way with hunting, in 2005. No other sales of lions have ever taken place.

The article also states that tourists and volunteers “are told that the lion cubs are being raised for release in the wild,” and that “captive-bred, hand-reared lions have the potential to become man-eaters, and thus can never be allowed to roam free.” At no time are any visitors to the project informed that the captive bred lions will be released into an unfenced area. We are fully aware of the fact that captive bred lions without a natural fear of humans can become man-eaters, and this is why this form of release has never formed part of the release programme. All the information provided by Antelope Park and ALERT clearly states that the captive lions are rehabilitated into a fenced, managed eco-system, free of humans, where they will have offspring. These cubs are raised by the pride (stage 3 of the programme), in a natural environment free of any human contact. They will therefore be able to be released into the wild with the same avoidance behaviours towards humans as any wild born lion.

Furthermore, the article states that Antelope Park employs tourists and gap-year students as guides. Antelope Park does not use fee-paying tourists or gap-year students as guides. These self-funded eco-tourists pay for the opportunity to work alongside our guides and lion handlers to further the conservation, research and community work that we undertake.

As a specific example of these eco-tourists, the article mentions “agencies such as Real Gap.” David Stitt, Managing Director of Real Gap comments: “As market leaders in the gap break market, Real Gap’s policy is to endorse responsible conservation programmes. Antelope Park is an ethical, well-managed programme. It is clear in all our correspondence with our volunteers that the lions that they work with are part of a captive programme. Our volunteers do not have physical contact with those lions in the stages of the programme where the aim is eventual release into the reserves and national parks.”

In addition, the Sunday Times article quotes two scientists, Dr Sarel van der Merwe and Dr Luke Hunter of the Wildlife Conservation Society, on the pitfalls of releasing lions into the wild. Antelope Park has actually received a letter from Dr van der Merwe advising us and supporting us on the work and research that we were doing. In an email that was sent on June 12, 2004, he told us the following: “Generally speaking, the feeling amongst scientists is that captive bred lions cannot survive in a natural environment. I beg to differ. I have reviewed too many reports to the contrary...I believe one can rehabilitate the lions.” Additionally, we have also received the following from Dr Pieter Kat, a senior lion expert, in June 2005:

“...we can begin programmes of lion reintroduction in a wide variety of depopulated areas. Such programmes will not only be immediately positive, but will also place lions squarely in the category of animals like rhinos whose plight seems to be better appreciated by the international conservation community. This is why I am appreciative and excited to be involved by the initiatives taken by Antelope Park. Through

years of self-funded and determined effort, they have developed a program of re-introduction that has a very good chance of success. Predators of any description are notoriously difficult to reintroduce, but now we have at least a workable plan. As I said, the future of African lions is in African hands. Let us salute those who have been steadfast to ensure this future, and recognize that any action is better than the currently looming extinction of an African icon if we do nothing.”

In August 2007, we released our first pride of lions into stage two; a managed ecosystem where the lions have been successfully hunting for six months now. They have brought down prey from warthog to adult giraffe, which is a remarkable achievement from the captive cubs that they were. The ALERT and Antelope Park programme is also involved in conservation of other species, research and community development in order to provide sustainable programs to the benefit of Africa’s wildlife and its people.

With regards to the treatment of our lions, a letter we received from WWF Southern Africa Regional office (written on January 10, 2005) following visits by independent ecologists, Zimbabwe Park And Wildlife Authority, and Society for the Protection of Animals, states that the Antelope Park programme is “highly ethical and extremely well managed.” Keith Dutlow BVSc, MRCVS and Lisa Marabini BVSc, MRCVS, two vets we have been working with during the past two years, complied to this in a reaction to the article, stating that “as independent consultant vets to Antelope Park since February 2006, we can attest that since that time, no animal has ever been de-clawed, de-fanged, or drugged for entertainment purposes. Also, every lion at

Antelope Park has been micro-chipped and no lions have been sold to other operators nor removed from the program under suspicious circumstances since our involvement.”

Furthermore, according to the article, “[n]either the Alert programme nor Sir Ranulph Fiennes could be reached for comment.” Neither Antelope Park nor ALERT are aware of any attempts of the Sunday Times to contact them for information. In fact, the email below sent to us by Sacha Lehrfreund from the Sunday Times Picture Desk, on 6th February, requesting photographs was responded to immediately with an offer of furnishing The Times with details of our lion rehabilitation and release programme, but no such offer was accepted. When no response was received, our marketing department placed a call to the picture desk on Thursday February 7th, but this was rudely dismissed. The paper’s representative claimed to have no time to talk to us, and refused to transfer us to any of her colleagues.

From: Evans, Sara [mailto:sara.evans@sunday-times.co.uk]
Sent: Wednesday, February 06, 2008 1:46 PM
To: info@africanencounter.org
Subject: Walking with Lions - Pictures for the Sunday Times, London

Hello

We are running a feature in the Travel section about ‘Walking with Lions’ and I’m hoping that you could supply us with some photographs from Antelope Park, preferably of people walking alongside lions. We will of course credit your organisation.

The article would appear on 10th February and we go to press tomorrow, so I'm hoping that you are able to help at such short notice.

I look forward to hearing from you soon.

Thanks

Sacha

Sacha Lehrfreund

Sunday Times Travel

Picture Desk

Contrary to the article's claims, Sir Ranulph Fiennes was never contacted by the Sunday Times either. His response to the article is as follows: "I am proud to be a small part of ALERT and I am ashamed of the uninformed Sunday Times article "African lion encounters: a bloody con" as an example of the worst type of libelous, inaccurate writing. This by a journalist bent on thrashing ALERT, a highly worthwhile body of individuals, black and white, in Zimbabwe whose sterling non profit efforts to protect the endangered African lion deserve praise not lies."

Anyone is free to visit Antelope Park to see for themselves how we operate, and how our various conservation, research and community programmes are benefiting Africa. We feel that anyone wanting to make comment about the voracity of our aims should at least make an effort to find out about the programme and read the freely available literature.

and read the freely available literature.

7 June 2011

Lionscam in Livingstone continues...

With the news that the lionscam organization in Livingstone, ALERT, is about to seek the Zambian Government's permission to release a pride of Heinz-variety lion into the Zambian wilds, we need to go over some of the ground...

In June 2006, the Livingstone branch of the Wildlife and Environmental Conservation Society of Zambia (WECSZ) wrote as follows:

'African Encounters, with Safari par Excellence, are planning to set up a captive lion breeding/tourist attraction in the Mosi-o-Tunya National Park, near Livingstone, and the nearby Dambwa Forest Reserve. The offspring of these lions will then be relocated to the wild to replenish depleted lion populations. On the African Encounter Website it states that "captive bred lions can and have been rehabilitated to the wild. In South Africa this is confirmed by senior ecologists and conservationists'. Lionesses and cubs will be imported from an existing operation in Victoria Falls, Zimbabwe and a breeding male lion from Tanzania to start the project. Cubs will be removed from the mother for hand-raising and habituated to humans for wildlife walks and when too big/dangerous at 12 – 16 months, will be transferred to enclosure(s) in the Dambwa Forest Reserve for wild-release training and "semi-captive" breeding. Second generation animals from Dambwa will then be released into areas where the lion population has decreased e.g. the Kafue National Park, and presumably into GMAs, where the real shortage of lions exists.

Four years later, on 11 May 2011, Steve McCormick of

the lionscam organization, ALERT, (steve@safpar.com) let it be known that – under the direction of his boss, David Youldon (awc@africanencounter.org) – their lion rehabilitation and release into the wild program known as ALERT would soon be needing to release a pride of lions into an appropriate area such as the Kafue National Park in Zambia; and that they would approach the Zambia Wildlife Authority to support, facilitate and endorse a release.

So, clearly the cubs have grown up and now present a danger to the hugging tourists, and soon to the villagers.

On May 29, 2011, alerted by Dr. Paul White, I wrote to the Permanent Secretary of the Ministry of Tourism, Environment and Natural Resources, and sent a note to Margrit Harris of NIKELA (www.NIKELA.org):

“I would encourage you and your supporters to write to the following government offices: Permanent Secretary Ministry of Tourism, Environment and Natural Resources (psmtenr@mtenr.gov.zm) and the Zambia Environmental Management Agency (ecz@necz.org.zm), and object to any proposal to Government by the organization, ALERT, to release a pride of lion (reared in captivity and used for tourism in the Livingstone area near Victoria Falls) into the wilds of Zambia, which would threaten the genetics of wild populations, threaten villagers unused to semi-tame and hungry lion, threaten tourists on foot safaris, and threaten current transfrontier conservation initiatives with adjoining countries.”

It is worthwhile here revisiting what Dr. Paula A. White, Director, Zambia Lion Project (Center for Tropical Research, University of California, Los Angeles, USA); Dr. Craig Packer, Professor, (Department of Ecology, Evolution, and Behavior,

University of Minnesota, USA); and Dr. Luke Hunter, Director, Great Cats Program (Wildlife Conservation Society, New York, USA) had to say in 2006:

‘Members of the international scientific community voice their serious concerns and strong opposition to the “Walking with Lions” tourist attraction currently being proposed by African Encounters and Safari par Excellence in Zambia. “Walking with Lions” is a purely commercial enterprise. The purported conservation value of a captive breeding and release program for lions has not been demonstrated. Indeed, many aspects of the proposed program appear ill conceived.

For example, hand rearing of lion cubs will ensure that these animals are imprinted to humans, and that they will thereafter lack natural avoidance behaviors. Teaching hand reared cubs to hunt as sub-adults will not decrease their dependence on humans, nor will it alter their imprinted behaviors. Indeed, semi-tame lions may be as dangerous as wild lions. Recently (August, 2006) in South Africa, three 2½ year-old lions escaped from a game farm and killed two workers. The lions were obtained as cubs and raised by hand. In Tanzania, wild lions kill nearly one hundred people each year, the majority of them villagers. Alteration of lion behavior through captive breeding, hand rearing, and release of semi-tame animals or their habituated offspring is both dangerous and irresponsible when considering the safety and welfare of humans and their livestock in Zambia.

“Walking with Lions” will require a constant supply of cubs. The possibility that this program would result in overbreeding of lions and subsequent development of a canned hunting industry in Zambia, or trade in surplus lions to canned hunting interests in other countries cannot be ignored. Fair hunting

practices of wild lions are paramount to Zambia's commercial hunting industry. For Zambia to associate itself in any way – either real or perceived – with canned hunting of lions could have far-reaching negative impacts on this industry. Currently, Zambia is moving towards ensuring the long-term protection and survival of its lion populations by supporting field research that examines distribution and abundance of lions countrywide, and a genetic assessment of lion subpopulations. It is also actively seeking to establish sustainable quotas through development and implementation of an age-based trophy selection program.

The claim that releasing captive bred lions into national parks and wild areas will serve any conservation purpose by augmenting lion numbers is wholly unsubstantiated. Further, it fails to take into account the genetic structure of lion subpopulations in Zambia. Far from proving advantageous, the released animals may, in fact, introduce deleterious genes or diseases into Zambia's established wild lion populations, or otherwise alter the local adaptations of the naturally occurring genetic stocks.

Given reasonable protection from excessive mortality and sufficient food resources (e.g., game species), wild lions have the capacity to naturally repopulate a depleted area. In addition to conserving local genetic adaptations, the advantages of natural recovery versus introductions include greater stability to pride structure and movements, and greater predictability as to distance and direction of dispersers. Moreover, a naturally recovering predator population will exist at a density that is appropriate for both game populations and available habitat, thereby reducing the risk of conflict with humans and livestock.

It is emphasized here that "Walking with Lions" has no

conservation value. If African Encounters and Safari par Excellence's desire to assist with conservation of African lions is sincere, they will devote themselves to supporting established programs and organizations that are working towards the restoration and protection of Zambia's wild lands and animals, and seek to educate their clientele in a similarly responsible fashion'.

Research, University of California, Los Angeles, USA); Dr. Craig Packer, Professor, (Department of Ecology, Evolution, and Behavior, University of Minnesota, USA); and Dr. Luke Hunter, Director, Great Cats Program (Wildlife Conservation Society, New York, USA) had to say in 2006:

Zambezi heritage

Proposed Protea Hotel near the Lower Zambezi National Park



Proposed Protea Hotel site

PROTEA HOTELS EIA OF PROPOSED LOWER
ZAMBEZI LODGE 144 beds and conference centre in
Mana-Lower Zambezi Transfrontier Conservation Area

April 2010

COMMENTS ON PROTEA HOTELS EIA OF PROPOSED
LOWER
ZAMBEZI LODGE

AUTHOR'S INTEREST

The author is a Director and principal shareholder of Mbeza Safaris Ltd, which is the major shareholder of Misau Lodge Enterprises Limited, an investment company intending to mount a Landsafe community development project in the area of the Chimsambo and Mgulamano villages within the Chiawa GMA. Mbeza Safaris holds 51% of the shares in Misau, and Bernard Kagoda, a member of the Gova community, the balance, his share being the value of his land on the Zambezi, Lot No 19739/M lying between Chiawa and the Donatini site.

The mutual interest of the parties is as follows:

- Bernard Kagoda and his family to have long-term security on his land situated in his ancestral home
- The local villagers adjoining his plot to benefit from the acquisition of land by becoming minor shareholders

- Misau Enterprises to develop appropriate low-scale tourism facilities on this land so that it may have some return on its investment, as well as dividends for the Kagoda family and the local villagers.

The proposed Protea development is therefore totally at variance with the approach being adopted by Misau and by all the other operators and stakeholders on both sides of the border.

CONCLUSION

The proposed development of a 144 bed double-storey hotel and conference centre built in the military/industrial style on the Donatini site, accompanied by the necessary staff housing, parking area, quay, boats and game-viewing vehicles will - as stated by the Protea EIA report '...take away the wilderness experience of the area'. This is the single most important factor governing any decision on what would be a massive perturbation in an area where the escarpment and the road leading from Chiawa to the Lower Zambezi National Park (LZNP) lies close to the river. The fact that across the river is a World Heritage Site famous for its wildlands x-factor (Mana Pools National Park), which, together with the LZNP and the planned Chiawa Community Partnership Park - all to become the Mana-Lower Zambezi Transfrontier Conservation Area - must be sufficient to persuade the NECZ that the planning decision has already been made for the area, any change requiring changes to the Chiawa Management Plan and the agreement of the Zambian Government (ZAWA), the Zimbabwe Government, UNESCO and members of the future Lower Zambezi Conservation Trust.

The unnecessarily prolix Protea EIA and application must therefore be regarded as ultra vires.

PROPOSED PLUNDER OF THE LOWER ZAMBEZI NATIONAL PARK

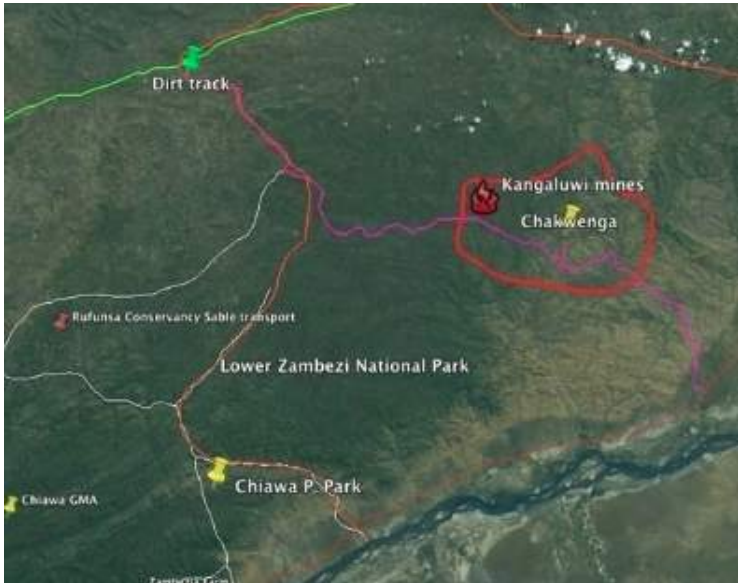


PLUNDER ARTICLE

16 May 2012

EIS Decision for Kangaluwi Mining Project Overdue





2011

Zambia's Lower Zambezi National Park threatened by mining...

The Wild Foundation in 2008 carried details of an impending copper-mining threat to the integrity of the Lower Zambezi National Park in Zambia. With the issue early in 2011 of a Large-Scale Mining License to the Australian owned Zambezi

Resources and its Zambian subsidiary, Mwembeshi Resources, the threat is now very real, particularly given the recent actions of President Banda in launching the Ichimpe mine on behalf of its Chinese owners before the Environmental Council of Zambia had approved the Environmental Impact Statement (EIS). This action is similar to the laying of a foundation stone on former President Mwanawasa's behalf for a proposed 36-hole golf course, two hotels and 350 chalets in the tiny [Mosi-oa-Tunya National Park](#) – again before an EIS had been approved or even submitted.

An EIS is currently being written for the proposed Kangaluwi Copper Project (two open-pit mines, two deep mines, a tailings dam and dump, and other extensive infrastructure) on Mwembeshi Resource's behalf by the consultants, GeoQuest. They will be considerably exercised to explain away a physical invasion that would ravage in excess of 50 sq. km of the escarpment area of the park, and that would contaminate the Zambezi and downstream ecosystems. That the scheme has been allowed – after consideration by both the Director of Mine Safety and the Environmental Council of Zambia (ECZ) – to proceed beyond the initial environmental brief to a full Environmental Impact Statement poses considerable risks. Apart from what a President can do who is about to return to his farm, the Minister of Tourism & Environmental Affairs may overthrow the decision of the Environment Council should they give the scheme the green light, leaving Zambians and those who value our ecological and cultural heritage to the mercy of a judiciary and an executive with scant separation of powers.

Once the EIS has been handed in and studied by the ECZ, the public will be afforded an opportunity to judge the EIS. But NGOs in Zambia appear to be unaware of the latest develop-

ments and are generally loth to take on 'Big Man' Government. A general election looms, and other mining operations already exceed the capacity of the Zambian Government to protect the environment and the people. Attempts will be made to restrict the battle to those whose interests are locally excited. But the Lower Zambezi NP is, with the Mana Pools NP and World Heritage Site across the river in Zimbabwe, supposed to form the future Mana-Lower Zambezi Transfrontier Conservation Area. And most of the middle Zambezi on the Zimbabwe side was last year declared as the Mid Zambezi Biosphere Reserve (MZBR). And currently there are moves afoot in UNESCO to have Lower Zambezi NP declared a World Heritage Site, and to enjoin the Chiawa customary land (part of it Game Management Area) with the MZBR. Given rumours of large lodges in the military-industrial style being proposed for the Zimbabwe side of the river, the Zambezi – as we know it, could disappear.

12 May 2012

Zambia's Environmental Management Agency ultra vires...

On 12 May 2012, believing UNESCO's statement that Zambia had agreed that no mining should occur in the Lower Zambezi National Park (see their statement below), I received word that the NGO, Conservation Lower Zambezi, had tendered their objections to an Environmental Impact Statement (EIS)

submitted by the mining company, Mwembeshi Resources, to the Zambia Environmental Management Agency (ZEMA). The 11th happened to be the deadline for the public to make written comments to ZEMA. Nevertheless I wrote to them as follows:

The Director General
Zambia Environmental Management Agency
Lusaka
Dear Sir,

re [THE PROPOSED KANGALUWI MINING PROJECT IN LOWER ZAMBEZI NATIONAL PARK](#) –

I was recently informed that Mwembeshi Resources have submitted an Environmental Impact Statement (EIS) – presumably prepared by by their consultants, GeoQuest, in respect of the proposed mining of copper and gold by way of two open-pit mines and two below-surface mines in the the Lower Zambezi National Park, having already been issued a large Scale Mining License, and presumably, having submitted and had approved the mandatory Environmental Brief (EB) from the Dept. of Mine Safety, the Zambia Wildlife Authority (ZAWA) and the Zambia Environmental Management Agency (ZEMA). My previous requests to ZEMA, the Ministry of Mines (P.S. Mr Beene) and the PS of the Ministry of Tourism under the MMD Government, for a copy of the EB, failed. In addition I note that your website carries no details of this project, nor any invitation to comment on it. I would like to draw your attention to the following (and refer you to [Safaritalk](#) and [SAFARITALK II](#) .

In mid-October 2011, UNESCO issued Decision:35 COM 7B.8: The World Heritage Committee:

Having examined Document WHC-11/35.COM/7B. And, Recalling Decision 34 COM 7B.7, adopted at its 34th session

(Brasilia, 2010), Welcomes the decision of the State Party of Zambia not to approve the proposed mining operations in Chiawa Game Management Area and Lower Zambezi National Park nor the original proposal for a tourist and conference facility in the Chiawa Game Management Area across the river from the property, which could have impacted the property's Outstanding Universal Value; Notes that mining exploration is on-going in other parts of the Lower Zambezi Catchment, and considers that mining exploration and exploitation in the catchment could adversely affect the property if not strictly regulated; Encourages the State Party of Zambia to consider nominating the adjacent Lower Zambezi National Park in order to eventually constitute a joint trans-boundary inscription on the World Heritage List, in line with the World Heritage Committee's recommendation at the time of inscription; Requests the State Party of Zambia to: Ensure that any redesigned tourist and conference facility in the Chiawa Game Management Area across the river from the property be subject to a new Environmental Impact Assessment which should include an assessment of the impact on the Outstanding Universal Value of the property, in accordance with Article 6 of the Convention; Submit to the World Heritage Centre, by 1 February 2013, a report on progress in implementing the mission recommendations concerning mineral exploration and mining and tourism development and on the status of the mining activities and tourism developments which could affect the property.

In addition to the Park being under consideration as a World Heritage Site, it is a category II protected area – as are all national parks, managed mainly for ecosystem protection and recreation, defined by the IUCN World Commission on

Protected Areas as a 'Natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.' Any mining or large scale hotel development is therefore exploitation and occupation inimical to the purposes of designation of the area. This is recognised in the proposed amendment to the Wildlife Act of 1998, which would prohibit mining in the LZ National Park and in the adjoining Chiawa Community Partnership Park.

And I should bring to your attention the fact that on 18 October 2008, Chieftainess Chiawa (Chiawa/Kafue) Chiefs Chipepo, Simamba, Sinadambwe – all of Siavonga district, and Chiefs Mupuka and Mbunema of Luangwa met and issued an historic statement against mining for 17 chiefdoms of the whole Zambezi system. The Zambia Wildlife Authority is already on record as saying no mining would be allowed in national parks (on 5 November 2008 the DG of ZAWA, Lewis Saiwana, wrote to Andy Fleming of Zambezi Resources stating that "National Parks and Game Management Areas should not be subjected to mining activities...").

In addition the Government, under its own PF Manifesto, avows the Christian stewardship of nature, they are therefore solemnly bound to protect the integrity of the national parks of Zambia, powers which the Minister responsible has within his remit.

I suggest it is therefore beyond ZEMA's legal power and authority (*ultra vires*) to invite or make any decision on mining

in a national or partnership park.

Yours, etc.,

Ian Manning

1. There are now plans for mining prospecting and development on the [Mana Pools](#) side of the Zambezi. Here are two petitions that the Zambezi Society have to oppose this. Perhaps you could join forces. We are trying to raise awareness of this internationally.

17 January 2014

Prohibit Mining in the Lower Zambezi National Park

On 31 August 2012, the Zambia Environmental Management Agency (ZEMA) refused the application of the Australian Company, Zambezi Resources Limited, to commence open-pit mining in the Lower Zambezi National Park, but the Australian miners appealed to the Minister of Lands, Natural Resources and Environmental Protection (MLNE), and on 17 January 2014, the Minister Harry Kalaba allowed it. This matter is now *sub judice*, and the Government are sitting on the issue until the matter is decided in the courts.

However, on 31 May 2012, the very same Ministry had presented **Zambia's Action Plan for implementing the Convention on Biological Diversity's (CBD) Programme of Work on Protected Areas (PoWPA)**, undertaking to 'Enact legislation on Access to Genetic Resources and the Fair and

Equitable Sharing of Benefits Arising from the Utilization of Genetic Resources’, so confirming the Nagoya Protocol of the CBD and the rights of customary people not to have mining if they so wish, and to have their sacred groves in the Park protected. Then under the subject of National Parks, the Ministry repeated that they would **‘exclude exploitation or occupation inimical to the purposes of designation of the area’**.

The Ministry then listed their Key Threats, one of them being, ‘Mining and Road Construction Activities: ‘These have resulted in the fragmentation of ecosystems and habitats and obstruct migratory routes to breeding and feeding grounds used by wildlife and fish’.

Zambia has therefore ignored its own action plan presented to the Convention on Biological Diversity, as well as the agreement of 17 Zambezi Chiefs in 2008 to prohibit all mining in the Zambezi Basin. It is therefore not a matter for the Minister to resort to the *sub judice* argument, but simply, for the sake of the people and environment of Zambia, Zimbabwe, Mozambique and Malawi, **TO BAN THE MINING**

We therefore call on the CBD, should mining not be banned in the Lower Zambezi National Park, for Zambia to be expelled from the Convention.

Background

In mid-October 2011, UNESCO issued Decision:35 COM 7B.8: The World Heritage Committee:

Having examined Document WHC-11/35.COM/7B. And, Recalling Decision 34 COM 7B.7, adopted at its 34th session (Brasilia, 2010), Welcomes the decision of the State Party of Zambia not to approve the proposed mining operations in Chiawa Game

Management Area and Lower Zambezi National Park nor the original proposal for a tourist and conference facility in the Chiawa Game Management Area across the river from the property, which could have impacted the property's Outstanding Universal Value; Notes that mining exploration is on-going in other parts of the Lower Zambezi Catchment, and considers that mining exploration and exploitation in the catchment could adversely affect the property if not strictly regulated; Encourages the State Party of Zambia to consider nominating the adjacent Lower Zambezi National Park in order to eventually constitute a joint trans-boundary inscription on the World Heritage List, in line with the World Heritage Committee's recommendation at the time of inscription; Requests the State Party of Zambia to: Ensure that any redesigned tourist and conference facility in the Chiawa Game Management Area across the river from the property be subject to a new Environmental Impact Assessment which should include an assessment of the impact on the Outstanding Universal Value of the property, in accordance with Article 6 of the Convention; Submit to the World Heritage Centre, by 1 February 2013, a report on progress in implementing the mission recommendations concerning mineral exploration and mining and tourism development and on the status of the mining activities and tourism developments which could affect the property.

In addition to the Park being under consideration as a World Heritage Site, it is a category II protected area - as are all National Parks, managed mainly for ecosystem protection and recreation, defined by the IUCN World Commission on Protected Areas as a 'Natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area

and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.’ Any mining or large scale hotel development is therefore exploitation and occupation inimical to the purposes of designation of the area. This is recognised in the proposed amendment to the Wildlife Act of 1998, which would prohibit mining in the LZ National Park and in the adjoining Chiawa Community Partnership Park where Zambezi Resources are in partnership with Glencore Xstrata in the Cheowa mine.

On 18 October 2008, Chieftainess Chiawa (Chiawa/Kafue) Chiefs Chipepo, Simamba, Sinadambwe – all of Siavonga district, and Chiefs Mupuka and Mburuma of Luangwa had met and issued an historic statement against mining for 17 chiefdoms of the whole Zambezi system. The Zambia Wildlife Authority (ZAWA) is already on record as saying no mining would be allowed in National Parks (on 5 November 2008 the DG of ZAWA, Lewis Saiwana, wrote to Andy Fleming of Zambezi Resources stating that “National Parks and Game Management Areas should not be subjected to mining activities...”).

Apart from the rejection of the EIA by ZEMA, in July 2013 the Parliamentary Committee on Lands, Environment and Tourism for the Second Session of the Eleventh National Assembly of Zambia (September 2012 - July 2013) declared that:

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.

Australian Copper Project (NOT URANIUM)

Australian uranium mining project strongly opposed by Zambia's Green Party



the uranium mining issue a symptom of an extremely serious malaise affecting Zambia.

CEMA and Zambia are essentially unprepared to deal with the environmental effects of the proposed uranium mining upstream of the Park and the consequences of the radiation and its very serious genetic impacts on people.

The Green Party of Zambia and the Lower Zambezi National Park: Preserving the Zambezi's ecosystems *San Manning 16 Dec 16*, The leader of the Green Party of Zambia, Peter Sakaonda, has set out their platform for the Presidential elections of 30 January 2018: to cancel the mining licence issued to Australian Zambia Resources Limited for the Lower Zambezi National Park. Reading this, the electorate will wonder what could possibly be so important about the proposed mining of a National Park. And why do the Greens consider it the single most important issue facing Zambia today?

At one level the mining saga does signal dysfunctional undemocratic misgovernment, requiring a President – given the flawed Constitution handed to Kaunda by Britain that contained no safeguards against the use of excessive Executive power – who is wise and somewhat unworldly, but, above all, a visionary.

The mining, which would utterly destroy Lower Zambezi, poison the Zambezi River and destroy an eco-tourism industry was, after all, refused by 17 Chiefs of the Zambezi Basin – now greatly empowered by the Nagoya Protocol of the Biodiversity Convention, by the MMC Government, by Parliament's environmental committee, by the RF Government's own Zambia Environmental Management Agency (ZEMA), a decision later overturned by the Minister. And mining would negate Zambia's membership of the Convention on Biological Diversity, run counter to its membership of various United Nations bodies, make impossible the declaration of a World Heritage Site joined with Mana Pools, contradict the ZICM's definition of a National Park, and stifle our the Stockholm and Rio Declarations which bind the nations of the Zambezi Basin under a code of good environmental stewardship. The list is a long one. But are they sufficient reasons to provide a political party with a presidential candidate?

Perhaps Sankanda sees the mining issue – as do I – as a symptom of an extremely serious malaise affecting Zambia. For the mining issue removes the blinkers to reveal a suppurating Zambian ulcer on the nation's bottom: the continuing existence of a dictatorial, grasping Executive, uncured by Government, Parliament, the Judiciary or the Constitution.....

As a backdrop to this crime against customary people, the International Tribunal for the Rights of Nature meeting took place on 5 and 6 December 2014 in Lima, the judges referring to the Rights of Nature and the Universal Declaration of the Rights of Mother Earth, from the World People's Conference on Climate Change and the Rights of Mother Earth in Cochabamba, Bolivia in 2010:

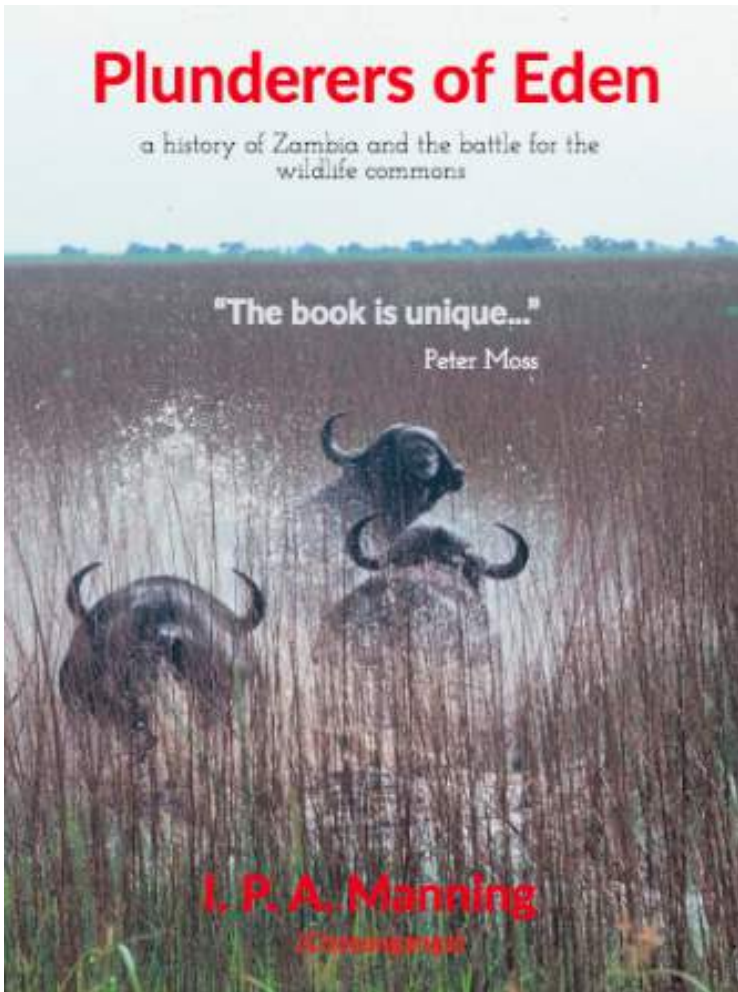
Another reason, I would hope, for putting the mining up in lights, is that the Greens need to expose the fact that consumer capitalism is dying, and that therefore Zambia should adjust its thinking: for we live in a world of declining resources, one increasingly prone to Ludwig's Law where the amount that a species or ecosystem can produce in a given place and time is limited by the resource in shortest supply – something politicians fail to understand.....

For mining the SREP lists the mid-Zambezi uranium mines as coming into production – for which no strategic EIA has been conducted, let alone full environmental management plans – as a UNESCO/UNICH mission discovered – mandatory for the issue of prospecting and large-scale mining licenses.

ZEMA and Zambia are woefully unqualified to deal with the environmental effects of the proposed uranium mining upstream of the Park and the management of the radiation and its very serious genetic impacts on people. Brugge & DeGrueter of Tufts University in 2001 concluded that 'the strong biological plausibility of adverse effects on the brain, on reproduction, including estrogenic effects, on gene expression, and on immune metabolism' will not only affect mine workers but also villagers living near uranium mines and processing facilities. They ended on a chilling note, 'As much damage is irreversible, and possibly cumulative'. In addition, no strategic socio-environmental impact study has been made of the SCOP's past and present programmes; nor has there been given any thought to maintaining the integrity of Zambia's cultural and religious heritage.....

The Green Party, with the Lower Zambezi National Park as its platform, has certainly provided a Xmas tree for the future.

For the full story read in [*Plunderers of Eden*](#)



Plunderers of Eden: CHAPTER THIRTEEN

Digging out the commons sacred groves

*Zambezi chiefs' declaration against mining (2008) – Convention on Biodiversity - Zambia report on access to genetic resources (2008) - 25-year uranium mining licence awarded with no EIS (2009) - Lower Zambezi National Park - history - Chiawa mining concessions - Zambezi Resources Limited - Wildlife Act confusion - ZRL issued large-scale mining licence (2011) - UNESCO welcomes GRZ decision not to mine (2011) - Patriotic Front allow mining (2011) - ZRL submit EIS to ZEMA (2012) - I start my mining petition (June 2012) - ZEMA turns down mining (August 2012) - ZRL allowed to submit modified EIS (November 2012) - parliamentary committee lambastes Ministry of Mines (2013) - Protea Hotels plan military-industrial style complex(2009) - Sata and the road trough - I set up petition to boycott UNWTO meeting (2013) - PF government again allow mining (January 2014) - ZEMA disgrace - **stay of execution issued against mining (February 2014)** - Minister of Tourism states opposition to mining (February 2014) - stay upheld in High Court (April 2014) - A-G report confirms GRZ ineptitude in managing mining (July 2014) - ZRL change name to Trek Metals Ltd (January 2017)*

The Luembe conservancy

The Luembe Conservancy Trust

The Luembe Conservancy and its custodial Trust, the Luembe Conservancy Trust, was established in 2003 in the Luembe chiefdom, with land-user rights awarded to it for 60 years by the Luembe Customary Authority with the approval of the Nyimba District Council and the Luembe Community Resource Board, supported and facilitated by Gamefields Ltd (Gibraltar). The first investment was the purchase in 2004 of Mbeza Safaris Ltd, holder of the hunting concession rights in that portion of the chiefdom designated as a game management area.

2 October 2007

Introduction to the Gamefields Landsafe Investment model...

INTRODUCTION

The Landsafe integrated conservation and development model was designed by Gamefields (Ian Manning) in order to conserve the biodiversity and ecosystems of land held under customary tenure – which includes protected areas. This is a development mechanism, one ideally suited to Zambia where the traditions of public private partnership (PPP) in wildlife conservation and community development started in 1949, a partnership between a customary authority, investors and NGOs providing the essential structure for rural development of investment, land and community partners, and the expertise to carry out scientifically directed integrated development. As has been noted elsewhere (Clark, 2001) ‘the need is less for new knowledge than for applying what is already known in an experimental, problem-solving mode. More generally, the need is for integrated systems bridging the frequently separate domains of research, monitoring, assessment, and support for operational decision making.’ This defines, exactly, Landsafe integrated conservation and development (ICDP).

BACKGROUND

Zambia, despite political stability, rich natural resources and remarkable species and ecological diversity, high rainfall, low population densities in rural areas and minimal impacts on the environment, is undeveloped and attracts little investment. In the 93% of the land held under customary tenure, there

is virtually no investment whatsoever, people living much as they have done since the first wave of immigration to the country in the 17th Century, a life of hunter gathering and subsistence agriculture where the benefits of development - health, education, welfare, biodiversity and environmental stability and wealth creation, remain illusive.

The history of formal public private partnerships of an integrated conservation and development nature in the country had their beginning in 1949 when the newly formed Game Department of Northern Rhodesia entered into an agreement with Chief Nsefu whereby he and his people received income from the tourist use of a Game Department tourism camp (N. Carr, 1949). When, in the early fifties the Chief's area was proclaimed a game reserve, earnings ceased. The Game Department in 1949 also initiated the Government Controlled Hunting Scheme (N.J. Carr, 1949) which conducted safari hunting operations in the Eastern Province with a large percentage of the income accruing to the Native Authority. The scheme ran well into the 1950's until in 1962 it was privatized, with the local authorities receiving no further direct income until the late 1980s. The next significant scheme was in 1973 with the establishment of the Black Lechwe Project (Grimsdell and Bell, 1975; I.P.A. Manning, 1976) of which Phase three was intended to allow the local people to utilize black lechwe, something never achieved as the scheme was abandoned by Government. In the 1980's the ADMADE project was established (D. Lewis, 198) which sought to derive direct benefits from wildlife for villagers, this aspect being unsuccessful – though their training and capacity supports to communities continues to makes a valuable contribution. Later the Luangwa Integrated

Rural Development Project was mooted, attempting on a far grander scale what ADMADE had attempted. It too proved unsuccessful.

The Zambian leadership (though not the legislation and policy) is ambivalent both in its attempts to devolve power from the centre to the regions – in particular to land under the customary authority, and to attract investment, wary of being swamped by aggressive outsiders whom they believe will capture the opportunities for wealth creation. Zambia therefore resists de-centralization and remains dependent on donor aid which creates few jobs, does not generate sustainable development, perpetuates Zambia's debt dependency, weakens its ability to fend for itself and hinders it from becoming truly independent.

However, Zambia, under current laws, provides opportunities for investors to enter into joint ventures with customary authorities and district councils. The 1995 Lands Act created the opportunity for individuals with rights of usage and occupation of land under customary law to obtain leasehold rights of 99 years within open areas – and with the permission of ZAWA, in GMAs. This attracted a certain level of investment and one-off payments to Chiefs, particularly from the sale of lodge sites and land for game ranches, resulting in some cases, in the permanent alienation of the land and the removal of any possible sustained income for communities. While posing dangers of land alienation, the Lands Act does support the devolution of power to communities. In addition, there are two important Acts supporting the empowerment of communities, the Wildlife Act of 1998, which prescribes the election of Community Resource Boards (CRBs) with the chief as patron

and which advances as one of its main missions: 'to facilitate the active participation of local communities in the management of the wildlife estate', and the Forestry Act No. 7 of 1999, which though yet to be enacted is already advancing its decentralization and community ownership provisions. However, very little investment has found its way into rural areas because the usual purpose of investors is to obtain large areas of land on leasehold, something to which Africa as a whole is united in rejecting. In order to avoid such a pitfall, it is necessary to have a development model available which does not alienate land, and which encourages investment in the sustained use of the natural resources and the improvement in the livelihoods of local communities.

At present, virtually the only income received by customary areas – and then only in wildlife rich areas, is from safari concessions, though the amounts are paltry when considering that communities must shoulder the cost of protecting their areas as part of the bargain. And despite legislation and policy affirming the rights of customary authorities and CRBs, and despite its ratification of international and Pan-African conventions, Government resists moves by chiefdoms and investors to make more holistic use of the hunting concessions - which fall under the authority.

What is required is a shift away from one-dimensional safari hunting concessions, and its replacement in selected areas by a conservancy system of integrated conservation and development programmes that will ensure the continued level of earnings for ZAWA, the capacity support to CRBs, the non-alienation of land from the chiefdoms, enabling chiefdoms

and the flagging District Councils to engage with investors and nurture the overdue raising of community livelihoods and, crucially, bring investors a sustained return.

6 October 2007

Luembe MOU ceded land-user rights (3 September 2003)

12 November 2007

Luembe Trust Constitution Part A

The Trustees were: Senior Chief Luembe; I.P.A. Manning; Luembe CRB rep.; Nyimba District Council rep; Axon Lungu; C.A. Manning, B.J.G. Manning

Luembe Trust Constitution Part B

Luembe Trust News Oct. 2007

Hunting Concession Agreement part 3

Hunting Concession Agreement part 2

West Petauke Hunting Concession Agreement

19 November 2007

Gamefields registration in Zambia

Zambia Watch

January 4, 2008

Zambia's state of conservation and development, and the way forward.

The state of conservation in Zambia – something affecting mainly rural people, is parlous: rampant poaching to supply the bushmeat trade and the ivory market; the illegal alienation to developers of state land having the highest protective status; the demise of a National Park and the impoverishment of a cattle owning people as a result of a hydro power barrage and 30 years of managerial apathy; the pollution of a major river; the gathering clouds of future river impoundments – probably by China, in one of the best watered countries in Africa; the irresponsible invasion of our rural areas by donated mosquito nets, now sown together and used to pillage the

fishery on which the bushfolk depend; the sport hunting of elephant when all concerned had recommended it should not be allowed; the poorly managed safari hunting industry, milked without much thought for conservation – and now undergoing nationalization by stealth; the failure to recognize the traditional rights of the hunter-gatherers and shifting agriculturists who are in the throes of their Neolithic Revolution; the failure to support conservancies which, under suitable Trust models, point the way to a liberation of the people from a failed and corrupt western capitalist model clamped upon the increasingly irrelevant (to the bushfolk) urban areas. But what is the way forward ?

Zambians must, out of the long night of their community and survival traditions – their culture, discover their future, one more Karl Marx than Adam Smith. This does not lie in looking to the West and China for support in embracing industrialization, in escaping the Malthusian Trap by a futile attempt to make all Zambians in the image of the waPajero – that small group of westernized Zambians who are in a mutualistic parasitic relationship with the donors and direct foreign investors. It lies in an appreciation of rural Zambia, of their distinct culture, where people, despite all the propaganda to the contrary, do live happy lives – though they have few schools, medicine and other facilities, and where the land does provide for them. But open access regimes inevitably destroys the ecology on which a community depends: so ownership of the natural resources is the key, the decentralization of a highly centralized western model to a system where traditional areas have greater autonomy. Such talk is considered seditious in Zambia, though it is what the Constitution and various Acts of Parliament supports – not least the numerous International Conventions to which Zambia is signatory.

Of Witchcraft and Conservation

A column in Zambia's 'The Post' newspaper of 24 December, 2007, written by Simon Kulusika, made me cross my legs and put down the G & T. Entitled 'Witches and Witchcrafts', it began in lurid style:

"Recent media reports would appear to disclose the resurgence of witchcraft. They informed the world of genitalia vanishing as a result of magical conjuration and demonisation. In a dramatic style, it was shown doves and Tortoises ferrying mails from indignant claimants at one part of Africa to profligate defaulters at the other end. The messages contained therein were unmistakably, grisly: fulfill your contractual obligations promptly, or face a bitter and cruel consequence. In cases involving witchcraft, the consequence alluded to could involve death or loss of property. If this claim can be validated then the growing public panic about witchcraft is justifiable"

Have I got it all wrong in Africa, I thought; not just me, but the conservationists, the donors and the earnest neo-colonial carpetbaggers as well. After all, in the nauseously attenuated conservation guerilla campaign which I wage against the government conservation establishment of Zambia, a campaign redolent of Don Quixote's ever weakening efforts at the tilting of demonic windmills, I had first tried – before war became inevitable, all the various snake-oil salesmen methods and blandishments so dear to our Western liberal ways when dealing with those whom we have recently colonized and 'protectorized', then embraced as colleagues, and then, having been Zambianized, whom we now forlornly hope will continue doing things as to the manner born. These methods, a

rudimentary form of which were first ushered into this patch of Africa by Livingstone himself, were entreaties for safe passage – followed by suffering hints at ‘the mulcting of cotton cloth, trinkets and gunpowder’, the offer of assistance to ensure good outcomes, the endless ‘good-faith’ discussions, the endless backslapping and grasping of thumbs, the signing of dodgy agreements, the odd bark and moaning at the moon, then of late, a blogging onslaught on Web2, which admittedly had them reeling and foaming at the mouth for awhile....”What is this internet” moaned one of them at a meeting, rubbing his tummy furiously, “I thought it was for children” but never, though, had I contemplated the manufacture of baboon skulls and neon-lit chameleons for the perimeter of my castle, the use of the oldest African weapon of all, witchcraft.

“...fulfill your contractual obligations promptly, or face a bitter and cruel consequence.” Quite so.

Then Kulusika finishes with a knee squeezer, “Story about witchcraft (e.g., loss of penis) should not be treated as merely grotesque fables. These are serious matters. Let us do things in good faith. Adventurism and dishonesty will lead to genitalia shrinking melodramatically.” Ouch and mahwee!

So, in my declared war with the Zambia Wildlife Authority, supposedly my partners in a tourism concession agreement – yet at any minute about to break the agreement as they have done with another concessionaire – even though the matter is still before the Courts, and nationalize the concession, I should not bother further the firm and reliable supports of Transparency International Zambia in my search as an investor for a state of good faith with Immigration, the Minister of Home Affairs and the Zambia Development Agency, but should bring in that powerful n’ganga from Malawi, whom some of

the Luangwa chiefs consult for a witchery-power charge-up, and get him to do his business. Once the grisly deeds are done, however, will they all sing from the same hymn sheet, and if so, in what key?

20 January 2008

People who trust African governments to care for their nations' natural resources delude themselves

Paraphrasing the incomparable historian, Paul Johnson (People who put their trust in human power delude themselves), who wrote recently in *The Spectator* magazine, "One thing history teaches is the transience and futility of power, and the ultimate impotence of those who exercise it", it is quite clear that African Governments, these highly centralized spawn of western civilization where duty, principle, humanity are trampled in the concupiscence for absolute power, are simply replaced and replicated endlessly by more governments of similar bent. And out there in the blue, in the wildlands that continue to enchant the world in what is left of our Pleistocene effulgence of life, are the bushfolk and the wildlife, left to their own devices. Thank God. For were their governments and the often misguided donors to alter their ancient hunter-gatherer, shifting cultivation survival strategies, their lives would deteriorate – and along with it the land and wildlife and vegetation that supports them.

Old Africa hands like myself ponder long and hard on these

things. Yesterday, in the early hours of the morning, one of my sons phoned me from Zambia with the news that our employee and church pastor, David Chilubula had died; not surprising, perhaps, given that he was 41, had been ill for some time, and that the average life expectancy in Zambia is now 37 years – a one year drop for each of the last twenty. He had first come to us as a cook on the recommendation of a Zambian family whose friendship we prize, and soon showed that like all good cooks, there was hardly a job or assignment which he was not prepared to undertake. His biggest assignment, in the face of pressures unimaginable to Europeans, was to stand up against corruption and witchcraft, to investigate (for he had been on the Police Reserve) those involved with elephant poaching in our community conservancy, and those who had orchestrated the theft of a vehicle of ours – a hit job of our enemies, whose spoor and whereabouts he had doggedly followed for three months. But his main job, along with some other key community people, was to pass on the fact that rural tribal communities, the bushfolk, can no longer – like the Cargo Cult of old, await the coming of aid, of deliverance from the people whom they have elected. Change and development, he had told them, has to come from within, from us.

In Zambia, under western influence for a mere 122 years, I have for 45 years of that time had to witness the enforced departure of our colonial civil servants from the inherited duty of Magna Carta in 1215, which laid in more than embryonic form, the basis of our common law, the American Bill of Rights, our Zambian law – the one thing that protects the governed from the excesses of the government. I have had to witness the incalculable loss of Christian and Hindu pioneers, the attacks on Indian businesses, the Watchtower religious sect,

the Lumpa religious sect – followers of Alice Lenshina whose only sin was that she exorcised witchcraft from the afflicted and wanted nothing to do with this newly independent Government moulded in Westminster form. Unknown to us all, hers was a cry for the saviour of the African soul, not for some spurious independence with the palms ever uplifted. And how can we forget the extinction of the Black rhino, the decimation of the elephant herds once again, herds which colonialism had brought back from near extinction to a point where in the 1960's they overran villages and their crops, but also made famous such areas as the Luangwa and Zambezi valleys, the Kafue. The dream was that Zambia, enlightened, would take its place with proud developing nations. This has not happened. Thinking of this while standing in the development and reform trench, I was inclined to the view that all was lost without some massive re-affirmation of western values, without the opening of Zambia's doors to western immigrants. But clearly, this is not going to happen.

Three recently published books by distinguished development economists illuminates the reality, and suggests what is, and is not, possible: William Easterley's *The White Man's Burden*, which takes Jeffery Sach's book *The End of Poverty* to task for its grandiose plans for the upliftment of the poor (my bête noire as well, for his flooding of Zambia with mosquito nets – now stitched together and used to clear our rivers of fish), and which suggests that finding ways of getting the money to where it is needed and used judiciously is a priority; and Gregory Clark's *A Farewell to Alms*, a comprehensive quantitative appraisal of global development since 1200 which suggests that cultural characteristics evolved from long periods of settlement and security, the more settled and secure, the more developed

they became – leading of course to the Industrial Revolution, and concluding that industrialization for countries without such a settled history, is not a blessing; and Paul Collier's *The Bottom Billion*, which addresses the 'failed states' – one of which is Zambia, and analyses the traps into which these countries have fallen, one of which is the extraction and export of natural resources, the "resource curse" or "Dutch Disease", the latter named for the effects of North Sea gas on the Dutch economy, and as Collier explains, "The resource exports cause the country's currency to rise in value against other currencies. This makes the country's other export activities uncompetitive. Yet these other activities might have been the best vehicles for technological progress." Zambia with its second great mining assault, driven by the massive rise in the price of copper and gold, has been so ensnared.

African Governments, in the light of all this, confirmed by my experiences in development, have become largely irrelevant – except where they interfere with the status quo or deny customary landowners rights to the natural resources supported by their land. The way forward is to avoid the 'great plan' driven by rock stars and UN types, to support rural communities and their culture, to give them the room and the freedom to avoid the Malthusian trap which comes with more people and less resources – the inevitable results of inappropriate development. Hats off to Tanzania therefore who recently cancelled the hunting concession on the Hadzabe lands, and gave it back to this ancient people.

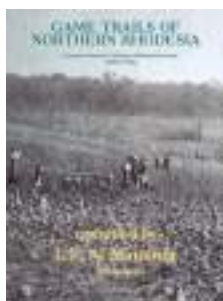


About the Author

In my bush life in Northern Rhodesia - and until my second deportation in 2008 from Zambia, I worked as 1) a farm assistant, 2) as senior game cropper on the Game Department's Luangwa elephant and hippo cropping scheme - and at the same time translocated eland to the Mosi oa Tunya Game Reserve and elephant to Whipsnade Zoo in the U.K., 3) as a professional safari-hunter with Luangwa and Zambia Safaris, 4) as biologist and officer-in-charge of the Game Department's new Bangweulu Command, 5) briefly as a logistics manager in the operation of two Luangwa game lodges, 6) attempting to save the last black rhino in the country, 7) then - backed by an investor - developing my Landsafe Socio-ecological model for customary areas of Zambia, and attempting its implementation in the Luembe and Nyalugwe chiefdoms of the Luangwa Valley. As part of this work, I bought a hunting-safari company operating in one of the chiefdoms, which my wife and two sons helped operate, involving myself in several campaigns detailed in the blogs below: 1) exposing an elephant poaching ring in what now passed for a Game Department, 2) halting the takeover by commercial and NGO interests of the Mosi oa Tunya National Park, 3) campaigning against the

proposed mining for copper of the Lower Zambezi National Park, 4) opposing hunting concession nationalizations and other corruption, 5) opposing the landgrab of some national forests, 6) opposing the Mosi oa Tunya and Dambwa forest 'lionscam', 7) opposing the ZAWA (Zambia Wildlife Authority) decision to place elephant on the safari-hunting licence, 8) opposing Senior Chief Luembe's sale of the land created as the first customary land trust and game ranch for his people, 9) opposing the REDD+ invasion of customary land in Zambia, etc., etc. In God's country, this life in Zambia was followed by arrest, brief imprisonment, and armed removal from the country. Goodbye, Bwana!

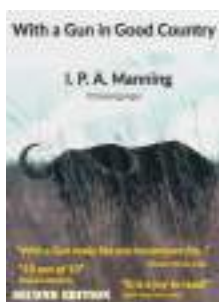
Also by I. P. A. Manning



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ZAMBIA THE OPEN PIT

My activist blogs and campaigns from 2006-2011. To be read with God's Country: Vol. I - *Plunderers of Eden*.

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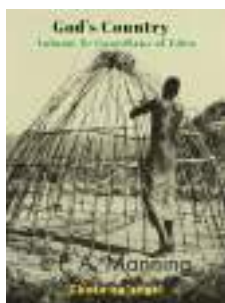
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