

Appendix 10: - Policy and Legal Matrix for the protection and management of environment and Natural Resources

Instrument	Focus	Relevance to the study	Gaps
<p>Environmental Protection and Pollution Control Act No. 12 of 1990</p>	<p>The Act as the principal environmental law aims to provide for the protection of the environment and the control of pollution. It establishes the Environmental Council and endeavors to prescribe the functions and powers of the Council.</p>	<ul style="list-style-type: none"> • The legislation is principal where environmental protection is concerned. • Section 6 outlines the functions of the council and thus mandates it to deal with matters connected with natural resources conservation. • To this end the Council can conduct research on land use practices and their impact on natural resources for purposes of better conservation and protection of natural resources. • It monitors trends in the use of natural resources and their impact on the environment. • It identifies, promotes and advises on projects which further or are likely to further conservation for sustainable development and the protection and improvement of the environment. • Section 23 mandates the Council to establish water quality and pollution standards; determine conditions for the discharges of effluents into the aquatic environment; formulate rules for the preservation of fishing areas, aquatic areas, drinking water sources and reservoirs, recreational and other areas where water may need special protection; identification of areas of research and initiate or sponsor research in the effects of water pollution on the environment, human beings, flora and fauna. • Section 24 explicitly prohibits water pollution in contravention of the water pollution control standards. • Section 25 imposes a duty to supply information about the quantity and quality of effluent to the inspectorate, by owners or operators of irrigation schemes, sewage system, industrial production plants, etc which discharge effluent. 	<ul style="list-style-type: none"> • Overlapping responsibilities e.g. with country and town planning, National Parks and wildlife Act, Natural Resources. • Coordinating role of the agency has not been established and it is not clear whether this will be achieved. • Does not cover the RAMSAR and other conventions • Does not recognize wetlands management although this may be implied through natural resources. • Enforcement is limited by lack of funding and shortage of manpower.

Instrument	Focus	Relevance to the study	Gaps
Fisheries Act 1974, Cap.200	<p>The Act key objective is to provide for the development of commercial fishing in the Republic. It seeks to control fishing and provide for the registration of fishermen and their boats.</p>	<ul style="list-style-type: none"> • Section 3 prohibits particular methods of fishing, such being without permission of the Fisheries Director, make, grow, use or have in possession any poison, poisonous plants or like injurious substance or make, use or have in possession any explosive or any electrical fishing device. • The Act lacks community involvement in the fisheries sector 	<ul style="list-style-type: none"> • It does not provide guidelines for management of fisheries. • It does not consider management of species and their habitat • Does not include community involvement in fish conservation.
Lands Act, no. 29 of 1995	<p>The Lands Act repeals the followings laws: -</p> <ul style="list-style-type: none"> • Land (Conversion of Titles) Act • Zambia (State lands and Reserves) Orders 1928 to 1964 • Zambia (Trust land) Orders 1947 to 1964 • Zambia (Gwembe District) Orders 1959 to 1964 • Western Province (Land and Miscellaneous Provisions) Act 1970. • The Lands Act instead provides for:- • Continuation of leaseholds and leasehold tenures • Continuation of vesting of land in the President and alienation of land by the President. • Statutory recognition and continuation of customary tenure • Conversion of customary tenure into leasehold tenure • Establishment of a Land Development Fund and a Lands Tribunal. 	<ul style="list-style-type: none"> • The Act pays cognisance to the existence and use of areas as forest, wildlife or other conservation reserves; it does not put in place a mechanism for collaborative management. For instance Environmental Council of Zambia (ECZ) the Zambia Wildlife Authority (ZAWA) and the Lands Department do not co-ordinate in implementing policy directions and decision making. • Management of land resources is generally fragmented thereby defeating the purpose of environmental concerns alluded to in the Act. Therefore it will be necessary to address some of the factors that hinder sustainable and appropriate land use and management in the study. • The Act's cognisance of customary land holdings is worth noting in study. This chief in the Kafue Flats yield a significant amount of power vis a vis the administration of land, wetlands and resources occurring therein. • Particularly the provisions for obtaining consent which is a pre-requisite to any dealings in land. 	<ul style="list-style-type: none"> •

Instrument	Focus	Relevance to the study	Gaps
<p>Water Act 1948, Cap.198</p>	<p>The Act aims to consolidate and amend the law in respect of the ownership, control and use of water.</p>	<ul style="list-style-type: none"> • Ownership of water is vested in the President and everyone has the right to use water in its natural channel. • Section 37 empower the Water Board to grant to persons water rights, and to grant the said person rights to take water or supervise or control the use of water, right of storage, a right of passage, or a right of abatement. • Section 55 imposes direct obligation on users of water not to cause pollution to public water, and the Water Officer has a duty to ensure that public streams are not fouled and to instill measures that applicants may put in place to forestall pollution. • Section 55 does not however define water pollution but prohibits the pollution of water so as to render it harmful to human, beast, fish or vegetation. (Note that the environmental Protection and Pollution Control Act 1990 defines water pollution). • The Act lacks any provisions of collaborative management, specifically community involvement in water resources management. • Notably, the Act does not recognize the abstraction rights obtained under customary law. • There is also fragmentation of water resources management by responsible agencies. • The Act explicitly excludes the application of its provisions to shared water courses. • A weakness exhibited by the Act is that of treating the rights issuable as individual rights, leaving the possible interests of the groups outside its realm. Such groups are communities who are identified as core units in natural resources management. 	<ul style="list-style-type: none"> • Poorly implemented because of limited funds and manpower. • Pollution is not covered as well as water as a habitat.

Instrument	Focus	Relevance to the study	Gaps
Zambia Wildlife Act no. 12 of 1998.	The Zambia Wildlife Act 1998 is the principal legislation regulating wildlife resources management in Zambia.	<p>The Act establishes</p> <ul style="list-style-type: none"> • The Zambia Wildlife Authority (ZAWA) and defines its functions. • It endeavors to provide for the establishment, control and management of National Parks and for the conservation of and enhancement of wildlife ecosystems, biodiversity, and of objects of aesthetic, pre-historic, historical, geological, archaeological and scientific interest in the National Parks. • It provides for the promotion of opportunities for the equitable land sustainable use of special qualities of National Parks. • It provides for the establishment, control and management of game Management Areas. • Provides for the sustainable use of wildlife and the effective management of the wildlife habitat in Game Management Areas. • The Act further seeks to enhance the benefits of Game Management Areas both to local communities and to wildlife. • It attempts to involve local communities in the management of Game Management Areas and development and implementation of management plans. • The law regulates game ranching. • Provides for licensing of hunting and control of the processing, sale, import and export of wild animals and trophies. • Provides for this implementation of the Convention on international Trade in endangered Species of Wild Flora and Fauna – CITES. • Implementation of the convention on wetlands of international Importance Especially as Water Fowl Habitat. • The Convention on Biological Diversity, and the • Lusaka Agreement on Co-operative Enforcement Operations <p>Directed at illegal trade in wild fauna and flora.</p>	<ul style="list-style-type: none"> • Implementing agency being not well equipped to carry out the law³ enforcement.