

## WILDLIFE LEGISLATION AND INSTITUTIONAL REFORMS IN ZAMBIA FOR THE PERIOD 1912 – 2011

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### ABSTRACT

Before the British Government colonized Zambia, wildlife was controlled and managed by indigenous people through Chiefs. Under the leadership of Chiefs, wildlife was used for the benefit of the community and formed an integral part of their lives. At the turn of the last century when Britain colonized Zambia, wildlife ceased to be under the custodianship of the indigenous people. It was placed under centralized state protection and management. For this purpose the Game Ordinance, Chapter 106, was enacted on 1<sup>st</sup> January 1943, making wildlife the property of the state and governing its use. The subsequent amendments, repeals and replacements of the wildlife legislation were made essentially to keep such wildlife legislation up to date in line with government requirements. The process of updating wildlife legislation has been ongoing to ensure that it provides for the protection, management and use of National Parks and promotion of sound ecologically and socio-economically based conservation. If the legislation is not reviewed from time to time, it may become ineffective such as most statutes in Zambia, which have not been reviewed since the 1960s and 1970s, rendering them obsolete and moribund. This paper examines the evolution of the wildlife legislative process from the period 1912 to 2011 including the current review process.

**Key words:** Game, legislation, ordinance, act, Northern Rhodesia, Zambia

### INTRODUCTION

Concern for the preservation of threatened species in Africa and Zambia in particular has a long history. The Transvaal Republic at the time approved a game preservation bill in 1846 and the Sabie Reserve there was established in 1898. By 1900 the destruction of the once almost limitless herds of American Bison (*Bison bison*) and the consequent establishment of, Yellow stone National Park, had resounded round the world. This led to a conference in London, which recognized the dramatic effect of the extending ‘gun frontier’ on Africa’s game. The many herds reported by the Scottish Missionary and explorer Dr. Livingstone was already on course of extinction within a few generations (Vaughan – Jones, 1938).

The conference listed animals deserving of protection and proposed the establishment of game reserves. In 1931 Captain Charles Pitman, an ex-Indian Army officer who had become Game Warden for Uganda, was seconded to Northern Rhodesia for two years to carry out faunal survey and, among other things, recommend a site for the country’s first National Park. Based on the recommendations from Pitman’s report and the proceedings of the 1933 London Convention, Vaughan – Jones

(1938) a district commissioner, who later became the first director of game department, prepared a comprehensive memorandum to the Chief Secretary entitled “Memorandum on policy concerning the foundation of a game department and conservation of fauna in Northern Rhodesia”. The memorandum paved the way for the establishment of the Department of Game and Tsetse Control in February 1940, and later on 1<sup>st</sup> January 1943, the enactment of the Game Ordinance, Chapter 106 of the Laws of Northern Rhodesia (NRG, 1948a).

In Zambia, the earliest recorded piece of legislation relating to wildlife conservation was enacted 100 years ago in 1912 when the Ostrich Export Prohibition, Chapter 115 of the Laws came into force on 16<sup>th</sup> March 1912 (NRG, 1948a). Later on, the Plumage Birds Protection, Chapter 117 of the Laws came into force on 27<sup>th</sup> November 1915. In 1941 Ordinance number 41 was enacted but this was later replaced by the Game Ordinance Chapter 106 of the Laws on 1<sup>st</sup> January 1943 (NRG, 1948a). Part II, Section 3 of the Game Ordinance had a provision for establishing a National Park. It stated, that the Governor by proclamation with the consent of the Legislative Council signified by resolution may declare any area of land to be a National Park and may in like manner, define or alter the limits of any such areas. It was during this time that the Governor evoked powers vested on him under Section 3 of CAP 106 to declare Kafue National Park under Government Notice 108 of 1950 (NRG, 1948a). Chapter 106 of 1943 made no mention of game areas until in 1954 when the Fauna Conservation Ordinance No. 43 was enacted which provided for the declaration of four additional game areas.

In 1964 the former British colony of Northern Rhodesia became an independent state. The new government of the Republic of Zambia repealed and replaced the two Ordinances with the National Parks and Wildlife Act Chapter 316 in 1968, which became operational in 1971. Twenty-three years later, the National Parks and Wildlife Act was repealed and replaced by the National Parks and Wildlife Act No. 10 of 1991. In 1998, the National Parks and Wildlife Act No. 10 of 1991 was repealed and replaced by the Zambia Wildlife Act No. 12 of 1998 which is currently being used.

The wildlife legislation has been repealed and replaced three times since the inception of the wildlife institution. Act no. 12 of 1998 is currently under review so as to repeal and replace it with a contemporary version that will consider the role of the private sector and the paradigm shift where the private sector is expected to play a major role through Private Public Partnerships (PPP) as away of tapping into the skills and financial resources of the private sector. It will also provide for the additional categories of protected areas to permit active participation of the private sector, consolidate the latest gains made in Community Based Natural Resources Management (CBNRM) and management of the impacts of global climate change on wildlife. The pieces of legislation enacted between 1912 and 1998 are depicted in Table 1.

## **LEGISLATIVE AND INSTITUTIONAL REFORMS IN THE COLONIAL ERA**

As legislation changed from time to time, institutions responsible for the management of wildlife also changed. During the period 1912 - 2011 the institutional reforms took place three times. Before the establishment of a formal wildlife institution in February 1940, wildlife management issues were presided over by the Governor, and then the Department of Game and Tsetse Control from February 1940 up to 1959, followed by the Department of Game and Fisheries which replaced it. These institutions had the responsibility to administer game areas established under the Ordinances.

The Game Ordinance CAP 106 provided the earliest basic definitions used in the Ordinance such as animal, game animal, ivory, prescribed trophy, licensing, meat, and others and made a provision for the establishment of National Parks. It is on the basis of Section three of Game Ordinance CAP 106 that Kafue National Park was established on 20<sup>th</sup> April 1950. The Game Ordinance did not make any provision for other categories of game areas. However, the Fauna Conservation Ordinance, which was enacted in 1954, provided for the declaration of four more categories of game areas, namely: Game Reserves, Private Game Areas, Game Management Areas and Controlled Hunting Areas. Both the Game Ordinance Chapter 106 of 1943 and the Fauna Conservation Ordinance Chapter 241 of 1954 remained in force until 3<sup>rd</sup> December 1968, when they were repealed and replaced together with the Victoria Falls Trust Ordinance by the National Parks and Wildlife Act. No. 57 of 1968.

### **National Parks**

The Governor, by Proclamation with the consent of the Legislative Council signified by resolution, was empowered under section three of the Game Ordinance CAP 106 of 1943 to declare any area of land to be a National Park and may in like manner define or alter the limits of any such area. The Governor was further empowered to either purchase or otherwise acquire any private land situated within a National Park if he considered it necessary or desirable in the interest thereof, paying therefore such compensation as may be agreed upon. Failing agreement, the Governor was empowered to compulsorily acquire such land and in such a case the provisions of the Public Lands Acquisition Ordinance applied and any such acquisition was deemed to be an acquisition for public purposes within the meaning of that Ordinance. There were restrictions on entry and residence in National Parks. No hunting was allowed and it was illegal to possess any arms without a permit. Causing of bush fires was prohibited.

### **Game Reserves**

The Governor was empowered under the Fauna Conservation Ordinance to declare any area of Northern Rhodesia a game reserve. In all, the Government declared 11 game reserves. In game reserves hunting of any animal was prohibited except under a special licence issued by the Governor and the Minister after amendment of the Ordinance in 1962. Removal of any animal under special licence could be issued only if it was for the better conservation of wildlife or the habitat, or for the utilization of any species of wildlife in accordance with the principles of wildlife management or for other good and sufficient reason. Residence in a game reserve, destruction of trees and vegetation in general and causing bush fires or other activities inimical to the enhancement of the ecological integrity of the area were prohibited.

### **Private Game Areas**

The Director of Game and Fisheries was empowered to declare by gazette notice, private land to be a private game area upon written application by the landholder. Under this provision, 10 private game areas were declared. The Governor nominated the Wildlife Society of Northern Rhodesia to exercise the rights and powers as provided for under the Ordinance over three private game areas, and chiefs and superior native authorities over seven private game areas. The Director of Game and Fisheries gazetted several private farms as private game areas.

Interestingly, the landholder of the land declared or gazetted as private game area was given all the powers conferred by the Ordinance upon a game officer in respect of the private game area. The landholder had also the right to use wild animals on his land and had the right to allow any other person to hunt on his land so long as that person obtained permission to hunt from the Director.

### **Game Management Area**

The Governor was empowered under the Ordinance to declare any area of Northern Rhodesia a game management area. Causing bush or wild fire was prohibited and hunting was only permitted under a special licence granted by the Governor.

### **Controlled Hunting Areas**

The Governor was empowered to declare any part of the country either as a first or a second-class controlled hunting area. By 1962 there were 17 first class and 22 second-class controlled hunting areas. Bush fire was prohibited and hunting of animals was restricted to a holder of a game licence and a permit. However, it was no offence for residents to hunt any animal, which was not a game or a protected.

### **Licences provided under the Fauna Conservation Ordinance**

The ordinance provided for seven different licenses as follows:

#### **Ordinary Game Licence**

The ordinary game licence was issued to a resident of a district and was valid within the district of issue. The holder was authorized to hunt game animals and birds specified in the licence.

#### **Restricted Game Licence**

The restricted game licence was issued to a resident of a subordinate native authority. The holder was authorized to hunt game animals and birds specified in the licence.

### **Supplementary Game Licence**

The supplementary game licence was issued to a holder of an ordinary game licence, while the Owner's game licence was issued to a landholder with the written consent of the landholder, any manager or other person who was authorized to represent the landholder. The licence authorized hunting of game on the landholder's property only.

### **Elephant Licence**

The elephant licence was issued to any person to hunt not more than two elephants and was valid only in the district in which it was issued.

### **Bird Licence**

The bird licence was issued to any person to hunt birds through out the territory of Northern Rhodesia.

### **Special Licence**

The special licence was issued by the Governor with or without a fee to; any person or group of persons to hunt for purposes of scientific research, collection of specimens for zoological gardens, museums and similar situations, a recognized chief of an African tribe or to any other person to hunt animals in a game management area.

### **Other Provisions of the Ordinance**

Native authorities were empowered to make orders and rules under native authority Ordinance to control hunting in their areas. At the written request of the Litunga of Barotseland Protectorate or any chief or *Induna* nominated by him and approved by the Governor, any game licence could be issued without payment of a fee to any African mentioned in such a request who was resident in Barotse Protectorate (now Western Province). The Director was empowered to delegate his powers to any fit and proper person. Thus the Litunga of the Barotse Protectorate was delegated to issue licences and permits.

Schedules for game animals, protected animal species and numbers of animals to be hunted under a class of licence, trophies for which a certificate of ownership was required, declarations and orders by the Governor, the Minister and the Director, regulations and rules by the Governor, the Minister and the Director were part of the Ordinance. The Fauna Conservation Ordinance of 1954 was later repealed and replaced by the Fauna Conservation Act of 1962 as Northern Rhodesia commenced preparations to become the sovereign state of Zambia in 1964. Most of the powers conferred on the Governor, were conferred on the Minister.

The Fauna Conservation Ordinance did not categorically state the reasons why various categories of protected areas were declared. It would appear that the main objective of the Ordinance was to regulate and control off-take of wild animals mainly hunting. The main use of wildlife at the time was consumptive. Non-consumptive uses of the resource through photographic tourism were not considered. Likewise, the boundary alignments of most National Parks did not consider the need to protect ecosystems in their entirety, as well as other features or objects of aesthetic, pre-historic, historical, geological, archeological, and scientific interest. The boundaries concentrated on areas with high populations of large game

for hunting purposes. However, some elements conducive to conservation of wildlife were enshrined in the Ordinance. Thus landholders were empowered to use and conserve wildlife on their land. This approach to wildlife conservation was unfortunately abolished in 1971, but was revived in the mid 1980s and has since gained overwhelming acceptance through captive breeding and game ranching.

## **LEGISLATIVE AND INSTITUTIONAL REFORMS IN THE POST COLONIAL ERA**

### **National Parks and Wildlife Act No. 57 of 1968**

The transitional government to independence repealed and replaced the Game Ordinance and the Fauna Conservation Ordinance with the Game Act and Fauna Conservation Act Chapter 241 in 1962 specifically to bring it inline with the new orientation in government. The new independent regime which came into power in 1964 repealed and replaced the Game Act, the Fauna Conservation Act and the Victoria Falls Trust Act with the National Parks and Wildlife Act No. 57 of 1968, four years after independence. The Act provided for; the establishment, control and management of National Parks and for the conservation and protection of wildlife and objects of aesthetic, prehistoric, historical and scientific interest within National Parks, establishment of Game Management Areas where the hunting of wild animals through licensing of hunting and the control of the possession, transfer, sale, import and export of wild animals and trophies. The repeal and replacement of the Game Act and the Fauna Conservation Act, dissolution of the Victoria Falls Trust and repeal of the Victoria Falls Trust Act, and other matters were incidental to the foregoing.

The 1968 Act therefore, completely centralized control and management of wildlife in the country by vesting the absolute ownership of wildlife in the President on behalf of the public. It abolished powers which had been delegated to landholders on property, which had been declared private game areas, and to the Litunga of Barotse Protectorate to hunt and to exercise the same powers on their land as those conferred by the Fauna Conservation Act upon game officers. The chiefs and their native authorities whose areas had been declared private game areas and the Litunga of Barotse Protectorate ceased to exercise powers to hunt and to control hunting delegated to them under the Fauna Conservation Act. The categories of protected areas were reduced from four to two namely; National Park (category II of IUCN) and Game Management Area (category VI of IUCN). The Game Reserves were elevated to National Parks such that by 2011 the number of national parks had increased to 20 (Table 2).

The Controlled Hunting Areas and some of the Private Game Areas were declared Game Management Areas (Table 3). You will notice from Tables 2 and 3 that all National Parks except Kafue National Park and all Game Management Areas were declared between 1971 and 2011.

### **Licences**

Seven licences were provided for under the Act namely: district game licence, which was available to residents of a district and was valid within the district for which it was issued; a bird licence was available to any person and was valid for the entire country; a national game licence was available to any person and was valid within a province for which it was issued;

an elephant licence was available to any person and was valid within the area specified in the licence; a safari licence was available to an overseas hunting client of a safari company and a special licence issued by the Minister.

The Act also provided for the establishment of a National Parks Board. The Board was specifically formed to advise the Minister responsible for wildlife and the Director of Wildlife, Fisheries and National Parks on how best to manage and conserve wildlife and protect National Parks.

### **Management and Protection of the Victoria Falls**

The Victoria Falls Trust was established during the British rule, under the Victoria Falls Trust Ordinance to manage and protect the Victoria Falls and the lands surrounding it, and to provide infrastructure for tourists who came to view the Victoria Falls.

The National Parks and Wildlife Act of 1968 repealed and replaced the Victoria Falls Trust Act. The Victoria Falls Trust was dissolved and all the statutory functions of the Trust were transferred to the Department of Wildlife, Fisheries and National Parks. In relation to the protection and conservation of the Victoria Falls, an area about 66 square kilometers in extent encompassing the Victoria Falls was declared the Mosi oa Tunya National Park in 1972. Under the provisions of the National Parks and Wildlife Act of 1968 removal from or damage within any National Park, without the consent of the Director of any object of geological, prehistoric, historical, archeological, scientific or aesthetic interest were prohibited.

In general terms, the 1968 Act contained more restrictions and regulations intended to conserve wildlife and protect National Parks than in the Game Act.

### **Enactment of National Parks and Wildlife Act No. 10 of 1991**

Towards the end of the 1970s there was unprecedented rise in the commercial value of the wildlife resources, particularly wild animal products such as ivory and rhino horns. The increase in the demand for wildlife products continued into the 1980s and thereafter. At the same time the economy of the country was on the decline as the price of copper fell on the international market while the price of oil surged. Increased demand for wild animal products coupled with liberation wars in most of Zambia's neighbouring countries, which became a cheap source of military fire arms, in turn stimulated illegal commercial off-takes. Among the highly sought species were elephant for ivory and rhino for the horn. During this era the elephant population estimated at 200,000 in the 1970s declined to about 18,000 by 1991 while that of the rhino declined from 12,000 in the 1970s to almost the verge of extinction in 1991 (Anon ). Legal hunting of rhino was prohibited in 1978 while that of elephant was prohibited in 1983 long before elephant was uplifted to Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1989. Repeal of the National Parks and Wildlife Act Chapter 316 of 1968 which became functional in 1971 became inevitable, in order to bring the wildlife legislation up to date with times.

### **New Provisions in the Revised Legislation**

**Imposition of stiff penalties:** The penalty for offences involving elephant and rhino, illegal hunting in National Parks and illegal possession, buying or selling protected animal or trophy of a protected animal or prescribed trophy was incarceration devoid of option of a fine. This was a restraint penalty against commercial illegal off-take of wild animals, principally the protected animals. This penalty was also intended to sustain the integrity of the National Parks by making illegal off-take of wild animals in the National Parks unattractive.

**Power to use firearms:** Wildlife Police Officers (WPOs) were empowered to use any firearm issued to him/her against any person in connection with his/her duties. This was important in order to guarantee safety of the WPOs taking into consideration that commercial poachers they dealt with were heavily armed with military weapons mostly the popular AK 47 assault rifle, which they used in the illegal off-take of wild animals.

**Game – farming:** Landholders were permitted to raise wild animals on their land for economic gain and were also allowed to sell wild animals and the meat as well as conducting safari hunting on their land. As a consequence of this provision, the 1990s witnessed a rapid growth in game farming. From a humble beginning of one game farm in the early 1980s, the number of game farms was 24 by 1991 with more than 7,000 wild animals representing 26 different species (Siamudaala 1997). In 2011 the number of game ranches had increased by 473% to 123 with a total number of 21,000 animals of 31 species. The game farms supply game meat and provide for eco-tourism in the form of game viewing and sport hunting. The empowerment of landowners to engage in commercial farming of wild animals is a powerful socio-economic inducement to landholders to safeguard wildlife.

**Additional licences:** Two licences were introduced while supplementary game licence was restricted to a holder of a safari licence. Under the 1971 Act, a holder of a national game licence could obtain a supplementary game licence in addition to his/her national game licence. This measure was taken in light of the decline in populations of the majority of premium species. The Apprentice Professional Hunter's licence was introduced to facilitate on the job training of trainee professional hunters who were ultimately granted Professional hunter's licence upon completion of their apprenticeship. On the other hand, a professional tour guide's licence was introduced to licence persons engaged in the job of taking tourists out in the National Parks on non-consumptive safaris.

**Discipline:** In view of the fact that the National Parks and Wildlife Service was a semi military institution, it was indispensable to separate its uniformed staff from other civil servants in terms of discipline. The system of discipline applied in the Zambia Police Service was adopted. Thus tribunals and the Appeals' Board were provided for under the Act to deal with disciplinary matters involving wildlife police officers from the rank of scout to chief wildlife police ranger.

### **Review of the 1991 Act**

The revocation and replacement of the National Parks and Wildlife Act of 1971 by the National Parks and Wildlife Act of 1991 did not address all challenges such as empowering private land owners to use wildlife and increasing benefits to communities living in Game Management Areas. It was realized that a new Act was needed to leverage such shortcomings. This became necessary when the system of government changed from a command economy under the one party government to a market, private sector driven economy and Multiparty Government in October 1991. Under the new government, the consensus was to turn the Department of National Parks and Wildlife Service (NPWS) into an autonomous statutory body, which would make it more effective, efficient and accountable. In 1992, at the request of NPWS, Dr. Graham Child and Mr. David Lee were engaged to study the reorganization and restructuring of the NPWS. Some of their recommendations, which Government approved, required a new legal framework.

On 25<sup>th</sup> August 1993 the Government of the Republic of Zambia approved the first Policy for wildlife in Zambia (GRZ 1993). This policy formalized the recognition of local communities as co-partners in the management of wildlife, reversing the centralized management of wildlife during the colonial era. The need to involve local communities in wildlife management and to improve the management of wildlife estate, for the promotion of tourism prompted government to undertake reforms. With the apparent need to undertake legal reforms, arrangements were made to engage consultants under the Natural Resources Management Project (NRMP) funded by the United States Agency for International Development (USAID) to undertake such study.

### **Transformation from government department to autonomous status**

Autonomous status: The Management Division, at Cabinet Office, appraised the Ministry of Tourism in 1993, under the Public Service Reform Programme (PSRP) approved by Cabinet Office for implementation in all ministries and provinces. The overall strategy of the PSRP was to reduce the size of the public service, increase its productivity, improve its quality and decentralize more responsibility and authority for providing services to the people. In its findings published in 1994, the division recommended the possibility of making the NPWS autonomous to make it efficient. The report identified deficiencies in the NPWS such as; inadequate funding, poor conditions of service and the civil service bureaucratic procedures, which delayed decision-making and inhibited the department's ability to raise or retain funds. Such factors contributed to the inefficiency of NPWS. The Division therefore, recommended that NPWS be granted an autonomous status in the form of a Statutory Board. This recommendation was endorsed by a Ministerial Logical Framework workshop held in Siavonga on the shores of Lake Kariba in 1994.

### **Reorganisation and Restructuring of National Parks and Wildlife Service**

The Child and Lee (1992) consultancy report on the reorganization and restructuring of NPWS contained recommendations which were approved by Government. Approval by government of such recommendations required formulation of a contemporary legal framework which was for instance required to harmonize the 1991 Act with the 1993 Policy for wildlife.

### **Compliance with International Treaties**

Zambia had by 1993 signed many Multilateral Environmental Treaties involving the conservation of wildlife. Among the major ones were the Convention on International Trade in Endangered species of wild Fauna and Flora (CITES), the Convention on Biological Diversity and the Ramsar Convention. The 1991 Act did not provide for the implementation of any of the above treaties. Since Zambia is a signatory to these treaties, a legal framework for their implementation was required for the purpose of compliance through domestication of such international legal instruments.

### **Community –Based Natural Resources Management**

In order to provide a legal framework for the initiatives of the 1980s in respect of community participation in the management and use of wildlife, an attempt was made by providing for the establishment of integrated resources development committees. This provided an institutional framework for communities in GMAs to participate in the management and use of the wildlife resources (Mwenya *et al.* 1990).

### **Incompatible Provisions**

The 1991 Act contained sections, which were incompatible with the policies of the new Government. Such sections of the Act needed to be removed. For example, the provisions, which required the declaration of foreign currency paid by a safari-hunting client and received by a safari outfitter. With the liberalization of the foreign exchange control regulations, the section became moribund.

### **Adaptable Provisions**

The new Act needed to be adaptable to allow for any change to be incorporated. Under this Act, fees in respect of professional hunter's licence, apprentice professional hunter's licence, professional tour guide's licence and trophy dealer's licence were set under a schedule of the Principal Act. Fees therefore, could only be amended by recourse to Parliament. To avoid this, all fees needed to be provided for under an SI such as the Fees and Licences Regulations.

Another example of the provision under the Act, which was not adaptable, was the disparity in penalty fees. Through time, sentences in fees and terms of imprisonment prescribed for various penalties became out of date and factors such as inflation and depreciation of the local currency the Zambian Kwacha reduced the value of the currency making changes in fees inevitable. There was, therefore, need for a provision that would be adaptable with time. For example, penalty for an offence upon conviction in fees involving the poaching of a given game animal could be fixed at 10 times the licence or permit fee of that game animal.

### **Identical Sections**

The 1991 Act incorporated sections, which were identical. Sections 44(1) and 51 for example, provided for the restrictions on hunting in National Parks while sections 59 and 60 provided for the control of hunting of game and protected animals. Redundancy was obvious and therefore, one of the two in each case had to be removed.

## **Clarity**

There was need to clarify certain sections under the Act in order to avoid confusion in the interpretation of the sections. For example, section 62 (1) (c) treated professional hunter's licence and professional tour guide's licence as if they were game licences. A distinction between different classes of licences needed to be clarified. Section 66 and 69 gave the impression that fees in respect of a district game licence and bird licence were paid to the district councils when in actual fact fees were paid to the Director of NPWS who in turn remitted them to the district councils.

## **Improvements to the Existing Sections**

Certain sections under the 1991 Act needed to be improved. Sections 29 and 52 for instance, which dealt with mining in National Parks, were in favour of mining at the cost of the ecological integrity of National Parks. These sections needed to be improved upon in such a way as to prevent any unscrupulous holder of a mining license from misusing the National Parks under the guise of mining. For instance, it was suggested that the requirement for an Environmental Impact Assessments (EIA) before any mining could be undertaken should be mandatory.

## **CONCLUSION**

The Zambia wildlife Act no. 12 of 1998 repealed and replaced the National Parks and Wildlife Act No. 10 of 1991. The new Act provided for the establishment of Zambia Wildlife Authority (ZAWA) a semi autonomous body, which replaced the Government department of NPWS. It additionally provided for: the establishment, control and management of National Parks for the conservation and enhancement of wildlife ecosystems, biodiversity and of objects of aesthetic, prehistoric, historical, geological, archeological and scientific interest in National Parks; and for the promotion of opportunities for the equitable and sustainable use of the special qualities of National Parks; the establishment, control and management of Game Management Areas, the sustainable use of wildlife and the effective management of wildlife habitats in Game Management Areas; enhancement of the benefits of Game Management Areas both to local communities and to wildlife; involvement of local communities in the management of Game Management Areas; the development and implementation of Management Plans; the regulation of game ranching; the licensing of hunting and control of the processing, sale, import and export of wild animals and trophies; and the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Wetlands of International Importance especially as Waterfowl habitat, the Convention on Biological Diversity and the Lusaka Agreement on Cooperative Enforcement Operations directed at illegal trade in wild fauna and flora.

Throughout the history of wildlife legislation, this Act was the most comprehensive as it covered all critical areas of conservation not covered before. It provides for the involvement of Local Communities in Wildlife Management and benefit sharing. Since 2002 communities have benefited over US\$ 10 million through revenue sharing, employment opportunities and infrastructure development. Private land owners are now own in the excess of 22,000 wild animals of 31 different species on 123 game ranches. This has created an opportunity for over 1,000 jobs. The sector has also diversified. In addition to game ranches, there are 6 tortoise farms with a total number of over 50,000 specimens of three species; 16 crocodile farms with more than 200,000 specimens and over 630 bird specimens of more than 10 species. Private land owners are now able to

benefit from wildlife on their land through export and local market. Through the establishment of a credit facility under the Citizens Economic Empowerment Funds, local communities are expected to establish community game ranches particularly in marginal areas where conventional agriculture may not be economically feasible. It would therefore be said that, wildlife legislative and institutional reforms have played an important part in fostering socio-economic development of the people particularly rural communities.

The new Act also provided for effective management of Multilateral Environmental Agreements, which has enabled the country to participate in the establishment of Transboundary Conservation Areas such as the Kavango-Zambezi which brings together five countries; Botswana, Namibia, Angola, Zimbabwe and Zambia. There are also other regional and global forums which have been domesticated and being implemented. The successes achieved in wildlife legislative reforms over the period 1912-2011 had personalities behind them and it would be incomplete to conclude this paper without providing a list of directors from the inception to date. Table 4 provides a list of directors and the names of the institution from 1940 to 2011.

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Table 1: Pieces of wildlife legislation enacted between 1912 and 1998, Zambia

Piece of wildlife legislation	Date and year enacted	Purpose
The Ostrich Export Prohibition Chapter 115	16 <sup>th</sup> March 1912	Prohibition of export of Ostriches
The Plumage Birds Protection, Chapter 117	27 <sup>th</sup> November 1915	Protection of Birds in Plumage
The Game Ordinance, Chapter 106	1 <sup>st</sup> January 1943	Declaration and Management of National Parks; Conservation and control of game animals
The Fauna Conservation Ordinance	1954	Declaration of additional game areas
The National Parks and Wildlife Act, Chapter 316	3 <sup>rd</sup> December 1968	Repeal and replacement of the Game Ordinance, the Victoria Falls Trust Ordinance and the Fauna Conservation Ordinance; dissolution of the Victoria Falls Trust
The National Parks and Wildlife Act No. 10	1991	Repeal and replacement of the National Parks and Wildlife Act, Chapter 316 of 1968
The Zambia Wildlife Act No. 12	24 <sup>th</sup> April 1998	Repeal and replacement of the National Parks and Wildlife Act of 1991; establishment of the Zambia Wildlife Authority

Table 2: National Parks of Zambia size and year of establishment

Name of National Park	Year Gazetted	Size in Square Kilometres	IUCN Category
South Luangwa	1/02/1972	9,050	II
North Luangwa	1/02/1972	4,636	II
Lukusuzi	1/02/1972	2,720	II
Luambe	1/02/1972	254	II
Mweru Wantipa	1/02/1972	3,134	II
Nsumbu		2,063	II
Lusenga Plains	1/02/1972	880	II
Isangano	1/02/1972	840	II
Lavushi Manda	1/02/1972	1,500	II
Kasanka	1/02/1972	390	II
Kafue	20/04/50	22,400	II
Nyika	1/02/1972	80	II
Lochinvar	1/02/1972	410	II
West Lunga	1/02/1972	1,684	II
Liuwa Plains	1/02/1972	3,660	II
Sioma Ngwezi	1/02/1972	5,276	II
Mosi-oa-Tunya	1/02/1972	66	II
Blue Lagoon	1/02/1973	450	II
Lower Zambezi <sup>a</sup>	01/02/72 and 14/03/83	4,092	II
Chembe Bird Sanctuary	1972	0.45	II
Nchete island wildlife sanctuary	1972	2.023	II
Sekula Island Bird Sanctuary	1972	1.21	II
Total			
Lusaka National Park	2010	6	II

<sup>a</sup>Lower Zambezi National Park was originally named International Game Park, but was degazetted during the liberation struggle in Rhodesia (now Zimbabwe) and was regazetted in 1983

Table 3: Game Management areas of Zambia, size and year of establishment

Name of GMA	Year Gazetted	Size in Square Kilometres	IUCN Category
West Zambezi GMA No.1	1972	38,070	VI
Kasonso-Busanga GMA No.2	1972	7,780	VI
Chizera GMA No.3	1972	2,280	VI
Musele-Matebo GMA No.4	1972	3,700	VI
Lukwakwa GMA No.5	1972	2,540	VI
Chibwika-Ntambu GMA No.6	1972	1,550	VI
Lunga-Luswishi GMA No.7	1972	13,340	VI
Sichifula GMA No.8	1972	3,600	VI
Mulobezi GMA No.9	1972	3,420	VI
Bilili Springs GMA No.10	1972	3,080	VI
Kafue Flats GMA No.11	1972	5,175	VI
Namwala GMA No.13	1972	3,600	VI
Mumbwa GMA No.14	1972	3,370	VI
Luano GMA No. 15	1972	8,930	VI
Mazabuka <sup>b</sup> GMA N0. 16	Degazetted		
West Petauke GMA No.17	1972	4,140	VI
Chisomo GMA No.18	1972	3,390	VI
Sandwe GMA No.19	1972	1,530	VI
Lupande GMA No.20	1972	4,840	VI
Lumimba GMA No.21	1972	4,500	VI
Musalangu GMA No.22	1972	17,350	VI
Machiya Fungulwe GMA No.23	1972	1,530	VI
Munyamadzi	1972	3,300	VI

GMA No.24				
Kafinda	1972		3,860	VI
GMA No.25				
Bangweulu	1972		6,570	VI
GMA No.26				
Chambeshi	1972		620	VI
GMA No.27				
Luwingu	1972		1,090	VI
GMA No.28				
Tondwa	1972		540	VI
GMA No.29				
Kaputa	1972		3,600	VI
GMA No.30				
Mansa	1972		2,070	VI
GMA No.31				
Nkala	1972		194	VI
GMA No.32				
Kalasa Mukoso	1973		675	VI
GMA No.33				
Inangu	1985		43	VI
GMA No.34	to be degazetted			
Rufunsa	1980		3,179	VI
GMA No.35				
Chiawa	1989		2,344	VI
GMA No.36				
Mukungule	1998		6,500	VI
GMA No.37				
Mufunta GMA N0. 38	2007		5,104	VI
TOTAL			177,404	
Chitimbwa (Proposed)				
Mwasempangwe				
(Proposed) GMA				
Kaindu				
(Proposed) GMA				

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<sup>b</sup>Mazabuka Game management Area was degazetted to provide room  
for agriculture and Inangu GMA will soon be reconverted to National Park status

Table 4: Directors of Wildlife and Name of Institution from 1940 to 201, Zambia1

Year	Name of Director	Name of Institution
1940	T Vaughan – Jones	Game, Fisheries and Tsetse Control
1955	F. I. Parnell	“ “ “
1959	“ “	Game and Fisheries (Tsetse transferred to Veterinary)
1963	W. C. Benson (Acting)	“ “ “
1964	W. S. Steel (Took Office end of 1963)	“ “ “
1965	W. S. Steel	“ “ “
1968	W. S. Steel (Retired) W. Baxter (Acting)	Game and Fisheries (December 1968, National Parks and Wildlife Act was enacted) “ “ “
1969	W. Baxter (Acting)	Wildlife, Fisheries and National Parks
1970	J. E. Clarke (From Veterinary and Tsetse Control)	
1971	J. E. Clarke	
1972	J. E. Clarke	National Parks and Wildlife Service
1975	G. C. N. Zyambo (From Veterinary and Tse tse control)	“ “ “
1982	S. M. Yamba (Political appointment)	“ “ “
1986	H. N. Chabwela (Ph.D.)	“ “ “
1989	P. Chipungu (Ph.D.)	“ “ “
1991	P. Chipungu (Ph.D.) (A. N. Mwenya Took over at end of year)	“ “ “
1992	A. N. Mwenya	“ “ “
1998	G. B. Kaweche – 4 <sup>th</sup> Dec.	“ “ “
1999	L Saiwana (Ph.D.)– 17 <sup>th</sup> Dec	Zambia Wildlife Authority (Transition period)
2000	Chifumu Banda – 4 <sup>th</sup> Jan Mr. H.K. Mwima	“ “ “ (Transition period) Zambia Wildlife Authority (Transitional period)
2001	L. Saiwana (Ph.D.) – 11 <sup>th</sup> Jan	Zambia Wildlife Authority (Transition period)
2001	Mr.Chifumu Banda Mr. Kalala	Zambia Wildlife Authority (Transition period) Zambia Wildlife Authority (Transition period)
2002	Mr. H. M. Kabeta (First appointed ZAWA Director General)	Zambia Wildlife Authority
2006	L. Saiwana (Ph.D.) 26 <sup>th</sup> November 2009. Mr. Jacob Chulu	“ “ “
October 2009	(Acting)  (March 2010)	
2010	Mr. Edwin Matokwani	

## **ABOUT THE AUTHORS**

Chansa Chomba: Directorate of Research; Planning, Monitoring and Evaluation; Information Technology and Veterinary Services. Has a Ph.D. in Conservation of Biodiversity and has over 25 years of experience in Wildlife and Environmental issues.

Acme Nat Mwenya: a former director of wildlife with more than 35 years of experience in wildlife and was the initiator and facilitator of the Community Based Natural Resources Management in Zambia.

Vincent Nyirenda: a Ph.D. Candidate at Tswane University of Technology, Pretoria, South Africa and has more than 15 years of experience in wildlife.