#### **GOVERNMENT OF ZAMBIA**

STATUTORY INSTRUMENT No. 11 of 2018

## The Forests Act, 2015 (Act No. 4 of 2015)

## The Forests (Community Forest Management) Regulations, 2018

#### ARRANGEMENT OF REGULATIONS

### Regulation

- 1. Title
- 2. Interpretation
- 3. Promotion of Community Forest management Areas
- 4. Forest Areas eligible for Community Forest Management
- 5. Members of Community Forest Management Group
- 6. Application for recognition as a Community Forest Management Group
- 7. Rejection of recognition of Community Forest Management Group
- 8. Recognition of Community Forest Management Group
- 9. Rights and responsibilities upon submission of an application for recognition of a Community Forest Management Group
- 10. Assessment of potential user rights
- 11. Application for Community Forest Agreement
- 12. Entry into or rejection of an application for Community Forest Agreement
- 13. Approval of application
- 14. Rejection of application
- 15. Appeals
- 16. Assistance with control of restricted activities
- 17. Assignment of rights under Community Forest Agreement
- 18. Entry into or rejection of an application for assignment of rights under a Community Forest Agreement

IN EXERCISE of the powers contained in section 105\_of the Forests Act, the following Regulations are made:

1. These Regulations may be cited as the Forests (community Forest Management) Regulations, 2018.

Title

- 2. In these regulations, unless the context otherwise requires—
  - "community forest management group" has the meaning assigned to the words in the Act;

"community resource board" has the meaning assigned to the words in the Wildlife Act, 2015;

Act No. 14 of 2015

Interpretation

- "Director" means the person appointed as Director of Forestry under the Act;
- "local authority" has the meaning assigned to the words in the Local Government Act;

Cap. 281

- "major forest produce" has the meaning assigned to the words in the Act:
- "minor forest produce" has the meaning assigned to the words in the Act;
- "Local Forest" has the meaning assigned to the words in the Act; and
- "open area" has the meaning assigned to the words in the Act.
- 3. A local authority shall, for forests within the jurisdiction of that local authority, identify, support and encourage local communities to apply to the Director for control, use and management of areas of forests for purposes of social, cultural and economic needs.

Promotion of Community forest management Areas

- 4. (1) Subject to these Regulations, community forest management may be applied in—
  - (a) open areas;
  - (b) local Forests; and
  - (c) Game Management Areas.
- (2) Despite subregulation (1), the Director in consultation with the Minister may consider Community forest management in any other type of forest.
- (3) An area proposed for community forest management shall be free of a forest concession or sawmilling licence.
- 5. A community forest management group shall consist of individuals who are citizens who reside in the community area and have resided in the area at least for 2 years.

Members of community forest management group

Forest Areas eligible for community forest management

Application for recognition as a community forest management group

- 6. (1) A community forest management group may apply to the Director for recognition in Form I set out in the schedule.
- (2) An application for recognition of a community forest management group shall require—
  - (a) prior consultations with local users and other right holders of the proposed forest; and
  - (b) the consent of local traditional leaders.
  - (3) An application for recognition shall be accompanied by—
    - (a) a sketch map of the proposed location and area to be established as a community forest;
    - (b) community forest management group constitution including list of the elected representatives of the group;
    - (c) consent of the Chief of the area to recognise the applicants as a community forest management group through endorsement of the application or map signifying such consent: and
    - (d) a statement of intent for the proposed area indicating a balance between forest protection and management, development, utilisation and forest enterprise development in Form I set out in the Schedule.
- (4) The Director may request further information in Form II set out in the Schedule.
- 7. (1) The Director shall reject an application for a community forest management group where the applicants fail to meet the requirements specified in the application form.
- (2) Where an application is rejected under sub regulation (1), the Director shall notify the applicant of the reasons for the rejection in Form III set out in the Schedule.
- 8. (1) The Director shall, where the applicants meet the requirements referred to in regulation 6, recognise a group as a community management group.
- (2) Where the Director fails to respond to an application for recognition of a forest management group within 21 days from the time it was lodged, the application shall be considered approved and the group recognised.

Rejection of recognition of community forest management group

Recognition of community forest management group

- 9. (1) The community forest management area shall be for the exclusive use of the local community represented by the community forest management group unless an application for recognition is rejected by the Director.
- (2) The Director shall, where a community forest management group is not recognised in accordance with regulation 8, not issue a licence or permit for a proposed community forest area.
  - (3) The community forest management groups shall—
    - (a) protect and restrict access to the community forest area by persons not part of the community;
    - (b) control restricted activities within the identified community forest area; and
    - (c) report forestry related offences to the forest officer.
- 10. (1) A recognised community forest management group shall carry out field appraisals and socio economic survey in the targeted community forest in order to conduct an assessment on the potential user rights by the community and other users of the targeted community forest.
- user rights
- (2) The local authority and Director shall assist the community forest management group in conducting an assessment referred to in sub-regulation (1).
- 11. (1) A recognised community forest management group under regulation 8 shall within 90 days of recognition enter into a community forest agreement in Form IV set out in the Schedule.
- The Director may revoke recognition of a community forest management group where an application has not been received within the period specified in Form IV.
- (3) An application to enter into a community forest management agreement shall be accompanied by-
  - (a) a community forest map showing the boundary of the community forest that has been consented to or signed by representatives of concerned neighbouring communities, Ward Development Committees, and the Chiefs within the area proposed for community forest management; and
  - (b) a community forest management plan which is in accordance with sustainable forest management principles that includes a set of community rules and measures that support proper management of the community forest.

Assessment of potential

Rights and responsibilities

submission

recognition

community forest

management

upon

of an application

for

of a

group

Application community forest agreement

- (4) The community forest agreement shall, specify the right to issue community permits and collect revenue for products specified in the community forest management plan.
- (5) The Director may request further information in Form II set out in the Schedule.

Entry into or rejection of an application for community forest agreement

12. (1) The Director shall, within 60 days of receipt of an application under regulation 11, approve or reject an application for community forest agreement.

Approval of application

13. Where the Director approves an application for community forest agreement, the approval shall be by notice in form VI set out in the Schedule.

Rejection of application

14. Where the Director rejects an application for community forest agreement, the rejection shall be in Form III set out in the Schedule.

Appeals

- 15. A group of persons aggrieved by the decision of the Director may—
  - (a) within thirty days from the date of receipt of the decision of the Director, appeal to the Minister responsible for forestry; and
  - (b) within thirty days from the date of receipt of the decision of the Minister, appeal to the High Court.

Assistance with control of restricted activities

- 16. (1) The community forest management groups shall assist the Director to control restricted activities within an established community forest area.
- (2) A recognised community forest management group shall select members to be appointed as Honorary forest officers in accordance with the Forests Act, 2015.

Act No. 4 of 2015 Assignment

of rights

community forestry

agreement

under

17. (1) Where a community forestry management group intends to assign some or all of its rights under a community forestry agreement to any other person or group, the group shall apply to the Director for the transfer of rights in Form VII set out in the

Schedule.

- (2) The person or group being assigned the rights shall be subjected to requirements of the approved community forest agreement and additional conditions specified in the Schedule.
- (3) The community forest management group and the persons to be assigned rights shall specify the benefits sharing arrangements.

- (4) The Director may request further information in Form II set out in Schedule.
- 18. The Director shall, within 60 days of the application approve or reject a request for assignment of rights under the community forest agreement.

Entry into or rejection of an application for assignment of rights under a community forest agreement

### **SCHEDULE**

(Regulations 5,6,7,11,12,15, 17, 19 and 20)



Form I (Regulations 5 and 6)

## Republic of Zambia

### The Forests Act, 2015 (Act No. 4 of 2015)

The Forests (Community Forest Management) Regulations, 2018

## APPLICATION FOR RECOGNITION AS A COMMUNITY FOREST MANAGEMENT GROUP (CFMG)

1	Name of Applicant (the community forest management group):
2	Proposed Area (name of forest area as applicable)
	Villages:
	Chiefdom:
	District: (Province).
3	Statement of intention and use for the area:
ı	

4	Statutory Declaration: I, on behalf o	of the CFMG, confirm the	nat the residents of the	community of
	in the Distr	iet of	wish to be rec	cognised as a
	community forest management group	for the purpose of comm	unal control, use and ma	magement of a
	community forest area. I confirm that	t the majority of the com	nmunity, including all for	est users have
	been made fully aware of the rights an	nd responsibilities provide	d through the Forests Act	, and have had
	the opportunity to join and participa	te in the group. I hereb	y confirm that through	free and prior
	informed consent the community wil	lingly and actively wish	to take control, manage	ment and user
	rights over the proposed community for	orest area.		
	SIGNED			
	Name	NRC	Date	
	CHAIRPERSON COMMUNITY FOR	REST MANAGEMENT C	ROUP	
5.	Endorsement by Traditional le that the CFMG represented by have been residing in the above	applicants in the list	attached are Zambian	
	Name of Headman or women	~		Signature
a. b.				
c.				
(No	te signature confirms consensus to	the proposed area in	accordance with the I	Forests Act).
6.	Endorsement by Local Author (where established)	rity: Ward Developmen	nt Committee	
	Chairperson Name	Signature	NRC	7

Consen	t of the Chief					
I, Chief	give my consent to the		√ame 	e: 		 
above s	ubjects to apply for recognition as a community f		_	ature:		
manage	ment group for the area					 
village_	, Ward			OFFICE STAM		
	in my Chiefdom.		L			
Require	d additional information as attachments					
S/N	Information					V
1	Sketch map of the proposed Community Fores	t Area				
2	Constitution of the CFMG					
3	List of community members supporting the app	plication	l			
4	Completed application form for nomination of	`Honorai	ry Fo	orest Offic	er (s)	
Application received by:  Name:		Date se	eceiv	ved: o province	S	
Criteri	a	Check (√)	æd	Remark	S	
(a) The applicant has consulted all local users and other rights-holders of the proposed forest area and has received consent of the local traditional leaders to agree a defined area of responsibility with due consultation with adjacent communities and land owners, with signatures on the submitted sketch map signifying consent to the proposed area.						

(b) The applicants are:			
(a) members of a village in or near a			
(b) managing a forest or part of a for			
(c) desirous of managing a forest or	part of a		
forest, and			
(d) citizens residing in the communi	ity area for		
a minimum of 2 years.			
	<u> </u>	<u> </u>	
(c) The intention of the group conforms v		7	
principles set out in section twenty nine of	f the Forests		
Act.			
(d) The Sketch map of the proposed loca			
to be established as a community forest		J.	
be a community forest area and has		1	
	owners (as		
appropriate) and is attached to this applic	ation form.		
(e) The intention of the applicant for the	area achieves		
a balance between forest protection and			
development, utilization and fores	-		
development.	t enterprise		
de velopment.			
(f) External stakeholders and issues for	attention (eg		List of consultees required
GMA etc) and consultation are identified			1
identified.			
Recommended action: (tick/complete a	s appropriate)	)	
Request further information (Specify info	rmation requir	ed):	
Dejection of application (Specify ground	for raisation)		
Rejection of application (Specify grounds	s for rejection).		
Recommended for approval:			
The state of the s			
Declaration by: Provincial Forest Office	er		
		Stamp:	
Name:			OFFICIAL
Signature:		200	STAMP
		Date:	
Descrition desision by Director	of East and we		
Recognition decision by: <i>Director</i> Request further information (Specify information)		.45.	
Request further information (specify infor	rmanon require	:u):	
Rejection of application (Specify grounds	for rejection):		
Approval of application for recognition (y	ras/no)		
Approval of application for recognition (y	es/no)		
	Stamp:		
Name:			OFFICIAL
Signature:			STAMP
25,5000			
	Date:		
File ref number:	Date:		
File ref number: Copies to:	Date:		



### The Forests Act, 2015 (Act No. 4 of 2015)

## The Forests (Community Forest Management) Regulations, 2018

REQUEST FOR FURTHER PARTICULARS OR INFORMATION

(1) Here insert	<i>Io</i> (1)
the full names	
and address of	IN THE MATTER OF (2)
applicant	
(2) Here insert	you are requested to furnish the following information or documents
the reference	in respect of your application for
No. of the	(a)
application	(b)
	(c)
	(d)
	within days. If you fail to furnish the
	requested information within the stipulated period, your application
	will be treated as invalid and shall be rejected.
	Dated this day of
	Dated this day of 20
	Director



## **The Forests Act, 2015** (Act No. 4 of 2015)

The Forests (Community Forest Management) Regulations, 2018

# NOTICE OF REJECTION OF APPLICATION FOR RECOGNITION OF COMMUNITY FOREST MANAGEMENT GROUP/COMMUNITY FOREST AGREEMENT

	<i>To</i> (1)
1) Here insert the full names and address of applicant 2) Here insert the reference No. of the application	IN THE MATTER OF (2)  you are notified that your application for recognition as a community forest management group, has been rejected on the following grounds:
	(a) (b)
	(c)
	 Director



## **The Forests Act, 2015** (Act No. 4 of 2015)

### The Forests (Community Forest Management) Regulations, 2018

## COMMUNITY FORESTRY MANAGEMENT AGREEMENT

THIS AGREEMENT is made this
Forestry Department
the Director of Forestry or an authorised representative (Name)
AND
Community Forestry Management Group
of(forest area), in(Chiefdom)
(District),(Province)
herein represented by(name)
in the person's capacity as of the group, duly authorised hereto (hereafter referred to as the CFMG) representing the communities of villages
(Names)
WHEREAS the Director agrees to transfer management authority of forest resources for the purpose of communal control, use and management of

### NOW IT IS AGREED:

## 1. COMMUNITY FOREST MANAGEMENT GROUP RIGHTS

(i) In accordance with section 32 (2) of the Forests Act, 2015, the Director of Forestry confers on the community forest management group the following forest user rights in the community forest concerned:

Rights	√ Tick as appropriate to include in the Agreement
(a) collection of medicinal herbs;	1
(b) harvesting of honey;	
(c) harvesting of timber or fuel wood;	
(d) grass harvesting and grazing of animals;	
(e) collection of forest produce for community based industries;	
(f) eco-tourism and recreational activities;	
(g) scientific and educational activities;	
(h) plantation establishment through non-resident cultivation;	
(i) the right to enter into contracts to assist in carrying out	
specified silvicultural operations;	
(j) development of community forest wood and non-wood	
Based industries;	
(k) List any other products or activity (specify):	

- (ii) In accordance with section 32 (2) (k) of the Forests Act, 2015, the Director of Forestry confers on the community forest management group all of the following other benefits in the community forest concerned:
  - (a) Subsistence use rights over forest products from within the community forest in accordance with sustainable forest management principles and management activities laid out in the approved management plan and local regulations.
  - (b) The right to issue community permits and collect revenue for those products and uses provided for in this Agreement.
  - (c) The right to mark such products with a marking instrument.
  - (d) The right to retain the revenues from fines or disposal of confiscated goods as a result of apprehensions of person(s) committing illegal acts within the community forest area based on the agreed community agreed rules and measures specified in Annex 2.

#### 2. COMMUNITY FOREST MANAGEMENT GROUP OBLIGATIONS

- (i) The CFMG accepts and undertakes to protect, manage, control and utilize sustainably the forest resources in accordance with terms and conditions stipulated in this agreement and annexes attached thereof. Specifically, to:
  - (a) protect, conserve and manage the community forest or part thereof pursuant to the community forestry agreement and the management plan for the community forest;
  - (b) formulate and implement forest management consistent with traditional forest user rights of the local community in accordance with sustainable forest management.
  - (c) protect sacred groves and protected trees in the community forest;
  - (d) assist the Director in enforcing the provisions of the Forests Act, 2015, in relation to illegal harvesting of forest produce;
  - (e) with the approval of the Director, enter into partnerships with other persons for the purposes of ensuring the efficient and sustainable conservation and management of the community forest;
  - (f) keep the Director informed of any developments, changes and occurrences within the community forest which are critical for the conservation of biodiversity;
  - (g) help in fire-fighting within and around the community forest;
- (ii) In accordance with section 32 (1) (h) of the Forests Act, the Director of Forestry requires the community forest management group the following obligations necessary for the efficient conservation and management of the community forest.
  - (a) The CFMG shall represent and be accountable to the community of the villages specified in this Agreement and operate in accordance with the agreed constitution as submitted with application for recognition (Form 1)
  - (b) Revenues and other benefits accruing from the forest resource shall be equitably utilized by the community in accordance with the benefit sharing arrangements set out in the community constitution, regulations and other annexes to this Agreement.
  - (c) Shall delineate and maintain boundaries of forest areas to be under the control of the local community represented by the CFMG in collaboration with local leaders.
  - (d) The CFMG shall ensure that the community forest area be protected from destructive late fires, pests, theft, poaching, vandalism and other such forms of hazards.

- (e) The CFMG shall coordinate with the traditional leaders to propose and enforce rules governing access, use and protection of the designated forest area in conformity with customary laws and existing regulations and local sanctions as set out in the annex 2.
- (f) The CFMG may not assign rights, convey, sell or otherwise dispose of the community forest area to any other person or group without prior written approval of the Minister.
- (g) The Community Forest area shall not be converted to other land-uses including permanent arable cropping and erection of dwellings, temporary or otherwise.
- (h) The CFMG shall seek authorisation from the District Forest Officer in advance for the issuing of conveyance permits for major forest products from the community forest area.
- (i) The CFMG shall prepare simple financial reports to be presented at regular meetings to the community in accordance with the constitution. Copies of such records of accounts may be inspected by the Director of Forestry or an authorised representative for conformity with this Agreement and its Annexes.
- (j) Shall seek advice and inform the Traditional Authority in the conduct of the affairs and obligations of the CFMG under this Agreement.
- (k) Shall seek support from the Traditional Authority in the control of illegal activities, enforcement of local regulations, hearing cases and ensuring sanction in accordance with accepted customary law.
- (1) Shall seek support from the Traditional Authority with calling meetings of community members to discuss reports, endorse decisions conduct of elections of office bearers and monitor accountability of elected officials in accordance with the approved constitution.
- (m) To seek support from the Traditional Authority with the mediation of resource use disputes when necessary, and liaise with the District Forest Officer, Local Authority and Director of Forestry as appropriate.

#### 3. GOVERNMENT RESPONSIBILITIES

The Director of Forestry may provide to the CFMG, information, training advice and management and extension services for community forestry management. In addition, the Director of Forestry or an authorised representative shall:

- (a) Not issue any licences or permits for the area identified in the Community Forest Map signed by local stakeholders in Annex 1;
- (b) Assign a marking instrument, issue conveyance permits in sufficient number and on a regular basis and within 30 days of request to the CFMG;
- (c) Return to the CFMG, the confiscated goods or proceeds from the disposal of such confiscated goods that resulted from a case reported to the Director or an authorised representative by the CFMG at the discretion of the court, section 101, (2);
- (d) Organize in collaboration with other partners, relevant training courses to enhance organizational, technical and management capacity of CFMG and other members of the community on community forestry management, enterprise development and marketing;
- (e) Where appropriate, raise awareness among buyers and consumers of forest products the benefits of buying community forestry produce;
- (f) Facilitate the undertaking of forest resource assessments, inventory and research activities as necessary.

#### 4. COMMENCEMENT

This agreement shall come into effect on date of signing by both parties, and shall be binding subject to adherence by the signatories to the conditions within the agreement.

#### 5. TERMINATION

- (i) The Director may request the Minister to terminate this Agreement and the devolved authority contained within, in any of the following events;
  - (a) ailure to protect, manage and control the illegal activities within its area of jurisdiction and fulfil the conditions and obligations listed in this Agreement; and
  - (b) failure to comply with the provisions of its agreed constitution, including failure to conduct periodic elections of office bearers, account for funds, failure to keep records of permits issued.
- (ii) The Director shall, before terminating an Agreement, notify the CFMG of significant failures and request the CFMG to show cause, within thirty days from the date of the request, why the Agreement should not be terminated.
- (iii) If the CFMG has not responded with effective remedial activities to rectify the issue and subsequently after all efforts to resolve or correct the situation by the Government and Traditional Authorities have failed then the Director of Forestry shall issue a final warning articulating a serious breach of the Agreement and remedial actions to be taken. If after 30 days of a written warning rectifying actions have not taken place the Director of Forestry will request the Minister to revoke the authority to control, use and manage the community forest.
- (iv) The powers stipulated in clause 7 above, shall not be exercised by the Minister unless the Director has tried all practicable efforts to resolve or correct the situation amicably.
- (v) The CFMG may terminate this Agreement with a notice of not less than 60 days if there is serious breach of this Agreement by the Director of Forestry in terms of their stipulated responsibilities, or for any reason the CFMG finds itself unable or unwilling to continue with the activities of the designated community forest area.

#### 6. DISPUTES

- (i) Any of the parties to the Agreement may request that any dispute arising out of this agreement be referred to mediation by a mutually agreed body or person, where the Director or Minister did not invoke the provisions of Section 34 of the Act. If parties fail to agree, the Minister may invoke Section 34 of the Act.
- (ii) In the event of any dispute arising under the Community Forestry Management Agreement, either party may refer the matter to the Minister responsible for forestry. If any party is dissatisfied with the decision passed by the Minister that paty may apply for a judicial review to the High Court.

#### 7. ANNEXES

The following Annexes form part of this Agreement:

Annex (1) A sketch map showing the boundary of the community forest that has been signed by representatives of concerned neighbouring communities and the respective Chief.

Annex (2) A community forest management plan for a period of not less than 5 years for the community forest area which includes a set of community agreed rules and measures that support proper management of the community forest.

## SIGNATORIES:

THE DIRECTOR OF FORESTRY (OR AU	THORISED REPRESENTATIV	VE)
	Dated:	
CHAIRPERSON		
COMMUNITY FOREST MANAGEMEN	T GROUP	
	Dated:	
CONSENTED TO AND WITNESSED BY:		
CHIEF		
	Dated:	



## The Forests Act, 2015

(Act No. 4 of 2015)

## The Forests (Community Forest Management) Regulations, 2018

## NOTICE OF REVOCATION OF RECOGNITION OF A COMMUNITY FOREST MANAGEMENT GROUP

(1) Here insert the full names and address of applicant (2) Here insert the reference No. of the application	To(1)  INTHEMATTER OF (2).  you are notified that your application for recognition as a Community Forest Management Group or to enter into a Community Forest Management Group or to assign rights, has been approved by the Director on the following grounds:
	(a)
	(b)
	(c)
	(d)
	Dated this day of

Director



## REPUBLIC OF ZAMBIA

## **The Forests Act, 2015** (Act No. 4 of 2015)

The Forests (Community Forest Management) Regulations, 2018

## NOTICE OF APPROVAL OF APPLICATION FOR COMMUNITY FOREST $\mathbf{AGREEMENT}$

	To (1)
1) Here insert the full names and address of applicant 2) Here insert the reference No. of the application	IN THE MATTER OF (2)
	Dated this day of



### REPUBLIC OF ZAMBIA

## **The Forests Act, 2015** (Act No. 4 of 2015)

## The Forests (Community Forest Management) Regulations, 2018

## APPLICATION TO ASSIGN RIGHTS UNDER A COMMUNITY FORESTRY MANAGEMENT AGREEMENT

Title	We the residents of the community of in the District of
Declaration	and the Province ofwish to apply to assign the following rights received under the community forest managemen
(2) Here insert the	agreement dated
reference no. of the application	The following are the rights to be assigned under the community fores management agreement:
	(a)
	(b)
	(c)
	(d)
	Details for the persons or group to be assigned rights under the Community Forest Management Agreement,
	(a) Name(s)
	(b) Address
	Nature of the intention or use of assigned right:
	Parties: Benefits.
	1- ' W C 1
	sharing
	persons or group have been made fully aware of the rights and responsibilities provided through the Forests Act, 2015 and will be required adopt such obligations as may be determined by the Minister.  Dated this
	Chairperson Community Forest Management Group

## FOR OFFICIAL USE ONLY

Submitted to:	District Forest Officer
	Stamp:
Name:	•
Position:	OFFICIAL
Position:	STAMP
	Date received:
Signature:	
	Date sent to Province
	Bate sent to 110 vinee
Recommended	Provincial Forestry Officer
	Stamp
Name:	OPPICIAL CONTRACTOR OF THE CON
	OFFICIAL
D:4:	STAMP
Position	
Signature:	Date received
	Date sent to the Director
	Date sent to the Breeton
11 21	
Approved by: Director of Forestry	
	Stamp:
Name:	
Position:	
1 OSILIOIL	OFFICIAL
	STAMP
Signature:	Date received
	Date:
Subject to conditions:	
Subject to conditions.	
File ref number:	
Conjugator	
Copies to:	

Hon. J. Kapata, Minister of Lands

Lusaka 14th February, 2018