Participatory Land Use Planning and Mapping (PLUP)

REFERENCE MANUAL
Final Draft

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Acknowledgement

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This Reference Manual draws on materials that have been developed by several organisations notably GiZ and others. As such all information sources referred to in this Manual are duly acknowledged and referenced.

About Zambia Land Alliance

Zambia Land Alliance (ZLA) is a network of organisations advocating for land policies, laws and administrative systems that take into consideration the interests of rural and urban poor communities. ZLA, which was established in 1997 as a response to the government of Zambia’s land reform
processes, has developed and is implementing its third Strategic Plan (2014-17). This Plan serves to articulate the organisation’s strategic direction in the next four (4) years in its endeavours to secure land rights of poor and vulnerable Zambians living in rural, peri-urban and urban areas. ZLA’s overall goal is to contribute to improved security of tenure for sustainable development and secured livelihoods by 2017 through three priority areas:

- **Land rights and Governance** – to strengthen land tenure security of people in rural, urban and peri-urban areas through improved governance in land;
- **Social and Economic Justice in Land** – to promote effective participation, equality and justice for poor and vulnerable communities in land and natural resource governance; and
- **Institutional Development and Networking** – to strengthen the capacity of ZLA and civil society partners to provide support to poor and vulnerable communities to respond to land governance issues.

ZLA has identified several challenges that impede the people’s utilisation and enjoyment of the land resource. These include lack of security of tenure, unsupportive legal and policy environment, increasing pressures for rural land from local and foreign investors, low levels of transparency and negative cultural traditions and norms which threaten the rights of women and other vulnerable groups. Although poor and vulnerable communities may have been involved in basic mapping and individual and collective utilisation of their resources they still face critical environmental, legal, economic and social challenges related to ownership and usage of customary land. Key challenges people still face include identification, earmarking and optimisation the use of land resources for the benefit of the rural communities.

**About the Participatory Land Use Planning and Mapping Project**

ZLA, with support of Both Ends UK, has since 2014 been implementing a project entitled ‘Enhancing Participatory Land Use planning and Mapping (PLUP) under customary tenure in Zambia’ whose overall objective is to “strengthen traditional land governance structures and administration processes by using participatory land use planning, in which communities are given a voice and become ‘land use negotiators’”. The specific objectives of the PLUP are to: (a) increase knowledge and skills in participatory land use planning of two communities in Monze district by the end of 2014; (b) plan and map land uses of two communities in Monze district by the end of 2014; (c) advocate for the inclusion of participatory land use planning under customary tenure in the Land Policy and the Customary Land Law.

The PLUP is implemented by the ZLA’s Land Rights and Governance Unit although project addresses all three ZLA strategic priorities: land rights and governance, social and economic justice and institutional development and networking. As part of the PLUP project, from August to September 2014, ZLA designed and conducted a Scoping and Baseline Study on Participatory Land Use Planning and Mapping in Chiefs Chona and Monze in Monze District of Zambia. The outputs from these two activities, which included community meetings and stakeholder workshops are well documented and formed the basis for the design and development of both the PLUP Facilitator’s and Community Training Manuals.

**About this Manual**

This Reference Manual is intended for training of both district stakeholders and community members to conduct Participatory Land Use Planning (PLUP) and Community Mapping. The tools and exercises have been compiled from actual training events and workshops conducted by ZLA as well as from best
practice participatory training approaches. The broader aim of this Manual is to strengthen capacities of community members and ZLA staff and network organisations in conducting PLUP and community mapping thereby contributing to “strengthening traditional land governance structures and administration processes and giving a voice to community members to become ‘land use negotiators’.

This Manual reflects a new working approach being promoted by ZLA which considers “each participant as a resource person and each resource person is a participant”. Thus both the course content and the community training methods are given equal importance. The emphasis is that Participatory Land Use Planning and Mapping training events should be action-oriented and community centred events aimed not only at the transfer of knowledge but also at changing people’s behaviour and promoting participants’ networking. The Manual incorporates gender into all methods thus ensuring that the needs, interests and viewpoints of both women and men are taken into account when conducting PLUP and Mapping.

This Manual is designed to be a resource for community facilitators who lead training of facilitators in PLUP and Mapping. It is designed to both provide community facilitators with instructions and materials they need to help community members and district stakeholders strengthen their training, communication and facilitation knowledge and skills and to enable them to plan and implement more effective training events. The objectives of this Manual are to:

a) lead the learners through the core concepts and skills that facilitators utilise when designing and delivering effective community training;
b) promote a learner-centred, participatory approach based on the principles of adult learning
c) model the concepts and skills that are essential to effective participatory training including group facilitation, coaching and the use of a variety of interactive training methods
d) guide learners through the process of planning an effective training course
e) offer learners an opportunity to sharpen their PLUP and Mapping skills

This Reference Manual on Participatory Land Use Planning and Mapping (PLUP) was developed by the ZLA and its network members with financial and technical assistance of Both Ends UK. It builds on the outcomes of a Baseline Study that was conducted in Monze District of Zambia in August 2014 within the framework of a project entitled: ‘Enhancing Participatory Land Use planning and Mapping under customary tenure in Zambia’. The Manual represents the first efforts in the development PLUP guidelines for Zambia and should be considered to be an on-going process that will be subject to constant review and improvements as the PLUP training activities are implemented the ZLA and its network members in various parts of Zambia.

This Manual may also be used by all those who are involved in rural land-use planning and natural resource management especially at village (community) and district levels including community members in customary areas, traditional leaders (Chiefs and Village Headmen), NGOs and CBOs and Land use planning experts in various planning agencies. Others who may use this Manual include decision makers such as administrators and politicians, students, trainers, policy makers and project leaders in training institutions, colleges and development agencies.

General Tips on Using this Reference Manual
This Reference Manual provides guidelines that will enable facilitators support communities in customary areas to plan and manage their land and other natural resources in an optimal way. The Manual contains materials on the subject matter of PLUP, presents key information (content) and additional resources for PLUP training sessions for facilitators, district stakeholders and community members.

The Manual is intended to be used as an accompaniment to the PLUP Facilitators’ Training Manual, which focuses more on participatory training methods, techniques and moderation as well as providing practical tools for conducting trainings for both district stakeholders and community members. The Manual will be required on hand during all the training sessions. Hand-outs to be used in the training sessions will be adapted from the Reference Manual. During the training Facilitators may ask participants to refer to certain pages of the Reference Manual.

**Structure of Reference Manual**

The training is made up of six (6) core modules which must be taken by all participants. The modules will be covered within the broader framework of land use planning practice and as such efforts will be made to explain both the conceptual and practical aspects of land use planning in customary areas. Each module will have a case study or practical example to ensure that the participants benefit from actual land use planning projects and apply them to their specific community contexts. The PLUP training will be implemented through six (6) core modules as follows:

a) **Module 1: General Introduction to Land Use Planning**
b) **Module 2: Introduction to Land Use Planning Practice in Zambia**
c) **Module 3: Land Tenure Systems and Legal Framework for Land Use Planning**
d) **Module 4: Conducting Participatory Land Use Planning**
e) **Module 5: Introduction to Basic Conflict Management and Dispute Resolution**
f) **Module 6: Conducting Community Mapping for Sustainable Land Management**

**Modules 1, 2 and 3** provide the background and context of land use planning on which the subsequent modules build. **Modules 4, 5 and 6** are the Core Modules and will be taken toward the end of the training.

**Language of Instruction**

The language of instruction will generally be English although it is highly recommended that the local language of the area where the training is being implemented is used sometimes interchangeably with English. In this manual, the terms participants, learners and audience are used interchangeably while facilitators are sometimes referred to as trainers.

**Important Note:** Both the Facilitators’ and Reference Manuals are designed to be working documents that can be modified and adapted to suit the participants training needs. Facilitators should feel free to add sessions or change the order of modules or sessions as need arises. The Manuals will also be constantly revised as more training of community facilitators and stakeholders is conducted in future. When using or making reference to this Manual, facilitators and other stakeholders should at all times make efforts to acknowledge the sources of information, materials and resources.

**Module 1 – Introduction to Land Use Planning**
Session Learning Objective:
To introduce concepts of land, land use, integrated land use planning, regional and rural land use planning, participatory land use planning (PLUP), sustainable land use and monitoring

1.1 General introduction to land use planning

1.1.1 Characteristics and functions of land

- Delineable area on the earth’s surface and a physical entity in terms of its topography and spatial nature;
- Land is a delineable area of the earth's terrestrial surface, encompassing all attributes of the biosphere immediately above or below this surface, including those of the near-surface climate, the soil and terrain forms, the surface hydrology (including shallow lakes, rivers, marshes, and swamps), the near-surface sedimentary layers and associated groundwater reserve, the plant and animal populations, the human settlement pattern and physical results of past and present human activity (terracing, water storage or drainage structures, roads, buildings, etc.). FAO (1995)

1.1.2 Components of Land

Land is organized in ecosystems which provide a variety of services essential to the maintenance of the integrity of life-support systems and the productive capacity of the environment. A broader integrative view of land includes natural resources such as soils, water and biota, sunshine, minerals, forests and other vegetation formations (plants) the optimal use of which depends mainly on: the potential of people to utilise and manage them; their priorities; the socio-economic conditions and; the carrying capacity of the natural resources.

1.1.3 Importance of land to human beings

- Platform for our living and we make use of it for crop production, livestock keeping, forestry, housing, etc.
- finite resource, while the natural resources it supports can vary over time and according to management conditions and uses;
- Fundamental resource as it is the basis of human survival.
- Space upon which all human activities take place; it provides the physical space for settlements, industry, recreation, and agriculture.
- Economic resource with economic value which requires sufficient systems of land administration to be established to ensure poverty eradication; can be expressed in price per hectare at ownership transfer.

1.2 Concepts of Regional and Rural Land Use Planning

1.2.1 Defining a Region

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1 Also used in the documentation for the Convention to Combat Desertification (UN, 1994)
In planning terms a ‘region’ can be

- administrative or at least partially functional
- a network of settlements and character areas
- Regions require various land uses: protection of agricultural land, cities and towns, industrial space, transportation hubs and infrastructure, military bases and wilderness e.g. swamps and important forests

1.2.2 Defining Regional land use planning

- “A form of spatial (land use) planning that involves the efficient placement of land-use activities, infrastructure, and settlement growth across a larger area of land than an individual city or town”
- Regional land use planning is a category of planning and development that deals with designing and placing infrastructure and other elements across a large area. Land use planning zones may include several villages, towns, cities or even parts of different states or regions.
- Regional land use planning anticipates the needs of a community or group of communities before those needs arise.

1.2.3 Defining rural land use planning

- “the deliberate zoning or arrangements, activities and inputs people undertake in a certain land cover type to produce, change or maintain it.
- It establishes a direct link between land cover and the actions of people in their environment.”
- Rural land use planning aims to guide community development, ensure the sustainable use of rural land resources and helps people create a vision of how to provide resources for the future (FAO/UNEP, 1999).
- People organise and re-organize land to suit their needs and desires and use the land for various specific urban and rural functions, for example agricultural production, exploitation, transport, protection and conservation, industry, services, housing and others (Haub, 2010).

1.3 Concept of Land Use Planning (LUP)

1.3.1 Defining Land Use Planning

“an activity where land is planned for various purposes such as agriculture, industry, commercial and residential uses. LUP is intended to regulate and direct individual, communal or public rights and administer land use restrictions and assignment of responsibilities”. Land use planning can help to find a balance among competing and sometimes contradictory land uses”.  

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2 GIZ (2011) Land Use Planning: Concept, Tools and Application, Federal Ministry for Economic Cooperation and Development (BMZ) and Future-Makers
sectoral and integrative decision-making process that facilitates the allocation of land to the uses that give the greatest sustainable benefit (Haub, 2009).

1.3.2 Reasons for conducting Land Use Planning

The need for land use planning arises whenever there is a competition for land in any form or in regions or sub-regions where severe degradation of natural resources (for example soil erosion or forest destruction) takes place, conflicts over land and natural resources increase and/or the productivity remains limited although possibilities for intensification, diversification and development exist.

1.3.3 Principles of Land Use Planning?

- is oriented to local conditions
- considers local environmental knowledge
- takes into account traditional strategies for solving problems and conflicts
- is a bottom-up process based on self-help and self-responsibility,
- is a dialogue and process leading to an improvement of the capacity of stakeholders,
- requires transparency and stakeholder differentiation and gender sensitivity, is based on inter-disciplinary cooperation,
- is an iterative process and is implementation-oriented

1.4 Concept of Participatory Land Use Planning

1.4.1 Defining Participatory Land Use Planning (PLUP)

- “an iterative process based on the dialogue amongst all stakeholders aiming at the negotiation and decision for a sustainable form of land use in rural areas as well as initiating and monitoring its implementation. PLUP is the process of evaluating and proposing alternative uses of natural resources in order to improve the living conditions of people in customary (rural) areas (GIZ, 2011)

Why is Participatory Land Use Planning Conducted?

PLUP assesses the biophysical, socio-economic, institutional and legal variables and aims at optimising the actual land use, resolving conflicts which arise between competing uses and between the needs of different interest groups, choosing sustainable options that best meet identified needs, rehabilitating and conserving natural resources, supporting the general development process, raising awareness concerning environmental problems and processes among the population and authorities (Also see (Kutter and Ulbert, and Gaesing et.al, 2003).

What are some of the stages of PLUP?

3 After Amler et.al, 1999 and Gaesing et.al, 2003
Land use planning processes vary substantially in terms of objectives, planning levels and planning contexts. They also follow some typical stages and steps in the planning process including the organisation stage, analysis stage, Planning and decision-making stage and Implementation and monitoring stage (These are explained in detail in Module 4).

What are some of the Merits and Demerits of PLUP?

a) PLUP is based on bottom up approaches which focus on non-technical participatory processes and that emphasise the social rather than the political aspects of land use;

b) land users are considered as stakeholders and are therefore included as active participants in the decision making process;

c) people at the local level are the final implementers of any planned activity in a production system no matter at what level a decision is made;

d) PLUP is a people oriented planning process which focuses on social factors such as people’s perceptions of land related problems and their immediate needs and creates a platform for negotiation in order to ensure informed decision making;

e) PLUP incorporates the understanding of land as a complex system comprising a variety of interacting components such as soil, water, vegetation, other biota, the ecological and hydrological processes as the interaction with the people and their historical, social and cultural backgrounds, which all determine the potential of the land;

f) PLUP focuses more on procedure than results and incorporates interests, opinions and needs of the people in decisions regarding land use. Indigenous and local knowledge of the local people is taken into account which motivates the people to contribute to decision making;

g) PLUP takes into account the legal and institutional framework which influences the sustainable implementation of agreed land use options.

What is Participation?

The International Association for Public Participation (IAPP) distinguishes five levels of participation: to inform; to consult; to involve; to collaborate and to empower. Each of these levels has a specific public participation goal and employs different techniques to reach that goal. Participation involves stakeholders and so it is important to define who a stakeholder is. “An individual, group or institution that has interests in, or, is affected by, an issues, activity or transaction and therefore has a natural right to participate in decisions relating to it”.

What is a participatory approach to Land Use Planning?

This intends to be a negotiation process between decision makers at different levels with the objective to create consensus on important land use decisions. It emphasises that at the local level, land users should be empowered to participate in decision making process.

1.5 Concept of Participatory Impact Monitoring
What is participatory impact monitoring?

- Monitoring means continuous observation, reflection and correction of activities. It is actually done in an informal way by farmers or institutions all the time, for instance when farmers do regular checks on the quality of their crops or on the well-being of their cattle herds and adapt their farming practices according to their observations.

- “Participatory impact monitoring” refers to a participatory process of observation, reflection and decision-taking regarding the planned activities and/or projects.

- PIM helps to steer the PLUP process into the right direction and to correct activities whenever the results or effects do not optimally meet the expectations and needs of the people.

1.6 Concept of Sustainable and Stable Land Use

What is Sustainable land use?

"Sustainable land management combines technologies, policies and activities aimed at integrating socio-economic principles with environmental concerns so as to simultaneously: maintain or enhance production/services (Productivity), reduce the level of production risk (Security), protect the potential of natural resources and prevent degradation of soil and water quality (Protection), be economically viable (Viability) and socially acceptable (Acceptability)."

Five basic ‘pillars’ of SLM

- **Productivity**: the return from SLM may extend beyond material yields from agricultural and non-agricultural uses to include benefits from protective and aesthetic aims of land use;

- **Security**: management methods that promote balance between a land use and prevailing environmental conditions, reduce the risks of production; conversely, methods that destabilize local relationships increase that risk;

- **Protection**: the quantity and quality of soil and water resources must be safeguarded, in equity for future generations. Locally, there may be additional conservation priorities such as the need to maintain genetic diversity or preserve individual plant or animal species;

- **Viability**: if the land uses being considered are locally not viable, the use will not survive;

- **Acceptability**: land use methods can be expected to fail, in time, if their social impact is unacceptable. The populations most directly affected by social and economic impact are not necessarily the same.

What is ‘Sustainability’ in land use?

- “a measure of the extent to which a form of land use is expected to meet the ‘pillar’ requirements of Productivity, Security, Protection, Viability and Acceptability into the future.

- Sustainability is a dynamic concept; for it can be assumed that the determinative factors and their interactions will change with the passage of time.

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4 adapted from Germann and Gohl, 1996 in GIZ Manual 2011
5 FAO (1991), FESLM Working Party on Sustainable Land Management, Nairobi
• Only if there is a continuing positive balance of effect of these interactions with respect to the requirements will the land use remains sustainable.

• Sustainability is classified in three categories: long term use (25 years or more); medium term use (15-25 years) and short term use (7-15 years). Land use is classified as unsustainable when used for a particular activity between 5-7 years (slightly unstable use); when used for less than 5 years (moderately unstable) and when used for less than 2 years (highly unstable) as depicted in Table below.

### Sustainable and Unsustainable Land Use

<table>
<thead>
<tr>
<th>Class</th>
<th>Confidence limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUSTAINABLE</td>
<td></td>
</tr>
<tr>
<td>1. Sustainable in the long term</td>
<td>25 years +</td>
</tr>
<tr>
<td>2. Sustainable in the medium term</td>
<td>15 - 25 years</td>
</tr>
<tr>
<td>3. Sustainable in the short term</td>
<td>7 - 15 years</td>
</tr>
<tr>
<td>UNSUSTAINABLE</td>
<td></td>
</tr>
<tr>
<td>4. Slightly unstable</td>
<td>5 - 7 years</td>
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<tr>
<td>5. Moderately unstable</td>
<td>- 5 years</td>
</tr>
<tr>
<td>6. Highly unstable</td>
<td>less than 2 yrs.</td>
</tr>
</tbody>
</table>

After FAO (1998)
Module 2 – Land Use Planning Practice in Zambia

Session Learning Objective:
To introduce participants to land use and development planning practice in Zambia

2.1 Development Planning Practice in Zambia

What is development planning and why is it carried out?

- “Development planning” refers to **sectoral planning, budgeting or resource allocation** to key sectors (agriculture, health education, mining, forestry, water resources, planning etc.). As such it is highly influenced by the prevailing political, social and economic conditions of the country.

- Development planning is carried out to ensure equitable distribution of national resources and incomes received by the Government. It mainly aims to alleviate and reduce the high poverty levels especially in rural areas of Zambia. It also aims to balance socio economic development thus avoiding skewed economic development with some regions receiving more Government support than others.

- Development planning is carried out in all parts including rural areas of Zambia

When was it introduced in Zambia?

In Zambia development planning was formally introduced by the Government of the Republic of Zambia soon after independence in 1964. It is also referred to as “national planning”, “regional planning” or “socio-economic planning. Since independence in 1964 not less than six NDPs have been prepared. Rural development remained a largely neglected area until well after independence in 1964. Currently Zambia is implementing the Revised Sixth National Development Plan (RSNDP).

How is development planning conducted and by who?

Development planning is conducted by mainly by the Ministry of Finance using various National Strategic Planning Frameworks, notably the Vision 2030, National Development Plans (NDPs e.g. Fifth National Development Plan), and Medium Term Expenditure Framework, Integrated, and Sectoral (Ministerial Strategic Development) Plans.

Development planning is achieved through a decentralized system of planning units at provincial (regional) and district levels. Socio-economic and environmental data is first collected and consolidated at district level into District Development Plans (DDPs). These are then reviewed at Provincial (or Regional) level and consolidated into Provincial Development Plans, which are further reviewed at National level and consolidated together with other sectoral data into the National Development Plans, which are **five year medium term planning tools to achieve the countries long term development objectives and the principal socio-economic planning**
framework. All stakeholders (institutions at various levels) participate in the preparation of National Development Plans.

What is the Revised Sixth National Development and how does it influence development of customary areas?

The current Government’s Strategic and Operational Plan is the RSNDP, whose policies, strategies and programmes focus on addressing the challenges of realising broad based pro poor growth, employment creation and human development. Among the RSNDP strategies are to: promote the review and harmonization of customary and statutory landownership laws, procedures and administrative practices; promote sustainable land management and facilitate rehabilitation of degraded lands in open areas.

Structures for and Outputs of Development Planning in Zambia

National Development Coordinating Committee (NDCC)

National Development Plan (NDPO)

Provincial (Regional) Development Coordination Committees (PDCCs)

Provincial Development Plan (PDP)

District Development Coordinating Committees (DDCC)

District Development Plan (DDP)

Ward Development Committees (WDC)

Ward Development Plan (WDP)

Village Committees

Village Development Plan

Another major gap is that the NDPs, PDPs and DDP, which are prepared and coordinated by the Ministry of Finance are often not harmonised with “physical (spatial) development plans” in both urban and customary areas.
2.2 Land use Planning Practice in Zambia

When was land use planning introduced in Zambia?

Land use planning dates back to the early 1900s with the coming of the British South African (BSA) Company. New urban settlements along the Line of Rail, Copperbelt, commercial centres and other areas with concentrations of white population had to be planned mainly for public health reasons. In 1924 the British Colonial Government took over the administration of the territory and in 1929 enacted the Town Planning Ordinance that required all settlements especially in Crown Lands. However 1900 and 1930 there was very inadequate formal land use planning in areas occupied by indigenous people (Native Reserves). Customary land was planned according to various uses such as communal grazing lands, burial sites and areas reserved for village development. In 1962 the First Town and Country Planning Act was enacted to ensure all settlements were formally planned and had Master Plans to regulate land use.

What has been its impact on planning in customary areas?

By the early 1970s the Regional Land Use Planning function as designated in the TCP Act had virtually collapsed in preference to National Development Planning. The Post 1991 era heralded a new phenomenon of market liberalization and privatisation, which has enable foreign and local investors to acquire large chunks of land in customary areas; this necessitates land use planning for provision of services and infrastructure. The Town and Country Planning Act was amended to introduce Structure Plans, Local and Action Area Plans. This transformation has had very little effect on enhancing LUP in customary areas. In 2006 the Government started the process of Reviewing the Town and Country Planning Act and Housing Act with the aim of streamlining them.

What types of Land Use Plans are prepared in Zambia?

Urban Development (Master) Plans - These are also referred to as Physical (Spatial) plans, Regional (Land Use/Spatial) Development Plans, Urban Structure Plans /Development Plans, Local and Action Area Plans and Subject Plans. District Layout Plan is the term used to refer to Land Use Plans prepared for smaller District Councils and mainly the urban area of a district.

Regional Land Use Plans - Theoretically Regional Land Use Plans exist under Part VIII Regional Plans of the Town and Country Planning Act). Practically however the concept of Regional Land Use Plans has never been fully implemented in Zambia leaving large areas of customary areas unplanned. The only attempt at Regional Land Use Planning was the Integrated Regional Land Use Plan (IRLUP) or Regional Rural Development Plan, which was prepared in the late 1970s. The general intention of the IRLUP was: “to put the poorer sections of the population of a region in a position largely to improve their living conditions on their own” (BMZ/GTZ 1984:26). The IRLUP covered several districts in a province or region and were jointly funded by the Zambian Government and donor agencies such as GTZ, Finnida and

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Norad e.g. Kembe and Luangwa IRDZs in Central and Eastern Provinces [Insert examples]

Village Land Use Plans - An attempt was made to prepare Village Land Use Plans in 1972-3 through the SNDP’s Concept of Village Planning. However, the Village Planning concept was neither fully developed into a formal land use planning programme for customary areas nor was the pilot scaled up.

Improvement Areas Plans

These are mainly prepared under the Housing (Statutory and Improvement Areas) Act of 1974 and focus mainly on “informal unplanned settlements” in urban and peri urban areas, most of which fall under customary areas (traditional authorities). It should be noted also that due to lack of formal land use planning in customary areas (except in agricultural and resettlement schemes, tourism and forest areas), there has been so much “informal developments” in rural areas which require to be addressed with appropriate land use planning programmes.

Integrated Development Plan (IDP)

Since 2000 Zambia has adopted a new type of planning framework called the Integrated Development Plan (IDP), which is proposed in the new URP Bill, the National Planning and Budgeting Bill and in the Decentralisation Policy. The IDP is the result of a combination of physical, socio-economic, infrastructure and environmental planning. IDPs are comprehensive five year plans for all areas of municipal responsibility covering Land and housing delivery, Basic service provision, Infrastructure development and maintenance, Local economic development, Care of environment, Poverty alleviation and Local democracy, public participation, and accountable governance. An IDP includes a Spatial Development Framework (Land Use Map), Sector Plans, Financial Plan, Implementation programme and a Communication plan that are prepared in a coordinated manner. There is general consensus among key land use planning agencies and other stakeholders in Zambia to adopt the IDP as the main planning instrument/framework at local level. Once fully rolled out the IDPs will enable integrated planning (including land use planning) to be undertaken in all customary areas of Zambia. [INSERT: SDF]

How is Regional and Rural Land Use Planning conducted in Zambia?

State land use planning procedures and processes are laid out within appropriate government instruments as well as policy and legal framework like the Town and Country Planning Act, Lands, Tourism, Forestry and Agricultural Act 1995. Regional land use planning is a cross cutting process which is not only conducted by the MLGH but also MAL, and Ministry of Tourism.

Once an area or region has been identified for planning, the appropriate Chief(s) and Local Authorities are consulted first. Baseline and environmental studies are conducted (if funds are available) before the area is planned by qualified planners in the Provincial Planning Office or Land Husbandry Office in case of MAL. Once the Regional Plan has been prepared it is

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7 The URP has received First Reading in Parliament and will soon be enacted into a Law, replacing the Town and Country Planning Act and the Housing (Statutory and Improvement Areas) Act
8 The proposed IDP system is based on the South African model of IDPs (Refer Municipal Systems Act 32 of 2000, South Africa.).
submitted to the Chief and Local Authority for endorsement before submission to the appropriate Provincial Planning Authority (PPA)\(^9\) for approval. The approved Regional land Use Plan is then submitted to the appropriate Minister for final approval under an appropriate Law e.g. Minister of Local Government for all matters related to Town and Country Planning. After approval the area may then be surveyed and titles issued. One direct effect of this process is that rural land is converted from customary to state land – a contentious issue with the Traditional Authorities and hence the resistance and lack of development in customary areas.

The MLGH has the mandate to conduct Regional land use Planning but have not fulfilled this role leaving large areas of customary land unplanned. Much of the land use zoning done by the MLGH in customary rural areas is ad hoc, piecemeal and uncoordinated with the Regional Plans. The Government has, however, formulated the URP Bill [to be enacted into Law in 2015/16], which proposes a novel conventional planning process (i.e. how land use planning will be conducted by formal planning agencies). The main activities under the new planning process will comprise:

a) **programming** - (plan initiative, planning preamble, work programme, budget implications and implementation outline);

b) **planning** - (analysis and assessments, plan scenarios, plan preparation, implementation programme and plan approval) and

c) **implementation** - (detailed planning, engineering design, cost estimates, construction, communication, land use management, monitoring and plan review)\(^10\)

**Who are the key Stakeholders and Institutions in Land Use Planning in Zambia?**

The key stakeholders and administrative structures for LUP in Zambia (i.e. organisation of land use planning consists of the:

a) **Central Government** – these include the Ministries of Local Government and Housing, Finance, Tourism, Lands, Environment and Natural Resources, Agriculture and the Highway Authorities

b) **Provincial Administration** – these approve land use plans through the PPA, Provincial Planning Offices and Provincial Development Coordinating Committees (PDCCs). **District Administration** – responsible for managing land and ensuring land use planning through the District Development Coordinating Committees (DDCC)\(^11\).

c) **Local Authorities** – these have the power to control the development of land in their areas and administer state land as agents of the Commissioner of Lands. They also have direct responsibility for managing and planning all land in their areas including land in Statutory and Improvement Areas. While all City and Municipal Councils are

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\(^9\) The PPA is a Committee of eminent persons in a provincial chaired by the Provincial Permanent Secretary and with the Provincial Planning Officer providing the technical guidance. Technical staff from other Sector Ministries e.g. MAL, Tourism or Forestry may be invited to sit in the PPA approval meetings

\(^10\) See also GRZ/Hifab International, 2009; Draft Discussion Document for the Zambian URP Bill

\(^11\) Set up under Cabinet Circular No. 1 of 1995 and now chaired by the District Commissioners
Planning Authorities as defined under the TCP Act, District Councils are not planning authorities but in terms of land use planning are supervised by Provincial Planning Authorities. The new URP Bill proposes that all local authorities including District Councils should be planning authorities responsible for all land use planning matters in their areas.

d) **Traditional Authorities** – responsible for all land appropriation and land use issues in the Chiefdoms and play an important role in community mobilization for land use and development matters. Land issues are dealt with by the existing governance structures which consist of Chiefs, the Chief’s Advisors, Chief’s Council (mainly senior village headmen), the Village Headmen and the Village Councils and Village Land Development Committees. Lack of resources (especially funding and transport), the large (spatial) extent of their Chiefdoms and lack of transparency in land alienation have been the major constraints.

e) Semi-government agencies like ZEMA, ZAWA and National Council for Construction (NCC), RDA etc– these are planning authorities in their own right and are thus responsible for land use planning in their areas of jurisdiction.

f) **Government Tribunals** – notably the **Town and Country Planning and Lands Tribunal** – this is responsible for adjudication and arbitration in all matters related to land use planning in Zambia. It consults with other similar bodies like the Lands Tribunal to ensure fair land dispute resolution. The **Lands Tribunal** – is responsible for adjudication and arbitration in all matters related to land in Zambia.

g) **Professional bodies** like the Local Government Association of Zambia (LGAZ), Zambia Institute of Architects (ZIA), Zambia Institute of Planners (ZIP),

h) **Private sector** e.g. Developers, Banks, Zambia Association of Chambers and Commerce and Industry (ZACCI), Mines, Small Scale Contactors etc.) – these have a direct bearing on land use in customary areas

i) **NGOs, Community Based Organisations (CBOs)** e.g. Churches, Environmental interest groups, Women’s and Youth groups and Community representatives have a significant influence on land management and land use planning in customary areas

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12 The political space and local governance system has further been strengthened by the establishment of the Ministry of Chiefs and Traditional affairs and House of Chiefs. The proposed Customary Lands Bill is also likely to bring in fundamental changes regarding the role of Traditional leaders in land matters.
Module 3 – Legal Framework for Land Use Planning in Zambia

3.1 Land Tenure System in Zambia

What is the current distribution of land in Zambia?

Zambia’s total land area is 752,614 sq. km of which 94 per cent is under customary tenure and 6 per cent is State Land. Customary land consists of reserved land made up of forests estimated at 9 per cent or 67,680 sq. kms while national parks, nature, and wildlife sanctuaries cover about 8 per cent or 60,160 sq. kms of the land surface. Land under Game Management Areas is 22 per cent or 165,440 sq km.13

What is landownership in Zambia?

Three types of land ownership can be distinguished in Zambia: private, public (national, regional or municipal property) and common or collective property. The latter is the most common in customary areas. This is due to sometimes overlapping or contradicting land tenure systems.

In the Colonial Era land was held as freeholds in perpetuity by the BSA Co and early settlers relied while the Colonial government applied the same rules to Crown and Trust Lands. All Land in (Native) Reserves was held in trust by the Government on behalf of the Crown. After independence in 1964 land was re-classified as State land (former Crown and Trust lands) or Customary Land (Native Reserves) with the former administered by the New Government (state) and the latter by Chiefs and Traditional rulers

In the current arrangement each villager is entitled to land for a homestead and farm. Land is identified through a village head or chief and a sketch plan is made to identify it. This is endorsed by the chief who, if necessary, writes a letter to the Council which sends it on to the Lands Commissioner for approval. Not all villagers follow this land alienation process. Land over 250 Ha requires permission from the minister to alienate. In March, 2007, the Government adopted a policy to combat illegal land allocation which forestalled illegal development of land.

What are the existing Land Tenure types in Zambia?

Customary land tenure

This is governed by customs and traditions relevant to the particular ethnic grouping.14 The conversion of customary land into leasehold is done under Customary Tenure (Conversion) Regulations. Customary tenure is obtained through permission of headman or chief.

13 Draft Land Policy, 2007
14 Sections 2 and 7(1) of the Lands Act
Registered Leases on Customary and State Lands

Registered leases for 14 years and 99 years are granted under the Lands and Deeds Registry Act [Cap. 185] and both are issued on customary and state land on the basis of a “sketch plan”.

<table>
<thead>
<tr>
<th>Land Tenure by Ethnic Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matrilineal and matrilocal groups of northern Zambia: husband is granted land rights by in-laws in his wife’s village, which he forfeits upon dissolution of marriage. Matrilineal and patrilocal groups of southern Zambia: any land acquired by the man upon marriage or prior to it belongs to him. The wife has only a right of cultivation and to half share of the standing crops upon marriage dissolution. Patrilineal and patrilocal tribes of eastern Zambia: inheritance on the basis of primogeniture (the eldest son of the senior house in the case of polygamous marriages). Bilateral groups of western Zambia allow inheritance only by the children of the deceased both male and female who get equal shares of the property.</td>
</tr>
</tbody>
</table>

The 14 year lease does not require cadastral survey before registration although the leaseholder must develop the land within the 14-year period for the lease to be renewed. It may be mortgaged and transferred to third parties, but in practice most banks do not accept 14-year leases as a basis for a mortgage.

The 99 year lease is also issued on both customary and state land registered in cadastre. A diagram showing an accurate measure of the size of the land parcel and coordinates indicating the precise boundaries of the property must be provided. Mortgages are easier to obtain for this lease. Joint leasehold for spouses is available on request or “optional”.

Registered leases in statutory housing areas and improvement areas

The “Council Certificate of Title” is granted under Section 4(2) HSIA [Cap. 194] and is registered in local council property register. The plan registered by the council must include information on “the area and dimensions of each piece or parcel of land identified by a serial number”. It is valid for 99 years and can be mortgaged and transferred.

Registered occupancy licence in improvement areas

The “occupancy licence” is granted under Section 37(2) (f) HSIA [Cap 194]. It gives a 30-year occupancy right is registered in local property register. The council plan need only indicate the ‘location of each building identified by a serial number’. This can be mortgaged and transferred but in practice most banks do not accept this lease as basis for mortgage.

Other Leases

These include the “Unregistered lease or rental” under the Rent Act of 1972 and which is regulated by a tenancy contract signed and witnessed by both parties, which need not be a registered document. In practice this form of agreement applies to dwelling houses in the high and medium cost formal residential areas. Another form of lease relates to “Informal rights in
informal settlements" which relate to Informal renting and sub-letting, based on unwritten (verbal) agreement.

3.2 Land Allocation and Alienation in Zambia

Land Allocation differs in areas with different tenure systems:

Land Allocation in Customary Areas

In customary areas land can either be inherited or can be allocated to individuals or corporate bodies by Chiefs and Traditional Leaders depending on the need and situation. Land can be inherited after the death of a relative but this has to be ratified by the village headperson or committee in case of a dispute over succession. The Interstate Succession Act may also be followed in which case an appointed administrator allocates land on behalf of the deceased. Land also be allocated through meetings of family members but this has to be ratified by the village headperson or Chief. In all cases the Village headpersons have to consult or inform the Chiefs in all matters related to allocations.

The main challenge is that decisions related to customary land allocations take too long to reach thus fuelling conflicts in the villages. In customary areas land allocation is often a way of resolving conflicts between different parties. Once the land is inherited or allocated a document signed by the village headman, chief or administrator or both or all may be issued to the new land owner. However in many cases, especially where land is inherited there is no documentation to support the transaction in land.

For non-residents (from other villages, peri-urban or urban areas (retirees or investors)) seeking land in customary areas, they first approach the Headperson who calls a Village Council or Village (Lands) Committee, if one exists. A transfer letter from another village or Chiefdom is requested to determine eligibility. A process of verification is carried out after which land is allocated to the new resident subject to final approval by the Chief. New comers often have no choice (or preference) in the location of their land.

When land is in short supply, the Village Council or headperson may consult other Village Headpersons to provide land for the new comers. Such inter Village agreements provide the much needed social safety nets for those who may be displaced from other villages, especially women, orphans and other vulnerable people. The Chief has the prerogative to get back the land if the new resident does not comply with informal or formal conditions that may be set out in document given by the village committee or Chief.

Land Allocation in Statutory lands
In State land, allocation is done centrally through government institutions though the process tends to be long and expensive and often includes cadastral survey. Though this system is efficient and land disputes are rare in statutory areas, it is too expensive and time consuming for a process which also results in alienation of customary land. It should be noted however that many people in both rural and urban areas are still not fully aware of land allocation procedures in customary and statutory areas respectively (See Appendix for Land Allocation procedures in Statutory Area).

Conversion of Customary Land

The conversion of customary land into leasehold is done under Customary Tenure (Conversion) Regulations. The conversion of customary land to state land involves seeking consent of the Chief while the President has to consult the Chief before alienation of Land. There are no guidelines on LUP in customary areas and so few people use this provision. The opposition of Chiefs to conversion for fear of loss of power and the fact that some Chiefs are giving out traditional land to foreign investors and urban elite without participation of local people are challenges. At the Peri Urban areas local authorities talk to the Chief for land who informs their subjects or sometimes do not inform them.

Measures to Improve land ownership in customary areas of Zambia

a) Certificates must be obtained from the village headperson
b) communities must consult Government and other stakeholders e.g. DLAs before alienating land
c) There is need for door to door campaigns to sensitise on the importance of Certificates and to educate community members on the importance (and contents) of land ownership documents.
d) increase the number of workers /camp officers to help people obtain the documents
e) provide guidelines and IEC materials (in local language) on importance of land ownership document and indicate where and when land documents can be obtained
f) educate people on the traditional land certificate and lobby for its formalisation
g) involved old people in issuing documents because they know the boundaries of land very well
h) review the cost and time of obtaining the document to make them affordable and less time consuming

Adapted from ZLA Baseline Study, 2014

3.3 Legal Framework for Land Use Planning in Zambia

The current laws and policies governing Customary Land Use and Tenure include, inter alia, the Lands Act, Town and Country Planning Act (especially Part VIII, Regional
Constitution of Zambia

The dual customary and statute law land systems are enshrined in the constitution. There is no specific provision requiring land use planning in customary areas unless the meeting of basic ESC rights under Directives of State Policy. The fact that customary land is perceived as “intrinsically vulnerable” and “less important than the statutory land” has affected LUP in traditional areas. It is only when customary land is converted to statutory land (by an individual or by the President, through the Commissioner of Lands) that LUP becomes imminent under the TCPA. Under the Constitution the tenure of informal settlers and those under customary land rights are not clearly stated and hence LUP is equally affected.

Town Planning Legislation

The first Town Planning Ordinance was enacted and requires all Crown (and some Trust lands) areas to be formally planned and provided with basic services and infrastructure. There was still little land use planning activity in Reserve (Native) Lands which were under customary tenure. After several amendments to the Town Planning Ordinance between 1940-1962 the Town and Country Planning Act of 1962 was enacted, which required that all areas including customary areas (Native Reserves) be formally planned.

The 1962 TCP Act was revised and replaced by the TCP Act under which customary areas could formally the planned under Part VIII – Regional Plans Section 44 (1) provides for the Minister to “…order the preparation of a regional plan for any area for the general purpose of co-ordinating services and development within that area, and for the specific control of the use of land or for the provision of any land required for a public purpose”. Section 48 (1) also states that “…the provisions of this Part (VIII) shall apply to Customary Areas as

Urban and Regional Planning Bill of 2014

Between 2006 and 2009 the government reviewed the TCP Act and the Housing Act with a view to consolidating them into the URP Bill (Subsequently to be enacted as the URP Act). URP Bill has significance for Land Use Planning in customary areas since all areas will be planned regardless of tenure status. The URP Bill proposes Planning Agreements to be entered into between Councils and Traditional Authorities to plan their areas. URP Bill was under legislative review before submission to Parliament for enactment into Law possibly in 2015. Although government was drafting the National Urban Policy, there was need to formulate a National Human Settlements Policy that could prioritize Rural Land Use Planning.

Land Legislation

The Land (Conversion of Titles) Act was enacted in 1975 and it curtailed a lot of speculation in land including customary land but did not lead to improved or increased LUP in customary areas. In 1995 the Lands Act was enacted which removed a lot of restrictions on land development including the private planning and use of land in customary areas. There are also several Statutory Instruments and Government Gazettes related to land use in customary areas. The Lands Act vests all land which is not already alienated in the President who has the

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15 Chapter 283 Volume 16
16 Chapter 184, Volume 12
right to alienate State land to any Zambian but must involve local chiefs and local authorities before alienating customary land.

The Lands Act suggests measures for land use planning in customary areas. The chiefs and local authorities, however, do not need to involve the people who occupy the land under customary law. Furthermore, the Act is neither gender sensitive nor sensitive to vulnerable groups such as disabled people. Instead, it paves the way for local people and foreign investors to acquire customary land, sometimes against the interests of those who have customary rights in the land. Local people, whose land it is, can be kept in ignorance throughout the process. Corruption tends to thrive in land acquisition.\(^\text{17}\)

**Draft Land Policy**

The draft National Land Policy which was prepared in 1997 and covers land administration, land management and information, legal and institutional reforms and monitoring and evaluation mechanisms recognise the customary sector. The Policy specifies the importance of land use (spatial) planning and recommends that all customary areas should be properly planned to avoid uncontrolled and uncoordinated development. The Draft land policy aims to promote equal opportunity for access to land while recognising customary and leasehold tenures; improve the capacity of physical planning in order to strengthen the land delivery system and promote coordination among institutions directly involved in physical planning and redress the gender imbalance and other forms of discrimination in land holdings by providing security to all land holdings.\(^\text{18}\)

**Other Land Related Legislation**

There are various other Acts include the Environmental Management Act of 2011; the Forestry Act of 2000, which provides for the establishment of community forests and Water Resources Management Act of 2004, Agricultural Lands Act, the Tourism Act, Wildlife Acts, Forest Act etc.

\(^{17}\) Zambia Land Alliance (2011)

\(^{18}\) Ministry of Lands, 2002
Module 4 – Participatory Land Use Planning (PLUP) in Practice

Learning Objective: to induct participants in the PLUP methodology and how PLUP is organised and conducted in practice

4.1 Introduction

The conceptual and operational definitions of PLUP were discussed in detail in Module 1. This Module will focus on the PLUP methodology, organisation and process as a whole. The PLUP methodology accommodates participatory methods and elements and techniques of the conventional planning approach which remain relevant, such as: the use of the legal and institutional tools to regulate the use of land resources; survey and mapping techniques to document property boundaries and land-use agreements; and, techniques to assess soils, land suitability and socio-economic conditions.

What is a “key issue” in the PLUP context?

This is defined as “an opportunity, concern or problem raised by the stakeholders of PLUP regarding a (spatial) development project or land use activities, current or future land use conflicts, environmental problems or structural deficits”.

How do we define a “focus area” in the PLUP context?

A focus area has a spatial component and is defined as “an area or small sub-region with development potentials, underutilised land potentials and/or where conflicts or environmental problems (disasters) occur and in which the issues will be addressed by participatory planning approaches with all relevant stakeholder groups” (GIZ, 2009)
What should we focus on when conducting the PLUP?

1) **Land use (Spatial) development potentials** – these refers to spatial development potentials, such as underutilised land potential, opportunities to optimise land use through intensification, diversification or land use changes as well as capital investment projects such as agricultural developments, mining developments, infrastructure developments, etc. which are planned in the rural areas.

2) **Land use conflicts** - These concern existing and/or possible future conflicts regarding land use, which are caused by uncoordinated sectoral planning, by uncontrolled expansion of urban areas into farmlands, by ethnic conflicts or by the fact that different land users of a particular area are having different interests in land use (Also see Module on Land Conflicts)

3) **Environmental problems (disasters)** – These focus on severe environmental degradation and pollution (natural or environmental disasters), which may already be present in sub-regions or which could possibly occur in the near future.

4) **Structural deficits** - which include non-spatial factors that may impact negatively on optimal land use. Unfavourable marketing conditions (long distances to markets, unfavourable transport conditions, etc.), for example, may discourage farmers to grow crops on their land, although it may be very well suited for horticulture. Tenure insecurity may hold people back from making investments on their land and in their agricultural enterprises. In general, structural deficits have to be addressed on a higher strategic / political level.

4.2 **Steering structure of PLUP**

The PLUP is a novel concept and process in Zambia and as such it is proposed that the steering structure be initially set up at **community level only to assess how it will work before scaling up to higher levels**. The Committee shall consist of key stakeholders and Land users at grassroots level as illustrated below:

**Composition of the PLUP Steering Committee**
The Steering Committee shall comprise selected members of the Chief’s Council, Village Committees and ordinary villagers (both men and women) in the PLUP pilot sites as well as NGOs, CBOs, and the private sector (e.g. farmers) operating at that the community level. The PLUP Committee shall be adequately trained (as Facilitators) in PLUP and mapping so as to independently conduct the PLUP and mapping and to properly document all activities and events related to PLUP process. The ZLA through its DLAs and other ZLA partners shall provide the technical backstopping the Committee. A land use planning expert and participatory facilitator shall be commissioned to assist and build capacity of the Steering Committee.

The Steering Structure shall in a stepwise manner be expanded to include a District, Provincial and National PLUP Committees after successfully piloting the PLUP in a ZLA supported community. These shall be supervised by appropriate Sub-Committees of the DDCC, PDCC and NDCC as well as the relevant sector Ministerial Departments (notably Lands, Forestry, Water, Agriculture, MLGH etc.) and the Local Authorities. At district level members of Ward Development Committees (WDCs) shall also be represented within the frame conditions of the on-going decentralisation process. If necessary staff of the relevant Government Departments e.g. MLGH/MoL, a physical planner, a participatory facilitator and a Strategic Environmental Assessment (SEA) expert shall be co-opted in the PLUP process.

### 4.3 Stages in PLUP

**Organisational stage**

This stage aims at setting-up the institutional structures for implementing the PLUP process. The need for land use planning is assessed and logistical, financial and institutional preparations are made in order to address the need for LUP. At the same time, the planning level is determined. The following are the main steps to be undertaken:

1. **Draw Terms of Reference and Roles and Responsibilities of various members**
2. **set-up/activate the PLUP steering structures at community level**
3. **Approve the budgets**
4. **recruit/engage the relevant technical personnel**
5. **organise kick-off meetings at community level to inform SC members about the PLUP process**
6. **Organise Community PLUP meetings** involving Village Committees, Chiefs and other Traditional Leaders, community members, NGOs and other stakeholders etc.

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19 The Decentralisation Policy is being rolled out by the Decentralisation Secretariat at Cabinet Office.
7) **Conduct PLUP Training of Trainers for SC members**

**Analysis stage**

After establishing the relevant structures the next stage will involve the following steps:

1) Conduct detailed stakeholder and issue analysis and set up platform for dialogue.

2) Familiarise with the views, needs and interests of the different stakeholders and with the community itself.

3) Using participatory and technical tools collect all relevant existing data, and identify, collect and analyse new data. *The nature of data required is determined by the objectives and the focus of the LUP process.*

4) *Develop* an inventory of data on existing resources and land uses

5) Assess natural and other resources (“inventory”) and develop different thematic maps

6) Identify and categorise existing land uses

7) Develop maps with existing land uses

8) Using a participatory process (stakeholder analysis and meetings) identify and prioritise “key issues” of PLUP

9) identify underutilised land potentials, current or possible future land use conflicts, environmental problems (disasters) and structural deficits regarding the land reform, land tenure, access to markets, etc.

10) Identify on-going and planned activities through review of sector plans, projects and programmes relevant for LUP, including existing zoning proposals

11) Collect and coordinate data and documents from line ministries to develop maps and prepare summary tables with plans, programmes, projects and zones.

**The expected outcome of this analysis stage is a list of key issues and maps with the location of possible focus areas for the planning process.**

**Planning and decision making stage**

This stage aims at the development of a general zoning concept for the community and of viable solutions for the prioritised issues regarding (Spatial) development / land use potentials, land use conflicts, environmental problems (disasters) and structural deficits. The following main activities are undertaken by the PLUP Committee during this stage:

1) *Discuss the most important issues regarding the existing land uses* with all concerned parties in order to identify the means to improve the use of land and resources and to settle conflicts.

2) *Develop a zoning concept which is agreed upon with all stakeholders*, and discuss structural deficits. *The process must be closely facilitated by moderators to steer discussions and to help to solve conflicting issues.*

3) Based on the analysis, *develop a community zoning map for future land use options and underlying user regulations* (the zoning is not rigid, but leaves options for change subject to defined conditions).
4) Prioritise the identified “key issues” (and the “focus areas”) based on criteria with participatory involvement at community level
5) Address “key issues” at community level
6) Discuss and set-up action plans and/or recommendations
7) Address “key issues” at village level in “focus areas”
8) Develop and discuss viable planning options and action plans through a participatory planning approach
9) Carry out technical and economic studies to make recommendations on which of the proposed solutions is the most viable. The final decisions on future zoning and land use plans and the attached actions will be taken jointly by all concerned stakeholders.
10) Map resources and current land uses
11) Discuss options for future developments and improved land use, joint decision-making
12) Develop a future land use map and action planning
13) Obtain consent for future developments among the stakeholders and seek formal approval of the plan, regulations and recommendations by decision-makers
14) Where appropriate transfer all maps arising from the planning exercises into the GIS system.

### Facilitation Techniques

During the planning meetings at community level different facilitation techniques as well as PRA tools can be made use of, i.e. the metaplan technique (use of coloured cards to visualise and structure discussions, compare annex 3) and possibly the following tools: Mapping (depending on the context, different thematic maps can help as tools for discussions or the stakeholders can point out the dimension of underlying problems and aspects on maps) Flow diagrams (to analyse causes, effects and possible solutions for the issues and problems at stake) Venn-diagrams (to analyse the institutional set-ups) Matrix rankings (to score and rank different solutions regarding the issues at stake) Trend lines (to visualise discussions and show trends).

### Implementation and monitoring stage

The result of the PLUP process is a Land Use Plan (or map or a series of maps) which is/are to be implemented according to the timing and the responsibilities outlined in the LUP and according to the availability of resources. Since LUP is an on-going, iterative process (“rolling planning”) it has to be institutionalised for monitoring and continuous plan adaption purposes. Participatory impact monitoring systems will be developed for the different key issues and the plans which are developed in their respects as well as for the overall land use plan. The stakeholder’s capacities to implement and adapt action plans and to monitor effects of action taken will be strengthened through this procedure.

The Steering Committee members together with the technical staff (from ZLA and other partners) will continuously meet with stakeholder groups concerned by the different actions plans which were developed during the process in order to take part in the monitoring process. Emphasis should be placed again on the fact that a land use plan is a “rolling plan”, which will be renewed whenever the need arises.
4.4 PLUP Guidelines for Facilitation of LUP at local level

Distribution of Tasks within a PLUP Committee

a) Each PLUP processes will be facilitated by an interdisciplinary committee comprising the land use planning expert and participatory facilitator.

b) During the analytical stage of the PLUP process, “key issues” and related “focus areas” will be identified, for which a more detailed, sector-overarching and participatory land use planning process is necessary. The identified “key issues” and related “focus areas” will be prioritised in a stakeholder meeting. Bottom-up planning processes are then facilitated on local level in the focus areas by the Committee including the participatory facilitator and the plans arising from them are later on integrated into the community land use plan.

c) The participatory approach is a step-wise one. The participatory facilitator will ensure in the process that the views and interests of all grass-root stakeholders are being heard and considered at all levels. They will: prepare and organise meeting with stakeholders, facilitate and co-facilitate discussions and take care of the documentation alongside the other Committee members.

d) During the stakeholder analysis and the planning meetings at different levels the main tasks of participatory facilitator will be to: involve everybody (men, women, different interest groups in land use), gather different ideas by guiding open and friendly discussions, reveal the underlying interests, needs, views and problems of all land user groups, motivate the discussion and planning process, help to find consensus amongst all stakeholders, strengthen the self-help and conflict-solving capacities of regional and local stakeholders, create a feeling of ownership for the process.

e) The participatory process starts when the planning process is organised and the steering structures and the task force are in place.

The following sections explain all steps in a detailed manner, including the different planning tools to be used.

a) Stakeholder Analysis and Stakeholder Meetings to identify key issues and areas of focus

i) Meeting with Steering Committee to start PLUP process, analyse stakeholder (“outside stakeholder analysis”)

ii) Organise Tours through the Community

iii) Facilitate meetings to identify key issues and focus areas

iv) Document the Stakeholder meetings and the inside stakeholder analysis

v) Collect important documents and additional information- Add-up and refine the stakeholder identification and meetings

vi) Establish List of key issues and potential focus areas for PLUP

vii) Document overall process of all steps including all key issues and focus areas identified for the Community

b) Community Stakeholder meeting to prioritise key issues and focus areas
i. Prepare the community stakeholder meeting

ii. Facilitate the community stakeholder meeting and the prioritisation of key issues on different levels

iii. Document the meeting

c) Organisation and Facilitation of Planning meeting at Community level

i. Review the respective documentation and joint briefing

ii. Undertake a preparatory meeting

iii. Prepare the “analysis workshop(s)"

iv. Facilitate the “analysis workshops”

v. Document the “analysis workshops”

vi. Prepare the planning workshops

vii. Facilitate planning workshops

viii. Facilitate the development of an action plan

ix. Document the planning workshop including future land use map and action plan

x. Accompany a possible GPS field survey

d) Development of participatory impact monitoring systems

Develop participatory impact monitoring system with respective stakeholders

The focus of any monitoring system should not only be on the fulfilment of action plans, but should also reflect on: … whether the planned activities still correspond to what people envisioned, … the effects of the activities or projects (positive / negative, expected / unexpected), … the experiences and “lessons learned” from the implementation of the plans, … new developments which take place and have to be considered in the land use plan (“rolling planning”). The process of participatory impact monitoring will further strengthen the organisational structures as well as the management and conflict-resolution capacities of the local institutions and people. They will become more and more empowered in managing successfully their own projects and activities. Some prerequisites for the successful implementation of a monitoring system are: Regular meetings with all involved stakeholders, Procedures for joint decision-taking in place, Continuous interest in the land use planning and development process, Trust amongst and between stakeholders.

Document the PIM

This step falls under the responsibility of the participatory facilitator. He/she will document the impact monitoring system agreed upon and hand over the documentation to the lead land use planner and the task force team, i.e. the Regional Planning staff who will be tasked with the follow up of the implementation of the plan and the monitoring systems. Describe in a short manner to which focus area / future land use plan and action plan you refer to Description of the PIM system: What was agreed to be monitored? List the positive (desired) changes and negative (undesired) possible changes the stakeholders want to monitor. Note down for each desired and undesired change which indicators were chosen for the purpose of monitoring and
how the data / information will be collected. Mention clearly who took over the responsibility for PIM, how often the community / stakeholders agreed to meet for monitoring purposes and how often meetings with the supporting institutions are foreseen.

**Plan implementation of PIM**

This task does fall under the responsibility of the regional planner. He/she will weigh the implementation of the land use plan and the monitoring systems in place (result-based systems to implement the actions plans as well as PIM). The following section gives some general guidance for the implementation of PIM.

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**Module 5 – Land Conflicts and Dispute Resolution**

**Learning Objective:** to introduce participants to basic land conflict and dispute resolution

**5.1 Basic understanding of conflicts: definition, stages and responses**

One of the main concerns of the PLUP process is to address conflicts on land use at different levels. The task force, alongside other regional and local institutions, will be in charge of analysing the conflicts and to decide on the best way to address them. The latter will depend to a large extent on the nature of the conflict, the interests, powers and relationships of the parties involved as well as on outcomes of previous attempts to solve the conflict.

**What is Conflicts and what are some of its effects?**

Indicate social problems. However, they should not only be seen negatively since conflicts can have positive impacts; they stimulate communication and change, promote innovation and creativity and might contribute to empower groups of people and to let them move forward. Conflict can also be an important force for social change, because it alerts people to grievances in the wider socio-economic or political system, competitive or contradictory laws or policies regulating access to or control over natural resources, weaknesses in the ways in which natural resource management policies or laws are implemented, people’s need or desire to assert their rights, interests and priorities or undesirable environmental conditions, such as overharvesting of renewable resources. Conflicts need to be addressed in a sensitive manner regarding their intensity, their underlying sources and the institutional set-up. There is a need for a thorough analysis of these aspects before taking action.

**What are the Stages of conflicts?**

To be effective, those working to manage conflicts must analyse each conflict carefully, on a case-by-case basis, and must be sensitive to the different stages and elements at play in that conflict. Conflicts are dynamic interactive social processes. They often share similar patterns and stages of development.
The following graph shows typical stages, but in reality conflicts do not develop in a linear fashion. Conflict is a relationship involving two or more parties who have, or perceive themselves to have, incompatible interests or goals (Engel et. al, 2005).

A conflict, as defined by sociologists, is a social fact in which at least two parties are involved and whose origins are differences either in interests or in the social position of the parties. Consequently, a land related conflict can be defined as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it or the right to compensation for it (adapted from Wehrmann, 2008; Source: Engel et. al, 2005)

Latent conflicts - When a conflict is not open but is a potential threat, it is described as being latent. Latent conflict refers to social tensions, differences and disagreements that are hidden or undeveloped.

Emerged conflicts - Conflicts can emerge gradually and steadily, or develop rapidly in response to a few significant events. As differences increase and intensify, conflicts become manifest, expanding into a full-blown public issue that cannot be avoided. In the manifest stage, opponents' differences become more prominent and more central to group dynamics. As incompatibilities become clearer, they become the defining issues: debate revolves more and more around differences. Opponents begin to define themselves and their groups on the basis of such cleavages, in terms of "us versus them". These differences might then be used to mobilise sections of the population on behalf of a “cause”. Manifest conflicts can escalate and become violent. When a conflict reaches this stage, violence often produces counter-violence, leading to further escalation.

Ideally, conflicts should be managed at the latent stage, before they emerge or escalate. When a conflict reaches the manifest stage, it may either become blocked in a stalemate or impasse in which the conflict parties refuse to modify their positions, or fall out of control through tensions and violent actions (Engel et. al, 2005).

What are some of the responses to conflict?

Five possible responses to conflict are usually distinguished:

1) **Competition/Force**: one party imposes its interests over the other or uses violence, threats, harassments, sanctions or other forms of pressure; this way of response to conflict creates hostility and resentment, the parties lose interest in maintaining an relationship; results in a win-lose situation.

2) **Avoidance (or withdrawal)**: parties retreat, avoid getting involved, use delay tactics and postpone decisions; creates a lose-lose situation and might be only a temporary solution.

3) **Accommodation**: Satisfies one parties’ interest while neglecting the other ones’ need; may be a solution if one party has more power or is willing to preserve the relationship; results in a lose-win situation.

4) **Compromise**: Both parties make a sacrifice in order to achieve a mutually workable solution. Each party must give up something in order to gain something else; results in a win-win-yet-lose-lose-situation.

5) **Consensus**: Work for mutual gain and to satisfy underlying interests and needs for both parties; focuses on goal of building consensus agreements; takes time so that all parties are actively
and equally involved in the process; both parties are committed to the resolution. Results in a win-win situation.20

5.2 Conflict management approaches: conciliation, negotiation, mediation, arbitration and adjudication

This section provides an overview of common approaches for conflict resolution. These approaches depend on:

a) the stage of the conflict (how violent it is)

b) whether the parties are willing and interested in resolving the conflict and to negotiate or not

c) whether an informal agreement can be reached or not.

**Conciliation**: is the attempt by a neutral third party to communicate separately with the disputing parties for the purpose of reducing tensions and agreeing on a process for resolving the dispute.

**Negotiation**: refers to a voluntary process where parties talk, exchange ideas, information and opinions in order to resolve opposing interests.

**Mediation** is a process of guided negotiation by a third party. Mediators ensure that the different stakeholders agree upon process and logistics and remain impartial to the dispute. They have no power to render a decision; the “conflicting parties” remain responsible for resolving the conflict. Mediators try to encourage resolutions for the benefit of both parties (win-win-situations).

**Arbitration** means a voluntary process in which people in conflict request the assistance of an impartial and neutral third party to take a decision for them regarding contested issues. It may be conducted by one person or a panel of third parties. It may be “binding” or “non-binding” (the parties agreed to stick to the judgement or just to consider it). The third party is a person or organisation recognized by the conflicting parties.

**Adjudication** is relying on a judge or administrator to make a binding decision.

5.3 Tools for Conflict Analysis

The analysis of a conflict helps to identify the underlying roots of the conflict and the interests, needs and views of the stakeholders. It also assesses the relationships between the conflict parties and increases the understanding of the links between the broader social, political and economic context and the land use conflicts. The analysis will lead to the development of an appropriate strategy to approach the conflict. It should be done in a participatory way in order to enhance the analytical and problem solving capacities of the conflict parties. Although a thorough analysis is needed, the team needs to find a balance between information needs and unnecessary information.

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20 Source: Workshop material handed over from Engel, Antonia in 2006 Source: Engel et al, 2005
An in-depth analysis should only start if all conflict parties have shown their willingness to work on the conflict and have accepted the PLUP team as mediators in their role as a neutral third party! It is suggested to use at least the following four tools of conflict analysis:

A. The conflict onion helps to identify the underlying interests, needs and fears to a position that a conflict party holds up and can either be applied by the mediators team alone (after specific interviews) or with the stakeholders.

B. The conflict analysis table helps to analyse different aspects of a conflict. The mediator’s team should work with this tool alone and not use it as facilitation aid. They will rely on the information received from interviews and discussions with the conflict parties.

C. A conflict map can be used to show the geographic set-up where the land or resource use conflict exists or may exist in future. It can also help to determine the main issues the conflict is about and should be applied whenever a conflict has a spatial dimension.

D. The actor analysis helps to identify all the stakeholders involved. It should be applied with each conflict party. Additional questions for the analysis should be: What conflict management strategies have been tried in the past? Which approach to address the conflict do the parties involved suggest?

After the application of the tools and in-depth discussions with both/all party/ies involved, the team should decide whether it is possible to continue the process. The process should only continue if:

a) the analysis indicates that existing (traditional) conflict management mechanisms are unlikely to succeed;

b) differences in power are not too big and the legal framework provides room for negotiation, and

c) an atmosphere of trust was created and the intervention of the mediator team will do no harm or contribute to an escalation of the conflict.

5.4 Village Forest and Agricultural Land Management Agreement

Participatory village forest and agricultural land management agreements are documents prepared in consultation with village authorities and villagers during the LUP and LA procedure. They record the agreed conditions and rules for village management of forest and agricultural lands within the village boundary. As explained above the conditions and rules will vary between villages depending on the types of forest and agricultural land present in village and the uses of each type of forest or land.21

Objectives of the Village Forest and Agricultural Land Management Agreements

The objectives of preparing and implementing village forest and agricultural land management agreements are to:

1) define the rights and responsibilities of villagers in forest and agricultural land utilisation, production and protection

2) facilitate the sustainable protection, utilisation and management of village forests and land resources

21 Lao Swedish Forestry Program  Land Use Planning Sub-program, October 1998
3) promote inter-village communication and co-operation in forest and land management in small watersheds
4) define the roles and responsibilities of the village authorities and village people in forest and land management
5) record the conditions and rules which apply to forest and land management in the delineated land use zones in the village area
6) develop understandings between the villagers and the district administration on forest and land management practices within village boundaries
7) promote villagers involvement and commitment in appropriate forest and agricultural land management
8) encourage and support villagers to use forests and agricultural land within the village area productively and sustainably
9) document the sanctions which will apply if the conditions and rules of the agreement are broken by villagers or outsiders.

Method of preparing the participatory village forest and agricultural land management agreement

a) Forming the village land use planning and land allocation committee
When the LUP and LA committee is being formed the villagers should have the opportunity to consider and select the committee members. The people who are selected for the LUP and LA committee should come from the various village organisations or groups such as: village forestry volunteers, village soldiers (protection), village committee, senior elders, women’s union and others. This will ensure that representatives from the various interest groups and village organisations participate with District staff in the LUP and LA activity. The committee has the authority and duties to:
   i. Disseminate regulations and principles on the management and use of forest and agricultural land to farmers in the village
   ii. Study, consult and solve villagers problems on the use of forest and agricultural land within the boundaries of the village
   iii. Jointly with farmers establish sustainable participatory forest and agricultural land management and use regulations
   iv. Direct and control the implementation of village regulations and decrees and regulations from higher authorities regarding forest and agricultural land.

b) Meeting with the village LUP and LA committee to explain about the preparation of the village agreement
A meeting is held with the village LUP and LA committee to discuss and understand the history of the village, the past and present customary practices of the village and village agreements or rules which have been used in the past. The meeting also aims to ensure that the village people understand well the objectives and reasons for preparing and implementing an improved village agreement.

c) Meeting with villagers to explain about the preparation of the village agreement
Participatory discussions between the villagers and the LUP and LA committee are held to consider and to reach an understanding on having a village agreement for the village and also to let the villagers discuss and consider how the various forest and agricultural land use areas (or zones) will be managed and used. The meeting is also to discuss and consider forest and agricultural land use activities which villagers are entitled or not entitled to under-take in the various forest-land zones.

Field surveys of forest and agricultural land use zones

The staff and the villagers participate together in undertaking forest and land surveys within the village boundary to acquire accurate data about forest conditions, land use practices, soils, water resources, sacred areas and others. The location and the extent of each type of forest-land use area (zone) and the current uses of each area are determined. If aerial photographs for the area are available they are used to assist with the forest-land use surveys and to decide on the various forest-land use management zones.

d) Preparing the village land use zone sketch map

After the above data is gathered a sketch map of proposed village forest-land uses is prepared. The purpose of this sketch map is to enable the villagers recognise and consider the proposed land use areas. Each land use area or zone is distinguished by a different colour. There will be a range of forest-land uses, i.e., Forests: protection, conservation, sacred, village use and others. Agriculture: paddy land, orchards, upland annual cropping lands, grazing lands etc. Other: village settlements, schools, concession areas, rivers, streams, roads etc.

e) Reviewing the proposed land use zones with the LUP and LA committee

After the sketch map is prepared the LUP staff join with the LUP and LA committee and villagers, and representatives of neighbouring villagers, to discuss, agree and confirm the management area of the village and the various forest-land use areas within the management area, i.e., forests, agricultural lands and other land use areas. If necessary changes are made to the land use map.

f) Preparing a draft agreement with the LUP and LA committee

The existing village rules, the data gathered during the forest and land surveys and the proposed land use sketch map, are used in discussions with the village LUP and LA committee. The committee members discuss and make suggestions regarding the forest-land use zones delineated on the sketch map until agreement is reached with the staff on the land use zone boundaries. Following that activity a first draft of the agreement is prepared which specifies the conditions and rules for each of the forest-land use zones and other areas. For each zone or area, management and use arrangements are described or specified. The agreements cover what activities are allowed/permitted or not permitted in each land use zone. The sanctions for breaches of the conditions and rules for each zone are agreed on and specified.

g) Considering the draft agreement with the villagers

The draft agreement and the land use zoning map are presented to a general meeting of villages. Both men and women are invited to the meeting with the LUP and LA committee to hear, review, improve/adjust and agree with all conditions for each land use zone covered in the village agreement.

If necessary the land use zoning map is adjusted in accord with the decisions of the meeting.
h) Adjusting the draft agreement with the LUP and LA committee

After the general meeting which has reviewed and accepted the revised village agreement, the agreement is re-written in detail following the decisions of the general meeting. The wording and clarity of the document is also corrected at this time.

i) Typing the village agreement

The DAO staff have the responsibility for typing and printing the village agreement and making enough copies to distribute to all neighbouring villages.

j) Signing and stamping the village agreement

The signing and stamping of the village agreement is very important. The Village Headman, the village LUP and LA committee, and the District LUP and LA committee must acknowledge the village agreement and then sign and seal the agreement. The signed village agreement will be presented to the target village for implementation. Enough copies are prepared for distribution to neighbouring villages.

k) Distributing copies of the village agreement to neighbouring villages

A general meeting is held at the target village to which are invited important representatives from neighbouring villages. The village agreement is read again for all participants to acknowledge after which it is adopted and declared ready for implementation by the target village. The representatives of neighbouring villages receive their copies of the village agreement so that they can return to their village and explain the contents of the agreement to the people in their village.

Module 6 – Conducting Participatory Community Mapping

Objectives

a) Participants existing capacities in basic community mapping are assessed and revealed

b) Participants are introduced to basic concepts of participatory mapping and cases (practical examples) of participatory mapping are given

c) Participants conduct and simulate using an appropriate technique a community mapping method

d) Community training is adapted to participants’ priorities and community needs

e) Participants are introduced to Village Boundary Agreement and Land Use Transfer Mechanisms

1) Assessing participants’ existing capacities for community mapping

Procedure:
a) Ask participants which methods of community/participatory mapping they know, are aware of and/or have previous experience.

b) Write each method on a card and fix it vertically to the pin-board (See Table below).

c) Make sure that no important method of community mapping is missing.

d) Add a horizontal line indicating different degrees such as “very high”, “fair”, “very low” to the vertical lines of topics…

e) Turn pin-boards around and ask each participant to put one point into each horizontal line.

f) Ask participants “How do you assess your own capacities in regard to community mapping?”

g) The points are counted after everyone has done her or his ranking.

h) Results are presented and discussed.

### Ranking my own capacities in community mapping using a Matrix

<table>
<thead>
<tr>
<th>Methods of Mapping</th>
<th>Very high</th>
<th>High</th>
<th>Fair</th>
<th>Low</th>
<th>Very low</th>
</tr>
</thead>
<tbody>
<tr>
<td>e.g. PRA techniques</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| | | | | | |
| | | | | | |
| | | | | | |

Time required: 30 minutes

Materials: Paper for Hand-Outs, Printer for printing Hand-outs, Transparencies (printer friendly), Overhead Projector, LCD Projector (if possible), Pin Boards/Softboard, Pins, Stick Glue, Roll of Brown paper, Metaplan Cards (Rectangular Coloured Cards), Permanent Markets-mainly Black/Blue, Flip Charts and Flip Chart Stands, Writing Pads, Pens/Pencils, folders, bags

### Topic 1: Introduction to Basic Concepts of Community Mapping

a) Facilitator defines what a “map” is:

*e.g. “Maps are an effective medium for use by a large variety of development projects. They can help to visualize the spatial distribution of complex problems, to understand their inter-*
relationships and to promote awareness." (Warren, 2004). An example of Village Map should be shown

b) Facilitator introduces the concepts of mapping:

e.g. Mapping is an exercise through which tacit knowledge, as embedded in people’s spatial memory, is converted into explicit and externally usable knowledge. Mapping tenure relations not only provides spatial information about the land and landscape of natural resources, their use, tenure and ownership; it also maps the socio-political relationships underlying this environment, in particular the institutional structures that govern land and natural resource. Herein lies the usefulness of mapping as a tool for empowerment, but also some of the risks that it entails (ILC, 2008).

c) Facilitator introduces concept of Participatory Mapping

This is, in its broadest sense, the creation of maps by local communities – often with the involvement of supporting organizations including governments (at various levels), non-governmental organizations (NGOs), universities and other actors engaged in development. The process of map making is undertaken by a group of non-experts who are associated with one another through a shared interest. Participatory mapping attempts to make visible the association between land and a community by using a commonly understood and recognized language of cartography. Participatory maps are not confined to presenting geographic feature information; they can also illustrate important social, cultural and historical knowledge (IFAD, 2009).

**Topic 2: Introduction to Community map-making and Data Collection Methods**

a) The Facilitator introduces a wide range of methods and technologies used in village mapping and cites the advantages and disadvantages for participants:

   i. No-Name method
   ii. Interviewing and Sketch Mapping
   iii. Asset Allocation Mapping
   iv. GPS based Field Mapping
   v. Computer based Map Making

   (See Facilitator’s Notes for detailed explanation of each method; Other methods can be discussed)

b) Facilitator explains in detail the use of Geomatic Technologies e.g. GPS, GIS and other technologies in current use;

c) Participants review the methods and ascertain which methods are more suited to their contexts and capacities: Facilitator asks: for the Zambian context which among these methods is cost effective and user-friendly?

**Use of SMARTPHONES to Collect Data**

Facilitator provides a case of the use of the Smartphone to collect data for Mapping
Given the Internet challenges prevailing in Zambia, the SMARTPHONE would be cost effective since one just sends information captured on the phone to a computer based pre-defined database. WiFi would however be needed. Smart phones have been used for monitoring, collecting mapping data e.g. in DRC some 300+ communities were trained in use of smart phones to collect data. Another consideration on which mapping tools to adopt would be to ensure the independence of the District Land Alliance (DLAs) database or adopt a centralised database at ZLA H/Q which however could be very expensive. From the proceedings of various meetings, workshops and discussions of ZLA partners including traditional leaders,

2) Participants conduct (simulate) a community mapping method/technique

Objective
a) Participants get experience in implementing new mapping methods.

b) An interactive tool is provided which does not require too much spontaneity

Procedure
a) Preparation:
   i. Prepare a scene for the mapping exercise e.g. select a village to conduct the simulation exercise
   ii. Set the scene and determine the characters and roles.
   iii. Design some tasks to be carried out by participants

b) Implementation:
   i. the simulation exercise and its objective are introduced to the participants, who in turn volunteer for various roles
   ii. Divide participants in small groups if there are more than 15-18 and let them prepare for the mapping
   iii. Appoint observers who are going to report back in plenary
   iv. Ensure the necessary materials and equipment is provided to all groups
   v. Participants take over roles and conduct exercise

c) Evaluation:

22 www.forestpeoples.org
i. **Participants are asked:** How did you conduct the mapping (elaborate the steps you took)? Was your mapping strategy successful? What happened? If not successful, explain why.

ii. **Observers are asked: what did you see/observe?** Have you experienced a similar situation? What did you do? Which recommendations can you give to your colleagues?

iii. Ask participants: which methods were most user friendly and relate to your situation

iv. Facilitator summarises the Main Steps in Community map making and discusses with participants

v. Ask Participants: what are some of the key considerations/factors before and during community mapping

### 3) Participants are introduced to Village Boundary Agreements and Land Use Transfer Mechanisms

**Procedure:**

Lecture/Presentation on Village Boundary Agreements and Land Use Transfer Mechanisms

**Time Require:** 30 minutes

**Materials:** Paper for Hand-Outs, Printer for printing Hand-outs, Transparencies (printer friendly), Overhead Projector, LCD Projector (if possible)

a) Be used as a tool for improved collaborative natural resource management and for cross-sectoral territorial planning. In none of these areas is success automatic or even easy to achieve.

One of the main advantages of community mapping is that the first and most important step—the gathering and mapping of original field data—is also the easiest to teach and the cheapest to support. There is **no blueprint mapping processes that can be applied regardless of context.** But, it is necessary to keep in mind a number of lessons. Mapping can highlight how much land families or clans or individuals hold and thus help the government to determine capability of landholders and use suitability.\(^{23}\) Mapping can ensure that available land is secured for local people and not arbitrarily appropriated by investors. **In future consideration should be made to set maximum holding size of customary land on basis of**

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\(^{23}\) Based on FGD with State Actors in Monze, August 2014
population growth and demand for land. Mapping could also help prevent speculation since land would be clearly mapped and a form of caveat placed on the land to forestall arbitrary alienation.

Community Mapping Methods

The No-Name Method

This method is designed to maximise control by communities and/or by their associations. Stage I, rivers, and sometimes contours, are extracted from the best topographic maps available, by digitizing or tracing on mylar and scanning. These features, along with latitude and longitude, become the project base map a ‘no-name’ map from which all ‘political’ features have been removed. In Stage II, community teams are trained in interviewing community members and in using GPS units for navigation and field mapping. In Stage III, the field data place don the ‘no-name’ field map is transferred to the base map. Computer graphics skills and equipment such as wide-bed scanner and printers are needed to for the entire mapping process. There are cost implications to consider and so unless externally supported this method is unsuitable for local mapping.

Interviewing and Sketch Mapping

Sketch mapping is the entry phase and essential core of community mapping and complements conversations within formants. In some cases, all that is needed is a sketch map, as in PRA applications. In others, sketch-mapped data are transferred to topographic maps. Most community mapping continues to use sketch mapping in some way. But while sketch mapping may be enough for transactions between communities, sketch maps are at a disadvantage compared to official scaled maps in external transactions, which though has been almost entirely overcome with the use of GPS.

Asset Allocation Mapping

An interesting variant of sketch mapping, this method is particularly used by indigenous communities with the ultimate aim of enabling them to make informed decisions over the allocation of their territorial assets. To do this, they need not only to arrive at their own evaluations of these assets but also to understand the multiple values assigned to their assets by others; they must be able to map the ways in which assets are imagined, defined and evaluated by an unfamiliar and mutating array of external interests. Just as tenure mapping has evolved as a way of enabling communities to pursue negotiations over tenure, so asset allocation mapping prepares communities to implement the results, to exercise stewardship of their territories and to deal with rival claimants. Whilst tenure mapping is about making claims rooted in the past, asset allocation mapping is about the future.

Introduction to Geomatic Technology

There are more than 20 technologies available that are tied to the types of maps wanted. The use of appropriate technologies such as GPS, Smart Phones and GIS software for community mapping should be carefully considered. These technologies can help in the technical preparation of village boundary maps/plans [in terms of coordinates to provide empirical evidence] to land ownership which can then be reflected on TLCs and diagrams. However the question is who is going to collect the data and for what purpose? Several scenarios can be considered as follows:

a) Where literacy levels are low hand-held GPS can be used (over an area not greater than 100,000ha);
b) GPS can be used in conjunction with a spread-sheet to generate data and a map (Ref to BBC website video)

c) Where access to the community is not permitted, 3D Modelling can be used. Community members can later have an input

d) Use of GPS and ArcGIS need high tech training and is costly; in addition there is need for printers, plotters etc. which would bring the cost in excess of USD10,000-15,000

e) Cloud based applications – these require good Internet connectivity

f) Use of Smart Phones – Mobile Applications in conjunction with Internet based databases such as Epi-Collct or Play-shop (which is Excel based); access to WiFi is important in this case- the name of place and name of person collecting the information have to be captured

g) GPS can be used in conjunction with Google Earth (web based image maps). Two types of GPS data are used – point data and shape files, line data or polygons. In some cases there would be need to create a Lab at the site

Community mapping methods are applications-driven. They are pragmatic and opportunistic combinations of traditional and Western technology and practices, guided by considerations of what works, what is available, and what can be afforded. Executing a mapping project is like cooking with what is fresh that day. And community mapping may perversely entail the deliberate scaling down of mapping technologies, localizing and simplifying them so as to make them accessible to community mapping groups.

The geomatic technologies that have been selected or simplified for community mapping make it possible for individuals to progressively scale up their expertise. **Capacity building starts with what remains the most important feature of community mapping, the collection of original and often geo-referenced field data, using interviewing and sketch-mapping, along with Global Positioning System (GPS) units and compass binoculars.** Both instruments are durable, cheap and easy to learn. Then ext level is computer mapping. In this case indigenous associations, other popular organizations or supporting NGOs usually manage the computer mapping facilities needed to provide mapping teams with geo-referenced field maps.

The next step, the use of Geographical Information Systems (GIS), is often triggered by a switch in focus, for example, to more complex natural resource management applications. GIS is also useful where complex, high-quality maps are needed to support negotiations often tenure rights. Mapping processes are initially often driven by strategies of negotiation over tenure, access and stewardship rights. But the mapping process can also provoke other processes within communities. It can reinforce local awareness of land issues, while drawing in younger people as mappers and elders as sources of knowledge. It can localise cartographic operations previously restricted to distant agencies.

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24 Adapted ZLA Workshop Proceedings, 2014
GPS-based Field Mapping

This enables communities to map local knowledge and resources over extensive (large) territories. The GPS technology means that the surveys are carried out in reference to at least four special satellites. The method represents a fast way for surveys of details in the terrain. The technology is based on complicated technology and calculations, but simple receivers are available, which manage the calculations automatically. These receivers can give an accuracy of about 100m, which can be sufficient for location of an area or for surveys of rather large parcels. To receive better accuracy, more expensive equipment is needed, which also need connection to simultaneous surveys from control points, longer observation periods and more complicated calculations, so called differential GPS. The latter (GPS) is also used in connection with aerial photography which can reduce the need of ground control for rectification of the images considerably. GPS is increasingly essential, while GIS remains an optional tool for processing the data collected. GPS units are low cost without sacrificing ground accuracy, and reasonably reliable, and their use for navigation and field mapping can be taught in one or two weeks.

Computer-based Map Making

This involves the use of Graphics Software and GIS. One uses graphics software, such as Adobe Illustrator, to make geographically accurate maps. This is one step in the ‘no-name’ mapping method and the sequence of mapping routines serves as a platform for using GIS to compile maps. GIS becomes more useful when communities decide to move from one-off tenure maps to mapping as an instrument for resource management. The cost and complexity of computer-based mapping no longer presents a serious obstacle to its localising in remote communities. Instead, computer-based mapping technologies, both the mapping hardware and the GIS software, continue to evolve in more user-friendly and financially accessible ways.25

Main Steps in Community map making

a) Identify Chiefdoms to work with before mapping is done
b) Determine which mapping tools to use
c) Consult villagers to identify forests and Land Use
d) Create a Village boundary map by drawing village boundaries with reference to points on the map
e) Identify roads and track lines
f) Train community in use of GPS which is available
g) Identify at least 4 people as witnesses to meet GPS requirement when determining boundary coordinates.
h) Using GPS pick points inside the map – way point data, church buildings, structures etc.

25 For community mapping units in the1990s, there was a usually unaffordable gap between the costs of wide format (usually 36inch) printers and scanners and their letter-sized equivalents. However, advances in image maps, and increasing access to digital versions of topographic map layers, are making wide-bed scanners obsolete, replaced by a new generation of intermediate affordable printers, which can produce maps of the same size as conventional topographic maps.
i) Where appropriate combine GPS data with smartphones and feed into Epi-Coll ect systems (free web software) or into GIS if available
j) Google Earth can later be used to prepare the maps
k) link community map to the formal land use planning system
l) Find a system which meets your organisational needs, is cost effective and can be scaled up
m) (Use IDPs/District Maps etc as base map to minimise complexities and coordination of infrastructure)

Main Factors to Consider before and when conducting Community Mapping

a) Who can drive mapping in customary areas?
b) What is needed to make mapping acceptable, simple and successful?
c) What kinds of tools and methods can communities use to start the dialogue about land use planning?
d) Who should be included in the dialogue and community mapping?
e) What is the location of the village
a) What are the available resources
b) What social infrastructure and neighbouring villages exist
c) Are grazing and farming areas, ancestral burial and sacred sites, boundaries and the Chiefs or headman’s house protected or not?

a) Whose resources are being mapped?
b) Whose land (is it for the one who has occupied it for a long time only?),
c) Is it clan land or family land, where user rights given, is land inherited or being rented, and what is the extent of the Chief’s power on land?
d) Are traditional practices of land allocation being overturned by recent developments?
e) Is mapping meant to strengthen the Chief’s powers or to weaken the Chief’s powers or to promote urbanisation or individualist modes of land use and ownership?
f) Who actually manages the territory under customary land?
g) What indigenous knowledge exists in the areas of land ownership and planning of resources?
h) Of what use would mapping serve when the villages are mixed up, fields are found on the other side and people did not know their boundaries?
i) At what level should mapping start? Is it at the individual household, village or chieftain level?

Village Boundary Agreement

Mapping boundaries can be a potential source of conflicts in the community because of overlapping pieces of land- grey areas – there has to be consensus of land use by the community. Agreements with neighbouring villages are necessary when determining boundaries. During land delineation, the authorities of the target village and neighbouring villages (at least two people per village) are invited to
describe the boundary as a narrative and as a polygon on the 3D model. GPS points that have been taken are added to the description. The agreements on GPS points previously signed by surveyors from the two neighbouring villages when any GPS point is taken, are signed and stamped by the village heads of the two villages and then added to the village boundary agreement. Once the boundary agreement is finalized, it is signed and stamped by the authorities of the neighbouring villages. Copies of the village boundary agreement are given to the neighbouring villages’ authorities (Also see Section 5.5 above for process of formulating a Village Boundary Agreement).

**Land Use Transfer Forms and Customary Land Certificates**

In Zambia the concept of the Traditional Lands Certificate (TLC) has been piloted by the ZLA with the help of cooperating partners in Southern (Monze District) and Eastern Provinces (Petauke District). It is possible to prepare maps to reinforce Traditional Lands Certificate for individuals and certificates for entire villages:

a) Certificates for individuals – map using way points collected by GPS – pick landmarks – localised on the map (individual parcels might need surveys which can be costly and time consuming)

b) Certificate for Village level maps can be prepared from shape files - village certificates – village boundaries accuracy of 3m – with GPS accuracy is 3-5 m (3-7m)

c) The individual certificates should have legitimacy and credibility and therefore a standard procedure of giving them that is accepted by government and all stakeholders

d) By mapping and giving out TLCs there is an assumption of Chiefs ceding ownership to individuals. So the question is what would happen to the status of the Chiefs? What is the legality of the TLCs? Do those Chiefs giving out the TLCs have the blessings of the government?

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26 The TLCs were facilitated, designed and successfully piloted by ZLA and were being roll out by Chiefs in Monze District
APPENDICES

Appendix 1: List of International and Local Case Studies

1. PAFID: Participatory 3-D Modelling in Mindanao – The Philippines;
2. Grupo Tierra: GPS-supported Community Mapping in Nicaragua;
3. HARDI: Citizen’s Cadastre in Madagascar using Satellite Imagery.
4. Land Use Planning in Namibia: Status and Targets
5. Land Use Planning in Guatemala and El Salvador: Successful Reconstruction and Disaster Risk Management
6. Land Use Planning in Peru: Connecting People and Resources
7. Land Use Planning in Bolivia: Combining Watershed Management, Disaster Risk Management and Food Security
8. Land Use Planning in Tonga: Saving Coastal Areas – Adaptation to Climate Change
9. Land Use Planning in Mali: Young Municipalities Learn to Resolve Land Use Conflicts
10. Land Use Planning in Lao PDR: Securing Tenure of Land
11. Land Use Planning in Cambodia: Identifying State Land for Distribution to the Poor

12. Mining Projects in Cameroon and Liberia\textsuperscript{27} Pipeline, logging and iron ore mining projects in Cameroon and Liberia in which community mapping was used by Forest People’s program to mitigate the effects of relocation of indigenous communities. Communities were not consulted initially although some 50,000 indigenous people rely on forests for their livelihoods. The World Bank and others were compelled to follow the Forest Stewardship Council’s Code of Conduct and International Law. National laws are subject to international law in terms of defining to whom resources belong in real terms. The lesson learnt from the above case study is that there is need to clearly define the rationale for mapping of a village.

13. Mulumbwa Village by WaterAid Zambia – map of village, churches schools and roads shown. Participatory research (community mapping) Ufwenuka – communities drew the maps – knowhow of the community was critical – rationale was the need for clean water – WaterAid requested for village mapping of existing water points, boundaries and for identification of new water sites as a condition for the aid. The exercise helped to determine the concentration of population for optimal location of water points.

14. Land Tenure and Climate Change – COMACO – USAID – involved issuance of land certificates, sensitisation of chiefs – approved Village Maps, Chiefdom maps and then individual maps; CSO boundaries (Census Enumeration Areas used) / Census Statistical areas – 1958 Chiefs Boundaries Maps-GPS was used in boundary maps. Community participation was used

15. UN Habitat supported Pillar Project – Global Land Network Zambia- In Kabangwe Area of Chief Mungule mapping was used o reduce land disputes, to lobby for infrastructure development and ZLA Mapping was used in Chiefs Ndake and Kalindawalo in Eastern Province.

Appendix 2: Conventional Land Allocation Procedures in Zambia\textsuperscript{28}

\textsuperscript{27} www.forestpeoples.org

\textsuperscript{28} After P Mulwanda and E. Mutale, 1994
Appendix 4: Other Legal Frameworks affecting Land Use Planning
Housing (Statutory and Improvement Areas) Act\textsuperscript{29}

This is the main law governing land use planning in informal peri-urban and unplanned areas of Zambia. It is also the main housing law, which provides for securing land in informal settlements though regularising them and providing occupancy licences (ZLA, 2013). It may be applied in land use planning in customary areas close or adjacent to townships where both the government and traditional leaders deem to have observed significant informality. However records are unreliable and there is little participation of the communities in regularising informal settlements with respect to land use planning, which would ensure community ownership and an appropriate and considered division of land and would limit illegal allocations by community leaders (including the allocation of communal facilities. The process of acquiring occupancy licences is deemed to be very cumbersome in informal settlements.

National Decentralisation Policy of 2013

This policy was adopted in 2002 and revised in 2013 with the vision of “achieving a fully decentralized and democratically elected system of governance characterized by open, predictable and transparent policy making and implementation processes, effective community participation in decision making, development and administration of their local affairs while maintain sufficient linkages between the centre and the periphery”.\textsuperscript{30} Decentralisation efforts made so far are largely the deconcentration of central government responsibilities rather than the devolution of functions and authority over national resources to local levels.”\textsuperscript{31} Political decentralization has promoted autonomy in decision making at community level and empowering the urban poor to take charge of their own development. Decentralization of service delivery functions to Local Authorities is expected to benefit the urban poor.

National Planning and Budgeting Bill of 2009

This Bill was formulated by the MoF to streamline resource allocation and budgeting process and engender greater institutional coordination among sectoral agencies. The Bill provides an opportunity to formulate a Programme of Action on slums and allocate sufficient resources to slum interventions. Although the new Bill helps to resolve problems of institutional coordination related to resource allocation and budgeting it is not well harmonized with spatial planning under MLGH and land legislation to ensure greater benefit for the urban poor.

Land (Conversion of Titles) Act, Cap. 289

The Land (Conversion of Titles) Act was enacted following a Presidential Watershed speech in 1975 and it curtailed a lot of speculation in land including customary land but did not lead to improved / increased LUP in customary areas. Freehold titles were converted to leaseholds and vested (in perpetuity) in the President. Customary land was also vested in the state but administered through Chiefs and traditional authorities. It abolished the operation of estate agents and private dealings in land until 1995 when the Land Act relaxed some of its restrictive conditions.

The Act also promoted the construction of better quality housing on state land than on customary land as it was mandatory to follow high building and planning standards on state land. It made local Council agents of the State in land delivery for housing and they were given overall responsibility of providing serviced plots. The Act of 1975 stifled private sector housing development and property ownership in

\textsuperscript{29} Cap 194 Vol 12  
\textsuperscript{30} Government of the Republic of Zambia, Office of the President, 2013  
\textsuperscript{31} UN Habitat, 2007
Zambia. There is no provision in any Act to recognise the rights of squatters to own land. Adverse possession is not recognised; thus, an occupier of land cannot apply for legal title even after many years’ occupation. Its amendments introduced many controls and restrictions which in turn discouraged property investment for non-Zambians.

Lands Acquisition Act, Cap 189

This Act gives the President the power to acquire any land in the public interest by compulsory acquisition [but only applies to land on title and in cases of re-entry]. Holders of affected land can appeal against the decision and on the compensation to be paid. If paid, compensation is to be calculated at ruling market prices. This has often made it difficult for the government, which has insufficient funds, to acquire large tracts of prime land for development purposes. Similarly many local authorities are unable to raise funds to compensate for land compulsorily acquired. In the absence of funds for compensation, it is difficult to see how local authorities will in future assemble land to accommodate the ever increasing population in rural areas.

Lands and Deeds Act Cap 185

This Act provides for the registration of all land and all incidental matters relating to Title and other miscellaneous deeds. Three types of registers are kept: the land register, the common leasehold register and the miscellaneous register. The lands register contains documents relating to land and other than land on common leasehold. The Registrar issues a certificate of title when registering an interest in land for a term longer than 14 years. The certificate of title is conclusive evidence of ownership from the date registration and the registered proprietor is protected against eviction or adverse possession. The Act lacks provisions for registration of rights of landowners under African customary tenure; non appointment of District Registrar of Lands and Deeds and non-creation of district registries.

Land Survey Act Cap 188

This provides for the manner in which surveys are carried out and the subsequent method in which diagrams and plans are produced. The Act provides for the protection of survey beacons and other survey marks and for the responsibility of government in the supervision and control of all surveys and charting of land and the preserve of records pertaining to surveys. This Act has extensive provision of cadastral surveys and to a less extent for non-cadastral and geo-information services. This Act does not apply to rural settlements except where the area has been identified and declared state land, in which case a survey of the whole area is made and approved by the Surveyor General for numbering purposes and issuance of Title Deeds. The Act is out-dated and is not consistent with modern survey and mapping technologies, methods and professional practice. It prescribes survey standards and accuracies that are too stringent and thus deprive the public of simpler, quicker and affordable survey methods. The survey fees and charges are unaffordable.

Appendix 5: Key References

2. GIZ (2011) Land Use Planning: Concept, Tools and Application, Federal Ministry for Economic Cooperation and Development (BMZ) and Future-Makers


4. IFAD (2014) How to do Participatory Land Use Planning: Land Tenure Toolkit


10. Minister of Finance Budget address 2005

11. National Agriculture and Forestry Research Institute (NAFRI), Institute of Research for Development (IRD) and Centre for International Forestry Research (CIFOR), May 2012

12. NAFES (2009) Technical Advisory Group/Technical Working Team Draft, (March 2009), NAFES (Shifting Cultivation Stabilisation Division), DOF, NAFRI, NLMA (Department of Land Planning and Development) supported by: JICA/Sida, GTZ.


14. ZLA Workshop on Participatory Land Use Planning and Mapping, August 2014

15. UN Habitat/IFAD Using Approaches and Technologies for Mapping Land and Natural Resources use and Rights: Learning Note. GLTN, Nairobi

16. Laws and Policies of Zambia
   i. Lands Act
   ii. Town and Country Planning Act
   iii. Draft Urban and Regional Planning Bill
   v. TPA & Local Government (Urban Building and Drainage) Regulations of 1968
   vi. Cabinet Circular No. 1 of 1995
17. Municipal Systems Act 32 of 2000, South Africa

Important Web sites

18. www.forestpeoples.org