

GOVERNMENT OF MALAWI

**DRAFT**

**A GUIDE TO  
COMMUNITY BASED  
FOREST MANAGEMENT  
IN MALAWI**

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## FOREWORD

In ancient times much of Malawi was covered in forests and woodland, with smaller areas of natural grassland and savannah as well as *dambos* and wetlands associated with the major river systems. Even before man's arrival the forest cover was not constant, but altered according to changes in climate. At the time of the first recorded human presence, around 2.5 million years ago, Malawi's climate was much drier than it is now, and the vegetation resembled the semi-desert thornbush of East Africa. The early human populations were hunter-gatherers, and had little impact on forest cover. But at the beginning of the Middle Stone Age – in Malawi about 50,000 years ago – man mastered the use of fire, which may have been used in hunting. Much later, in the third century A.D., Bantu immigrants into the north and the south of Malawi brought with them two industries that were to have a profound impact on the forests – iron smelting and agriculture.

The production of iron for making hunting and agricultural implements required the smelting of iron ore in clay kilns or *n'gonjo* fired with charcoal. Each firing yielded only enough iron to make a few hoes, but consumed 1.5 tonnes of charcoal, produced from around 15m<sup>3</sup> of hardwood. This industry grew steadily until the arrival of traders from the outside world brought in alternative supplies of iron tools. It remained active in the north of Malawi in the 19<sup>th</sup> century, and persisted in isolated pockets until the 1930s. It is not known how large this industry was at its peak, but to the west of the Nyika hundreds of smelting kilns can be seen in what is now healthy *miombo* woodland, and when Livingstone travelled in Kasungu in 1863 he noted that every third or fourth village had its own kiln. There can be no doubt that the iron industry consumed vast quantities of wood, and must have left many hillsides bare of trees.

The Iron Age immigrants cultivated grain crops – probably sorghum and finger millet – but farmed in different ways according to the natural productivity of the area. Large parts of the plateau lands have rather poor soils, and here a dispersed and mobile population practised slash-and-burn agriculture. The clearings made by these farmers would have regenerated quickly once they moved on, and the main human influence on the forest was probably through fires used in hunting. On the fertile lakeshore plains and in the Shire highlands permanent and much denser settlements were established, and here the primary forest was permanently removed. These farmers practised a bush-fallow system in which gardens were cleared from secondary regrowth. Population density grew, both through natural increase and through immigration – in AD 1200-1500 the Maravi (later to become the Chewa, Sena and Mang’anja) came from the west, followed by the Tumbuka and other tribes from the north.

In the mid 1800s the arrival of the Ngoni in the centre and north of Malawi, and the Yao in the south, ended a long period of relative peace and steady population growth. The wars that followed their arrival, and later the slave trade, had the effect of scattering the population and substantially reducing it, and some areas that had been farmed for centuries were abandoned to be reclaimed by the forest.

The last important turning point for forest history was the arrival of the British in the late 19<sup>th</sup> century. By the early 1900s the wars and the slave trade were ended. The peace which followed, and economic and social development spurred by external investment, created the right conditions for rapid growth of what remains a mostly rural population engaged in small-scale agriculture. Slash-and-burn forest farming gave way to the bush-fallow system, and, increasingly, bush-fallow gave way to continuous cropping. In the present, more than 2 million hectares of land are under rain-fed smallholder agriculture. Of this, most is cropped continuously, the



area of fallow amounting to only 6%. Slash-and-burn farming has retreated to isolated pockets in the Northern Region. A further 1.2 million hectares are farmed as estates, of which 19% are under natural woodland or plantations. Total forest cover has declined from an estimated 6 million hectares in 1946 to 2.5 million hectares today, and deforestation has grown from an un-noticed side effect of agricultural expansion into a problem of national proportions.



# PART 1. INTRODUCTION AND BASIC PRINCIPLES

## 1.1 This guide: what it is and who it is for

This field guide has been prepared with the aim of creating a better understanding of the problems facing Malawi's forestry sector and the role that communities may be able to play in solving them. It is intended as a handbook for those involved in promoting or practising forest management at village level – frontline extension staff of central and local government, traditional leaders, non-governmental organisations and the wider public. Although this first version is written in English, it is intended to reprint the guide in Chichewa and Chitumbuka in order to make it more accessible to forest users and village institutions. It is not an extension manual; neither does it give technical advice on forest management or silviculture. Instead, the following pages provide an overview of the new opportunities for community based forest management, and the processes through which it may be achieved.

The guide is divided into four parts:

- This first part begins by exploring the nature and origins of Malawi's forest management problems and some of the basic concepts on which possible solutions might be built. It discusses the meaning of deforestation, sustainable production and optimal production, and shows how market forces and resource ownership affect the values of forest products and the

incentives for forest management. Finally, this part illustrates the principles underlying the 1996 National Forest Policy, and explains them as logical responses to the problems identified.

- The second and third parts provide a more detailed, practical guide to the current policies and systems for community based forest management as they apply to customary land (Part 2) and forest reserves (Part 3). They also explain the interim or “default” arrangements under which the government will continue to take responsibility for forests until community institutions are ready to take over. They attempt to remove some of the past uncertainties and inconsistencies in the way the National Forest Policy has been applied, and to outline a clear set of procedures for the future.
- The fourth and final part examines the roles of the main partners in forest management – traditional and modern community institutions, government, non-governmental organisations and the public – and the way in which their relationships can be developed to the long-term benefit of forest users.

## 1.2 The need for better forest management in Malawi

Since this guide is concerned with tackling the problems of poor forest management in Malawi, it is first necessary to establish that such problems do really exist, and that all parties have a clear understanding of what they are and how they have arisen.

### 1.2.1 The value of indigenous woodlands

Malawi’s indigenous woodlands and forests benefit the human population in many ways – some (forest products) are recognized

and valued, and others (ecosystem services) are less obvious and tend to be under-valued or ignored.

*Indigenous forests provide a wide range of useful products:*

- Fuel. Biomass fuel accounts for 93% of Malawi's energy consumption: of this almost two thirds is derived from trees growing naturally on customary land (37%) or in forest reserves (26%), with the remainder derived from exotic plantations (11%), crop residues (10%) and other sources (16%).
- Construction materials, including poles for building houses and tobacco barns; timber for building, joinery and wood-carving, and bamboos, bark, vines and palm leaves for a variety of construction and craft industries;
- Wild foods, including fungi, fruits, insects and game animals.
- Medicinal plants of many kinds are found only in indigenous woodlands and forests, and not in plantations of exotic trees. Since the majority of the population relies on traditional sources of medical services the importance of these products should not be under-estimated.

*Indigenous forests provide essential ecosystem services:*

- Among the most important of services provided by forests is their role in governing the way catchments function. Forests not only protect the soil from erosion, but they also keep the soil extremely permeable. That is, rain falling on forests penetrates the soil and contributes to the supply of surface water (rivers and streams) and groundwater (the source of supply for boreholes). In deforested areas the soil becomes degraded and impermeable. Catchments that are deforested are characterised by streams that flow only during the rains,

and by increased surface flow and down-slope erosion during the growing season.

- Indigenous forests support a great diversity of plant and animal life that cannot survive on farmland or in plantations.
- Forests contribute to atmospheric stability by absorbing carbon dioxide, a “greenhouse gas” that is increasing worldwide. Many scientists believe that the increase in greenhouse gases is causing global warming, leading to an increasingly unstable and unpredictable climate – a worrying prospect for a small farmer who depends on seasonal rainfall, or a small nation that depends upon its agricultural economy. In the future the restoration of forests for their role as “carbon sinks” may attract substantial international grant funding.

*Indigenous forests provide aesthetic and spiritual services that are difficult to replace:*

- Indigenous forests are beautiful. Although most people would agree with this statement, most would also place livelihoods a long way before beauty if it came to a choice. But beauty has its own economic links, and at the local level tourism or ecotourism development is closely tied to the maintenance of a reasonable degree of indigenous forest cover.
- The preservation of graveyard forest patches is of ancient origin and is a visual demonstration of the spiritual values conferred on trees by a large majority of the population.

Such is the list of benefits derived from indigenous woodlands that they must be recognized as an essential part of the natural landscape, the rural economy and the environmental well being of the nation. Those who benefit most directly from woodlands and forests, and those who have the most to lose from their degradation or destruction, are the rural communities – currently about 86% of the population.

## 1.2.2 Deforestation

The term “deforestation” is commonly used in two ways:

- The first describes the removal of trees to make way for agriculture. In this sense, deforestation means a change in land use, and in modern times this has tended to be a permanent, rather than temporary change.
- In the second case, deforestation is used to describe the wholesale removal of trees from an area of land in order to use them, usually (but not always) for fuel. Here, there is no change in land use, but the forest cover is degraded to a greater or lesser extent. This kind of deforestation, often seen in with country that is hilly or otherwise unsuitable for farming, need not be permanent. If harvesting stops, the forest will recover; usually through the growth of shoots from the stumps, from stunted seedlings already present in the grass layer when the trees were cut down, and to a lesser extent from the germination of seeds. Recovery can be surprisingly rapid. Only five years is required to produce a vigorous cover of small trees, and within twenty years it may be difficult to distinguish the new forest from the one it replaced.

In modern times the first kind of deforestation has been the most important. Between 1972 and 1990 Malawi lost 41% of its forest cover, mostly through the expansion of agriculture. But the rate of increase in agricultural holdings has slowed down considerably in the last decade, because smallholders are reaching the limits of arable customary land, and because in 1996 the government stopped the conversion of customary land into leasehold estates. It might be expected that if the conversion of forest to farmland has slowed down, deforestation would slow down also. But instead, deforestation has suddenly become a much more prominent public problem. It features in the daily newspapers, and questions are asked about it in Parliament and in the Cabinet.

There are good reasons for this. Where forests on flat land were cut down for farming, large amounts of fuelwood and timber were produced. Deforestation was taking place, but it was not obvious. The landscape was made up of farms and patches of forest – the balance between them was changing, but the process was gradual. Once the flat land had all been cleared the lower slopes of the hills were also farmed, and then the limits of arable land were reached and the clearing stopped. The steady supply of fuelwood stopped also, and people had to go into the hills to collect it. Since the same thing was happening in many parts of the country, fuelwood became a desirable commodity, and some discovered that there was money to be made in cutting wood and selling it on the roadside. Grassy patches appeared on the hills, and before too long the nearby hills had lost all their trees. The second type of deforestation had taken over, and one now saw farms and bare hills. Once this stage had been reached, deforestation was an obvious reality. Although land use change has probably accounted for most of the forest lost during the last century, the final removal of trees from the hills is what has caught the public eye.

Two factors have accelerated this process. One was the birth of multi-party democracy in 1994. Many people interpreted democracy to mean that they no longer had to respect the law, particularly where it applied to natural resources. At the same time the government relaxed its attitude to law enforcement. Strict policing was associated with the old order, and for the first few years after the 1994 elections the state did little to interrupt the rapid growth of the illegal fuelwood industry. The second factor was the expansion of urban commercial interest in the fuelwood business. Rather than being just traders and distributors, urban-based businesses in some areas actually control the harvesting of fuelwood and the production of charcoal. In these instances, rural communities in the production areas receive only a small proportion of the cash profits of these unlawful businesses, yet



they must ultimately bear the long-term economic and environmental costs of forest degradation or removal.

There is also a gender issue linked to the fuelwood industry. Commercial fuelwood harvesters are usually men. As deforestation proceeds, the women of households that are not in the fuelwood business provide most of the additional labour required to fetch fuel from ever-increasing distances.

### 1.2.3 Sustainable production

Almost any document dealing with natural resources refers to sustainable production, or sustainable utilisation. What exactly does this mean?

#### ***The bank account analogy***

A common analogy is that of a deposit account in a bank, an account that yields interest on the capital invested. If the interest rate is 10% per annum, then MK100 invested for one year will earn MK10 in interest. The MK10 can be withdrawn from the account, and the capital will go on to earn another MK10 in the second year. The account holder can withdraw MK10 each year indefinitely, and the amount of his capital will remain the same at MK100. That income is said to be sustainable. But if at the end of the first year the account holder withdraws MK20, he has started to use up his capital – it will be reduced to MK90. If MK20 is withdrawn at the end of the second year, his capital – and the amount of interest it will earn – will be smaller still. Before the end of the ninth year the capital will be reduced to zero, and will earn no further interest. Under these conditions, an income of MK20 can be said to be unsustainable.

Although the natural world is more complex than a bank account, the same general principle applies: **if we want to continue**

**harvesting a resource indefinitely, we cannot remove it faster than it is being produced.** This could be called the first rule of sustainable production. In order to comply with this rule we need to know the size of the capital (the resource base) and the interest rate (or productivity) in order to calculate the sustainable yield, and to be able to control the level of offtake. Together, these activities are usually called **resource management**.

The productivity of a forest – its **Mean Annual Increment (MAI)** – is expressed as cubic metres of woody biomass produced annually in each hectare of woodland or forest. Areas of reliable rainfall and deep soils support dense forests of large trees – here the woody biomass may be 80-100m<sup>3</sup>/hectare, and MAI 2-4m<sup>3</sup>/hectare/year. Areas of poor or unreliable rainfall and shallow soils support an open, scrubby woodland in which woody biomass is much lower – perhaps 40-50m<sup>3</sup>/hectare, and MAI less than 1m<sup>3</sup>/hectare/year. The predominant *miombo* woodland, which covers much of the central African region, has a mean biomass of about 70m<sup>3</sup>/hectare, and MAI of about 2.5m<sup>3</sup>/hectare/year.

**Note the difference between biomass (capital) and productivity (interest). Clear-felling in undisturbed *miombo* woodland can yield a one-off harvest of 70m<sup>3</sup> of wood per hectare, yet the sustainable production from the same area is only 2.5m<sup>3</sup> per year.**

Clear-felling does not reduce the forest capital quite to zero, as some biomass remains as stumps, roots and seedlings that will continue to produce a tiny harvest of shoots year after year. Such a harvest, although very small, may still be sustainable – it can be likened to a bank account with very little capital invested. It is sustainable, but clearly not desirable. Sustainability, then, is not by itself a very useful management objective.

### 1.2.4 Optimal production

This is about as far as the bank account analogy can take us. Biological productivity is not related to biomass in the same simple way that interest is to capital invested. Old, mature trees grow more slowly than young ones, and a forest that is carefully harvested is more productive than one that is not harvested at all. Opening up the forest canopy by selectively removing large trees allows others that have been stunted by excessive shade to grow much more rapidly. Protection of harvested areas from fire also dramatically improves the rate of forest regeneration, and, therefore, overall productivity. By using a range of management techniques, the productivity of a forest area may be considerably improved – perhaps even doubled – over its natural state.

So far we have only considered the gross production of woody biomass, but in practice forest users require a range of specific products – planks from large trees of selected species, poles of particular thickness from others, bark fibre, bamboos, fruits and so on. If a forest is to be useful to the communities that depend on it, it must be managed in such a way that it yields the mix of products that best suits their needs, and the yield of these products must be as high as possible within the limits of sustainability. This could be termed “**optimal production**”. Optimal production combines the concepts of sustainability, maximum yield, and matching the potential of the forest to the consumption patterns of its users. It stands to reason (although this is sometimes overlooked) that the forest users must themselves define the objectives of forest management. This handbook will not go further into how to manage forests and woodlands – the intention here is to show that there is much more to forest management than ensuring sustainability.

### 1.2.5 Supply and demand

The main trades in forest products are those for fuelwood / charcoal, and for poles used in construction. Every man, woman and child in Malawi consumes, on average, a little over  $1\text{m}^3$  of fuelwood per year. In addition, the tobacco, brick-burning, lime and fish-smoking industries represent a large demand for wood. Assuming a (2001) population of 10.4 millions, the total annual consumption of fuelwood and poles may be estimated at around 15 million  $\text{m}^3$ .

Going back to the concept of sustainable production, we noted that the sustainable production of un-managed *miombo* woodland is around  $2.5\text{m}^3/\text{hectare}$ . So, to meet the present consumption from the sustainable harvesting of *miombo* woodland would require a forest area of 6 million hectares. But the total land area of Malawi is only 9.4 million hectares, and within this the area of forest, including national parks, wildlife reserves, forest reserves and customary and private land is estimated at 2.5 million hectares. Clearly, there is a major problem here. After taking into account the higher productivity of plantation areas we can estimate the current sustainable production at around 7.5 million  $\text{m}^3$  – assuming all forests (even national parks) were harvested. In other words, **Malawi is harvesting twice its sustainable production of wood.**

Given a population growth rate of 1.9% and assuming no change in wood consumption per head, one could calculate that the last tree will have been removed within the next twelve years. Is this projection reasonable? **If the government ignored the problem and left the forests to the mercy of market forces, would Malawi become a desert by 2013?**

The answer to this is no, almost certainly not. Consider what would happen. Firstly, trees would disappear from customary land

around the main urban centres, and progressively they would be sourced from ever more remote locations. Transport costs would rise, and higher prices would be charged for fuelwood as it became increasingly scarce. Faced with steep price rises, the urban population would become more careful about the use of wood, and consumption per head would begin to fall. Fuel would become scarce in the rural areas also, people would rely increasingly on crop residues and homestead trees, and a rural fuelwood market would also develop. At a critical point along the price curve, some people would realise that trees had become a viable cash crop. Plantation forestry would take off in a way it never had before<sup>1</sup> – on all scales from the smallholder to the large estates – and eventually a sustainable balance between supply and demand would – most likely – be established.

**Is this then the solution to the problem? Should we simply wait for the market to stimulate tree-planting?**

The answer, again, is no. The market solution might eventually take care of the fuelwood crisis, but there would be much hardship in the meantime and it would not begin to address the other problems that the loss of indigenous woodlands is already creating. The new plantations would not contain indigenous trees but the much more productive exotics, mainly pine and bluegum. They would not provide the diversity of other products so important to the rural economy – wild foods, materials for the craft industry, medicinal plants. It is unlikely that they would be planted in such areas that they would fulfil the vital catchment protection functions that the indigenous woodlands do or did perform. Rural communities would be forced to pay for fuelwood and construction materials, many forest products would no longer

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<sup>1</sup> This is already beginning to happen in parts of Malawi. Notice the bare hills around Blantyre, and the density of planted trees on individual customary plots and private land in and around the city.

be available, and, most serious of all, the supply of water would be further reduced.

There is no point in pretending that good management of the indigenous woodlands will solve the fuelwood problem by itself – we have already proved that it will not. There is a pressing need for more forest plantations and woodlots (perhaps an additional 0.5-1 million hectares), but Malawi needs a mix of forest types – plantations for fuel, poles and softwood timber, and indigenous forest for a great diversity of other products and services. It is because plantation forestry is not growing fast enough that the indigenous forests are disappearing, and it is because the cash values of indigenous forest products are so low that plantation forestry is not yet sufficiently profitable to take off. The way to save the indigenous forests is to make them less accessible and/or their products more valuable. The relationships between ownership, management incentives and cash values is discussed in section 1.2.6 below.

Moving from fuelwood to the other products of indigenous woodlands, we find that in many cases their supply is determined more by the presence or absence of forest cover than by the intensity of harvesting. For instance, most of the edible fungi live in association with tree species of the *miombo* woodlands – if the woodlands are removed, the fungi disappear also. Some of the medicinal plants are shrubs that live in the forest understorey – they cannot survive on a bare grassy hillside. Likewise, many other animals and plants depend for their existence on the woodland or forest environment, and their availability can only be assured by maintaining a suitable habitat. To a large extent, the supply of many non-timber forest products (NTFPs) is now governed by the un-managed, unsustainable and unlawful removal of indigenous woodland to satisfy urban fuelwood demand.

## 1.2.6 Ownership, management incentives and cash values

The relationship between resource ownership and resource values is best illustrated by a simple example:

*Imagine the situation of a smallholder farmer living in a village that has access to woodlands on the nearby hills. The hills are on customary land under the control of the village head, but for as long as he can remember the community has used the woodland as a source of forest products for domestic use, without needing special permission. He may know that it is illegal to sell the wood he takes from the hill, but there is no Forest Guard or Patrolman in the area, and the village head is not particularly interested in trees. He has a vague idea that the woodland is supposed to belong to the government, but no one protects it, and periodically the government licenses outsiders to fell trees to saw into planks. He tries cutting some wood and selling it on the roadside. No one stops him. The wood sells quickly, and earns him a good wage – a useful supplement to his family’s small income from farming. Others in his village try the same thing. Fairly soon, a village industry grows up, and there is some competition for trees. Each one knows that if he does not cut the nearest trees, someone else will. The woodcutters start work earlier in the morning, and within the first season the woodlands near the village are reduced to grass. That does not matter too much, as beyond the first hill is a second, and a third, and at the current rate there is enough wood to last for several years. For the moment, that is as far ahead as they need to think.*

That is not just a description of what is happening over much of Malawi, it is also a classic case of what is known as “**open**

access” to the forest resource. By analysing this example in more detail, we can learn three important lessons which help to explain the rapid disappearance of indigenous forests.

- Who has control over the woodlands? In pre-colonial times the traditional authorities had unquestioned control over all forests, but the British administration removed this power to central government. In the law, this remains the case today. The government controls the woodlands in theory, but in practice it cannot afford to exercise that control through policing measures. The fact that from time to time the government licenses outsiders to remove trees only emphasises the powerlessness of the village head. In reality, **no one controls the woodlands.**
- The farmer-turned-woodcutter is earning an income from the woodland, but at the rate he is removing trees his new livelihood will only last for a few years. Is it not in his interest to manage his harvesting so as to ensure a sustainable (but smaller) income? The answer is no. If he does not cut the trees, someone else will. Any restraint he might show is a loss to him and his family. All the woodcutters know this, and that is why they work so fast – each one tries to maximise his individual share before the trees are gone. **The harvester’s incentive to manage his activities is actually negative.** Once an open access resource is linked up to a hungry market its days are numbered.
- What does this mean for prices? The woodlands are not controlled, owned or managed. When pricing the products, it is therefore not necessary to build in a management cost. The price of wood represents only the labour cost of harvesting and carrying to the selling point. And since so many woodcutters are engaged in the same trade, the wood produced has very little scarcity value in the short term. It



hardly needs to be said that future environmental costs are not reflected in the sales price, either. This is a further observation of general application: **the cash values of open access resources tend to be extremely low.**

This discouraging picture is reality in large areas of Malawi where customary forests or woodlands still exist, and it applies to a lesser extent in the forest reserves, also. There are exceptions, in places where government has been able to retain effective control or where a traditional leader has exerted his personal authority (without support from the law), but nationally the open access situation prevails to the extent that a large amount of inexpensive wood is being made available through the removal of indigenous forests.

### 1.2.7 Malawi's forests – a situation analysis

Putting together some of the observations made in the sections above produces the following situation analysis for Malawi's forestry sector:

- (1) Malawi is consuming wood at twice the rate it can be sustainably produced by the remaining forests, woodlands and plantations.
- (2) Control over indigenous forests has been removed from the traditional authorities to the government, yet government cannot afford to fulfil this responsibility on customary land, and can barely do so in the forest reserves. As a result, no one controls the indigenous forests, and they have become an open access resource.
- (3) The open access to indigenous forest on customary land, and to a lesser extent in forest reserves, encourages rapid depletion and low producer prices.
- (4) The resulting abundant short-term supply of low-cost indigenous wood inhibits the development of plantation forestry, which in the longer term will be essential to meet national demands for fuelwood and construction.
- (5) Unless the open access to indigenous forest can be reversed, almost all of it will be removed before wood scarcity drives up producer prices to the point at which plantation forestry becomes financially attractive.
- (6) Removal of the indigenous forests will have serious negative influences on rural livelihoods, the national economy and the environment.

## 1.3 Policies and laws for forest management

### 1.3.1 The National Forest Policy, 1996

The National Forest Policy was approved by the Cabinet in January 1996 after a long period of development. It set out to make many improvements over the previous policy, but most important of all it aimed to solve two fundamental problems:

- (1) The apparent failure of the previous policing style of forest management to protect the indigenous forests or encourage afforestation. This policy had failed for practical reasons – limited government financial and human resources were unable to cope with the ever-increasing pressure on forests from a rapidly growing population. Also the top-down “command and control” approach to management appeared increasingly inappropriate in the context of Malawi’s new democracy and the general trend towards self-determination.
- (2) The public perception of naturally growing indigenous trees and forests as ownerless, or belonging to no one. The open access to forest resources created by this perception was seen to be a strong disincentive to responsible forest management and utilization.

These two problems were closely linked – as we have seen in section 1.2.6. It was government’s inability to exercise control that led to the situation of “open access” to forest resources, particularly on customary land.

The solution to both problems was found in a single course of action – to transfer the ownership of forests to those communities who agreed to protect them and use them wisely. This was a bold shift in policy that was to have a strong influence on other natural resources policies developed later – in particular the National

Fisheries and Aquaculture Policy (2000) and the National Wildlife Policy (2000), both of which contain similar provisions for community empowerment. The main features of the National Forest Policy are:

- In customary areas the ownership and control of indigenous forests will be transferred from the government to the rural population. The planned harvesting and regeneration of forest resources will be guided by community based management institutions – Village Natural Resources Management Committees (VNRMCs).
- The policy also strongly supports the production of trees on customary land through the establishment of woodlots under communal or individual ownership, and establishes as a priority the provision of extension advice on nursery and plantation technologies, agro-forestry, forest management and forest-related income generating activities and the processing and marketing of forest products.
- Similarly, the management options for forest reserves are broadened to include arrangements for sharing management and utilisation rights with boundary communities (co-management).
- Even where forest reserves are to be managed solely by government, the policy indicates that their productive functions will be fully developed, through licensed access to resources on a sustainable-yield basis.
- The policy also aims to promote forest industries at every level, from small private woodlots to industrial plantations, and a long-term objective is the privatisation of industrial plantations currently owned by government.

### 1.3.2 The Forestry Act, 1997

The National Forest Policy was embodied in a new Forestry Act passed by Parliament in April 1977:

*“An Act to provide for participatory forestry, forest management, forestry research, forestry education, forest industries, protection and rehabilitation of environmentally fragile areas and international co-operation in forestry and for matters incidental thereto or connected therewith”*

The Act provides for the management of indigenous forest on customary and private land, the management of Forest Reserves and Protected Forest Areas, and the promotion and maintenance of woodlots and plantation forestry. It establishes a Forestry Management Board and a Forest Development and Management Fund, and defines the enforcement powers of government officials and community institutions. The Act also deals with such cross-cutting issues as the control of fire and tree diseases, the import and export of forest products and international co-operation in forestry.

The Forestry Act adds a considerable amount of detail to the more general provisions of the National Forest Policy. It lays down a set of formal procedures for the handing over of customary forest ownership to individual communities based on designated forest management areas (Village Forest Areas), elected representative bodies (Village Natural Resources Management Committees) and legally binding agreements between the government and the community (Forest Management Agreements). It also establishes the principle of shared management of forest reserves, again based on a legally binding agreement negotiated between the parties.

### 1.3.3 How the forestry policy is intended to work

The intended impact of the new forestry policy can be expressed in terms of the situation analysis contained in section 1.2.7:

- (1) The policy intends to restore the control over customary indigenous forests to the communities on whose land they occur, and, wherever feasible, to encourage the sharing of forest reserve management and user rights between the government and the boundary communities. In each case the new management regime will be founded on an agreed management plan and will be protected in law.
- (2) The establishment of new community management initiatives on customary land, and shared or co-management ventures in forest reserves, will effectively end the prevailing situation of open access to the indigenous forests wherever they apply.
- (3) The progressive closure of access to indigenous forests will reduce the supply of indigenous wood and will inevitably result in an increase in producer prices.
- (4) The increase in wood prices will stimulate private sector investment in plantation forestry, and at the same time rural communities will be encouraged to plant woodlots to supply their domestic needs (where these cannot be met from the sustainable production of indigenous forests) and as profitable business ventures.
- (5) The growth of plantation forestry will relieve the pressure on indigenous forests, and will therefore reinforce the drive towards their sustainable utilization.
- (6) In the longer term, Malawi will tend towards self-sufficiency in forest products based on the balanced development of plantation forestry and the sustainable management of indigenous forests and woodlands.

- (7) By implementing this policy the government intends to help rural and urban communities to secure, maintain or restore as much as possible of the indigenous forest and the range of essential goods and services they provide.

Although many of the details of how the policy is to be implemented could be read from the National Forest Policy, the Forestry Act and the Forest Rules, there remained some areas that were unclear or that could be interpreted in more than one way. In order to resolve these potential inconsistencies a policy review was conducted during 2001. The review took the form of individual consultations within every district, followed by workshops convened at regional level and a special forum of the National Forestry Programme held at national level. The final output from the policy review was a supplementary policy statement entitled “**Community Based Forest Management**”, which was approved by the Minister of Natural Resources and Environmental Affairs in ?? Parts 2 and 3 of this guide are an edited and expanded version of this policy supplement.

# PART 2. COMMUNITY MANAGEMENT OF CUSTOMARY FORESTS

## 2.1 Customary forests

Customary forest means natural forest and woodlands occurring on customary land, that is, land that is governed by customary law as defined in the Land Act. In the context of community based forest management, the focus of interest is in forests of communal access. Mostly, these occur on land that has not been allocated to any individual, family or clan, but in some districts forests of common access occur on allocated land. It is government's intention that all such forest resources should be managed so as to conserve and maintain their productive capacity as well as their less obvious environmental services. The preferred option is that customary forests will be managed, owned, utilised and protected by the communities on whose land they occur, but in the event that a community is unable or unwilling to manage its forest resources this responsibility will be retained and exercised by the government.

The National Land Policy (2001) makes a number of changes to the way land will in future be classified, allocated and administered. Unallocated customary land that is of a common access nature, for instance *dambos*, community woodlots and forest areas will be classified as Public Land for the exclusive use of members of the respective Traditional Authority. In addition, all customary landholders, defined to include whole communities, families or individuals, will be encouraged to register their



holdings as private customary estates with land tenure rights that preserve the advantages of customary ownership but also ensure security of tenure. These provisions, which will be enshrined in a new Land Act, will strengthen community tenure over forest resources also, but will not otherwise alter government's policy and legal framework for forest management.

Although government intends to establish community based forest management throughout all customary lands it is recognised that this will take some time to achieve. The Forestry Act (1997) therefore sets out two alternative systems for the management of customary forests and woodlands:

- The first is more or less similar to the system that preceded the new Act in that customary forests will continue to be under the control and management of the government. This can be regarded as an interim measure to provide some degree of protection to customary forests until such time as community management is put in place. Until then, commercial activities in customary forests can only legally be undertaken under the authority of a licence issued by the Director of Forestry (see section 2.2 below).
- The second system is entirely different, in that the control of designated areas of customary forest (Village Forest Areas or VFAs) will be handed over by the government to the communities on whose land they are situated. The handover will be effective only when each participating community fulfills a number of conditions, as described in section 2.3 below.

## 2.2 Before community management

### 2.2.1 Overview

This section describes the legal framework for managing forest and woodland resources on unallocated customary land before the formal arrangements for community management have been put in place. The management of customary forests by government, which was the essence of previous policies dating from the colonial era, has in the past failed to prevent the wholesale removal of forests from customary land (see Part 1, section 1.2.6). Although it remains the “default option” for forests that are not under community management, government’s current role here is to conduct a holding operation until such time as the National Forest Policy is fully implemented. It is an attempt to ensure that some resources are left for the community to manage.

The policy objective for the management of customary forests that are not yet under community control is therefore to balance the immediate need for forest products and forest-based livelihoods with the need to ensure their continued availability to future generations, by:

- allowing rural communities free access to the forest products required for domestic use and consumption;
- allowing controlled access to forest products for commercial purposes, on a sustainable yield basis, and
- prohibiting the commercial use of forest products beyond the limits of sustainability.

In order to implement the licensing system, government will ensure that: (a) the necessary administrative structures are functional in all parts of the country, and (b) the system is

supported by as much law enforcement capacity as financial limitations will allow.

### 2.2.2 Activities that do not need a licence

The harvesting or collection of forest products for private domestic use, including firewood, poles, wild foods, grass and medicinal plants, may be undertaken without licence by any individual on land which he or she is entitled to use. Protected tree species, as listed in the first schedule of the Forest Rules, 2001, may not however be taken even for domestic use except under licence.

### 2.2.3 Activities that do need a licence

A licence is required for any commercial forestry activity on customary land outside the formal community management system. This includes:

- Cutting, removing or felling any tree (other than planted trees);
- Taking any other forest produce;
- Keeping bees, or collecting honey or beeswax;
- The use of wood derived from customary land for making charcoal;
- The use of wood or other forest products derived from customary land for tobacco curing, brick and tile making, wood carving, making lime, or making bamboo baskets or chairs;
- Trading in wood or forest products.

Under the decentralisation programme, the responsibility for licensing these activities will in the future pass from the Department of Forestry to the District Assemblies.

## 2.3 Community Management of Customary Forests: policy objectives and guiding principles

**The policy for community management of customary forests has two principal objectives:**

- It aims firstly to stem the prevailing widespread destruction of forest resources on customary land and the material products and essential environmental services they provide.
- The second and equally important objective is to encourage the development of customary forests and woodlands as important economic assets to the communities on whose land they occur.

Together, these objectives aim to reverse the trend towards deeper rural poverty that the destruction of customary forests will inevitably create.

The strategy to achieve these objectives is to remove the current situation of open access to forest resources on unallocated land by clearly assigning forest ownership or user rights to the landholders, and by giving them the legal power to protect and sustain them.

The transfer of ownership will not be unconditional, neither does it mean a universal withdrawal of government responsibility and concern for customary forests. The transfer of ownership will be matched by a corresponding transfer of management responsibilities on a village-by-village basis, and will be formalised in every case by a legally binding agreement between the government and the community.

Until such time as an agreement is in place, forest management will remain the responsibility of the government. The implementation of agreements will be monitored, and if for any reason an agreement breaks down it may be terminated by either party, in which case the responsibility for management of the community forest will return to the government.

The government will do everything in its power to assist and support those communities that wish to manage their forest resources. Such assistance may include technical guidance, training and financial support.

## 2.4 Community decision making

The success of community forest management will depend upon the creation within the participating communities of a genuine sense of ownership of the indigenous forest resources on their own land (even if these forests are already badly degraded), and the assumption of full responsibility for their maintenance, protection, regeneration and wise use. This requires a major change in personal attitudes towards forest resources, a change that can only come about if the community is fully aware of the costs and benefits of the options available to them. It is necessary to stimulate debate within the community focusing on livelihoods, land and natural resources, and to encourage it to identify problems and potential solutions. The extension agent has a duty to inform the community about the government policy and legal provisions for community forest management, but he/she should not try to control the decision-making process. The community is not obliged to take over the management of its forests, but it should be aware of the government's wish to encourage community management and of the advantages of doing so.

These advantages should not be falsely exaggerated. Community forest management will not make a village immediately wealthy,

but it will help to ensure a long-term, sustainable supply of the forest products it needs and will also protect water supplies and control surface runoff. There will also be opportunities for income generation from forest management, but in many cases the community will need to give up unsustainable commercial wood harvesting that has provided a substantial short-term income. The benefits of community forest management are large, but they are not immediate.

The discussion of these issues should take place, as far as possible, in meetings of the entire community. The Village Headman or Group Village Headman is expected to play an important role in facilitating village meetings and in ensuring that all households are given the opportunity to participate.

The new management regime will affect the entire village, or group village. It will affect every household in the gathering of forest produce for domestic use, and their views will be required at the earliest stage of planning. In most cases active forest management will be a new activity, since the role of government in customary forest management has for many years been minimal or non-existent, and it will imply the need to impose sufficient discipline to curtail unsustainable and illegal commercial forest-based enterprises. Communities will be assisted to make informed decisions about the future management of their forest resources in full awareness of these implications.

A key decision to be made early on is whether the local forests or woodlands are to be managed at the level of the village or the group village. This will depend on the extent and configuration of the forest resources (whether or not a single area of forest is used by more than one village) and also on the willingness of all villages within a group village to participate in the new management system. Again, this is a decision to be made by, and not for, the communities concerned.

## 2.5 The advantages of community management

Table 1 below shows the probable impacts of different kinds of forest management regime on cash incomes, the availability of firewood and other forest products, and on general environmental conditions in the village. The three kinds of management shown in Table 1 are explained as follows:

- Government management (low compliance) – this refers to a situation where the village, or a part of it, disregards the “government” management system as described in section 2.2. Typically, this would be a village that is actively removing its forests for cash sale. This situation is characterised by high cash incomes for a short period, followed by a steep decline in incomes (when the forest is gone), scarcity of firewood and other forest products, reduced water supply and heavy soil erosion.
- Government management (full compliance) - this refers to a situation where the village actively complies with the provisions of the Forestry Act. Cash incomes from forestry will be small. Both the long-term availability of forest products and environmental conditions will depend on the ratio of forest area to population.
- Community management (at full development) – this refers to situations in which the village has taken over the management of its forests and where necessary added to natural production by planting woodlots. Villages in this category will be able to secure a sustainable, although probably modest, income from forestry, will achieve self-sufficiency in forest products, and will safeguard water and soil resources by conserving catchments.

<b>Impacts on individual communities</b>	<b>Management regime</b>		
	<b>Government management (low compliance)</b>	<b>Government management (high compliance)</b>	<b>Community management (at full development)</b>
Cash incomes from commercial forestry	High initially, but falling to zero once the first harvest is removed.	Probably low, as opportunities for licensed commercial activities will be very limited.	Moderate but sustainable and fairly distributed between households.
Availability of fuelwood	May be plentiful initially. Later, fuelwood will become extremely scarce.	Dependent on the extent of local forest resources, but unlikely to benefit from active management.	Will improve through active management: shortfalls made good through establishment of woodlots.
Availability of other forest resources	All will decline quickly as forest cover is removed. Most will disappear entirely.	Dependent on the extent of local forest resources, but unlikely to benefit from active management.	Good. Will benefit from active management to yield the most useful mix of forest products.
General environmental conditions	Decline in dry season surface water supply. During the rains heavy surface runoff from deforested slopes will contribute to the erosion of farmed plots.	Will depend on whether domestic consumption results in deforestation – in which case surface water depletion and soil erosion will result..	Water supplies secured / restored if the VFA includes critical catchments. Almost no surface runoff from slopes protected by the VFA.

**Table 1. The advantages of community management**



## 2.6 Village Natural Resource Management Committees (VNRMCs)

Each village or group village that decides to enter into community forest management will need to elect a committee to represent its interests and act as a point of liaison in dealings with forestry extension workers and other government officials. The committee must also be willing to take on the lead role in forest planning, management and administration, and to participate in periodic training. The committee is usually referred to as a “Village Natural Resources Management Committee” or VNRMC, because it is anticipated that the same committee might also take on other roles in natural resources management, for instance wildlife management.

Area Natural Resources Management Committees (ANRMCs) may be formed at Traditional Authority level in order to coordinate the activities of VNRMCs. Such ANRMCs will be sub-committees of the Area Development Committees.

It may not be necessary in every case to elect an entirely new committee to fulfil the role of a VNRMC. An existing committee or other village institution may be nominated as a VNRMC, provided it: (a) has been elected in the proper manner, (b) is willing and potentially competent to take on the task of a VNRMC, and (c) has the backing of the community in this new or additional role. The very title “VNRMC” was coined with flexibility in mind, aiming to avoid the unnecessary proliferation of village committees.

The VNRMC should not become a “forestry club” whose members monopolise the forestry activities of the village. It should represent and be accountable to the wider community, and should be periodically re-elected to ensure this remains the case. The VNRMC should prepare a constitution, with the help and

support of the community, which clearly expresses its objectives and responsibilities (see section 2.7).

The VNRMC is a sub-committee of the Village Development Committee (VDC) and should therefore be represented at the village assembly. It can submit project proposals for funding from various sources, including, via the VDC and the Area Development Committee, the District Development Fund.

## 2.7 VNRMC Constitutions

The purpose of the VNRMC's constitution is to set down clearly its objectives and functions and the way in which it will conduct its affairs. The constitution should identify the area and community represented by the VNRMC (which may be a village or a group village), and should outline the rules and procedures for the functioning of the committee on behalf of the community. For this purpose it may include procedural rules, or by-laws, which are quite distinct from the management rules developed from a forest management plan (section 2.11) for the regulation of forestry activities within the Village Forest Area. The constitution should include detailed provisions for the transparent management and disposal of any income arising from commercial forestry activities, including the maintenance of accounts and other records, and should define sanctions or penalties for infringements of the by-laws and management rules. The constitution should be developed in consultation with, and ratified by, the community, a process that may be facilitated (but not unduly guided) by the forestry extension service.

## 2.8 The roles of Traditional Leaders

As a general principle, the role of the traditional leadership is in providing an overall framework of good governance over

customary land and its resources, rather than direct involvement in the technical details of forest management. This role may be exercised through customary authority as well as by example. Traditional Authorities are well placed to influence the development of the forest sector, not only through the control of their subjects but also through their standing at higher political levels. As ex-officio members of the District Assemblies, Traditional Authorities should do their best to ensure that forestry matters are given due priority in district investment and development planning.

- Traditional Authorities already oversee land allocation procedures within their areas, and should take a similar responsibility with regard to forest management, encouraging the wise selection and allocation of Village Forest Areas (VFAs) by Village or Group Village Heads (see section 2.10) or other kinds of forest area for management by individuals, groups or institutions. The National Land Policy, 2001, expresses government's intention to democratise the land allocation process by creating Customary Land Committees at village, group village and Traditional Authority levels, headed in each case by the relevant traditional leader. This change is intended to increase transparency in customary land administration, and will not significantly lessen the role of traditional leaders in allocating land for forest management.
- Traditional leaders should facilitate the work of extension services within their communities by convening village meetings and by providing ongoing encouragement to community based forest management efforts.
- Traditional leaders should, when appropriate, call for and supervise the election of VNRMCs as sub-committees of the Village Development Committees. They should monitor the performance of VNRMCs against objectives stated in their

respective constitutions and forest management plans, and hold them accountable to the communities they represent. They should not, however, have the power to dissolve an elected VNRMC without the majority wish of the community, although they could bring issues of non-performance or corrupt practice before a village meeting for resolution – an action that might result in the dissolution of the committee.

- Traditional leaders should assist and advise in the formulation of local forest management rules (see section 2.12).
- As the administrators of customary law, traditional leaders should act as arbitrators in cases where there is disagreement within the VNRMC, or between the VNRMC and any community member. They should use their authority to support community compliance with local forest management rules, but they should also adjudicate if a community member wishes to appeal against a decision of the VNRMC.
- In this context, the independence and impartiality of traditional leaders would be compromised if they became too directly involved in the details of forest management. They should not normally, therefore, chair, or be executive members of VNRMCs, although they may hold ex-officio membership or act as advisors or patrons to their committees. This statement is made for guidance, but may be over-ruled by community wishes.

## 2.9 Village land use plans

Land and natural resources are the most important assets of rural communities, in some cases their only assets. It is clearly important that land be used in the best and most productive way, with the allocation of land for agriculture, grazing and forest based on an understanding of soils, topography and drainage. Yet

often this is not the case, and marginal or fragile land that should be protected by forest cover is cultivated while other, more suitable land may be available within the village boundaries. The National Land Policy expresses government's intention to undertake participatory land use planning in all villages, involving expertise in spatial planning, soil management, crop and animal husbandry and forestry, and providing a basis for guiding extension services. This process, to be coordinated through the District Planning Office and the Area and Village Development Committees, will help communities to identify which parts of their land holding should be maintained or re-established as forest areas.

## 2.10 Village Forest Areas

The Village Forest Area is that area of village land that is to be actively managed by the community for its forest resources. In legal terms, it is the area to which a Forest Management Agreement will apply, and in respect of which the forest ownership and management responsibility will be transferred to the community. It is the intention of the government that all common access forests should be managed by the community. It therefore follows that a Village Forest Area should include all unallocated customary land, or at least all such land on which forest resources occur or should be re-established. The responsibility for allocating the Village Forest Area lies with the Village Head or Group Village Head.

A Village Forest Area could also be created on, or could include, undeveloped customary land that has been allocated to an individual or lineage group, with the willing consent of the landowner.

Where a village land use plan has been prepared, the Village Forest Area may be confined to those parts of the village land that

have been identified for forestry. At the present time very few villages have such plans. In the absence of a village land use plan the following guidelines should apply:

- (a) In the first and preferred option all unallocated land is included in the Village Forest Area. The forest management plan (see section 2.11) will make allowance for those parts of the Village Area that may in future be required for settlement.
- (b) Alternatively, the Village Forest Area could include all unallocated land where forest or woodlands presently exist, or might reasonably be established (including bare hills, slopes, stream banks and degraded woodlands).

The above does not mean that government will refuse to enter into a Forest Management Agreement (section 2.13) based on Village Forest Areas comprising smaller parcels of land.

A Village Forest Area should not be seen as a pilot project, a small forest sanctuary or a piece of forest allocated to a VNRMC for its private use. “Community management” means community control over *all* of its forest resources, and this will not be achieved if the Village Forest Area is no more than a token plot on which trees are protected.

Villages that have already established Village Forest Areas that are small in extent will be encouraged to expand them in line with the recommendations above, although they are not legally obliged to do so. The benefits accruing to a community from managing its forests will increase in direct proportion to the size of its Village Forest Area.

## 2.11 Forest management plans

In order to make the best use of a Village Forest Area, a forest management plan is necessary. A management plan is also a formal requirement for the completion of a Forest Management Agreement (see section 2.13). The plan will be developed by the community with the assistance of forestry extension agents. Together they will define the management objectives for the Village Forest Area based on the community's assessed needs for specific products. They will determine the types and status of existing forest resources, including degraded resources, and their productive potential under different management regimes, and will select management strategies that provide the best match of productivity with demand. The management plan will state the management objectives, management strategies and the action plans through which the strategies will be implemented. It will assign roles and responsibilities to the VNRMC and other community members, and will form the basis for the development of management rules (see section 2.12).

- The management plan may also sub-divide the Village Forest Area into compartments in which different management regimes will apply. Such compartments may include areas of strict conservation, grazing areas and areas that may be required for future agricultural use (see section 2.10).
- In many villages the remaining forest or woodland is inadequate to provide a sustainable source of firewood and poles. In such instances the forest management plan will provide for the establishment of woodlots or plantation areas within the Village Forest Area. Even where the indigenous forest can provide sufficient firewood and poles it may be advantageous to establish plantations for commercial purposes.

- The degree to which the management of a Village Forest Area is treated as a communal enterprise varies from one village to another. Many share the labour inputs and access to resources as a fully cooperative venture, but some have privatised the Village Forest Areas by assigning specific plots to individual households. This is a matter of choice for the individual community. The allocation of land within Village Forest Areas should, however, be recognised as the function of the Village Head and elders, and not the VNRMCs.
- The capacity of the forestry extension service to work with communities in the development of forest management plans is currently inadequate, and will therefore be strengthened.

## 2.12 Management rules

As a part of the forest management plan the community, with the assistance of the forestry extension agent and the Village Head or Group Village Head, will develop simple management rules to be observed by all persons who are permitted to use the Village Forest Area. The rules may or may not permit the use of the Village Forest Area by individuals who are not members of the community, under a licensing arrangement (see section 2.16).

Management rules may provide for, among others:

- The allowable harvest of specified products, by compartment or area subdivision of the Village Forest Area;
- The allocation of resources, by household or individual;
- The areas to be harvested;
- The seasons for harvesting particular products;
- The licensing of commercial forest activities, where the sustainable offtake exceeds local domestic needs;



- The duties of individuals, households and the VNRMC in managing the Village Forest Area.

Management rules must be easily understood and endorsed by the community. They may be written in the local language, and should be compatible with local culture. These “informal” rules will be approved by the authority with which the Forest Management Agreement is concluded (see section 2.13). They will be enforced by the VNRMC and the traditional leadership, and will not be enforceable in a magistrate’s court.

The current legal requirement for all rules made by VNRMCs to be approved by the Minister responsible for forestry will be removed by an amendment to the Forestry Act (1997), although the option to request such approval will remain open. Approval by the Minister would make the management rules into law, and therefore enforceable in a magistrate’s court. In such cases the rules are required to be more formal in nature, and penalties must be expressed as cash fines rather than in-kind sanctions.

Where more serious offences have to be taken to the magistrate’s court, the national forestry legislation will normally provide an adequate basis for prosecution. The Forest Rules, 2001, already make it an offence to graze livestock, clear land for cultivation, remove or damage any forest produce or start fires in a Village Forest Area without the written permission of the VNRMC.

Any apparent gaps in the legal framework between the informal rules made by VNRMCs and the provisions of the Forestry Act and the Forest Rules will be filled either by amending or adding to the Forest Rules or by the promulgation of district forest by-laws by the respective District Assemblies. The Department of Forestry will provide technical guidance to those Assemblies that wish to do this.

## 2.13 Forest Management Agreements

The formal transfer of forest tenure and management responsibility from the government to a community is made through the conclusion of a Forest Management Agreement. The agreement is a binding contract signed by the Director of Forestry and a nominated individual representing the community, usually the chairman of the VNRMC. The agreement will specify:

- the nature of forest management practices to be followed. The forest management plan and the management rules will be considered part of the agreement;
- the assistance to be provided to the participating community by the forestry extension and planning services;
- provisions for granting access to forest produce and for the use of revenue derived from commercial forestry activities;
- provisions (if appropriate) for the allocation of land within the Village Forest Area to individuals or families for afforestation, forest management or rehabilitation, and the revocation of such allocation if the land is not used in the intended manner;
- the responsibilities of the VNRMC in the management of the Village Forest Area. The constitution of the VNRMC will be considered part of the agreement.

The conclusion of a Forest Management Agreement will confer on the community concerned the authority to license commercial forestry activities within its Village Forest Area, so long as these activities are consistent with the forest management plan.

Revenues arising from the licensing of commercial forestry activities by a VNRMC will be retained by the VNRMC and

disposed of in accordance with its constitution and by-laws (see section 2.7).

The present arrangement in which the authority to conclude Forest Management Agreements rests with the Director of Forestry will change. In line with the government's decentralisation policy, and in the interests of efficiency, this function will eventually be assumed by the District Assemblies, which will take advice from their technical sub-committees responsible for forestry. It is recognised that the capacity of District Assemblies to assume this responsibility is not yet adequate, and may not be developed at the same rate in each district. The Department of Forestry will help to strengthen capacity at district level, and authority for Forest Management Agreements will be devolved through enabling agreements between the Director of Forestry and individual Assemblies when they are judged ready to receive it.

## 2.14 Ownership of forest resources

On the conclusion of a Forest Management Agreement the participating community will take sole ownership of the forest resources within its Village Forest Area, with the right to protect them from all outside interests and to benefit in full from their management and use in accordance with the terms of the agreement. Ownership in this sense really means usufructuary right, or the right to use, because it is conditional on the community's adherence to the terms of the agreement.

## 2.15 Monitoring forest management plans

Progress in the implementation of forest management plans must be monitored for two purposes. The first is to allow communities to test the plans in practice and make modifications as necessary.

Monitoring is a fundamental part of adaptive management, and the indicators selected must be useful to the managers and chosen through a participatory process, preferably as part of the management plan design. It is also necessary for the government to monitor forest management plans in order to ensure that they are being observed and are actually resulting in the desired maintenance or restoration of customary forests. Monitoring will therefore be performed jointly by VNRMCs and forestry extension staff, with the two monitoring objectives met, as far as possible, by the same set of indicators.

## 2.16 Commercial forest-based activities within Village Forest Areas

A Village Forest Area operated under a Forest Management Agreement is both a source of forest goods and services for the landholding community and also, potentially, an opportunity for forest-based commercial activity. The development of customary forest resources as a sustainable productive asset to improve standards of rural living is a fundamental tenet of the National Forest Policy, and to this end the VNRMC will be established as the licensing authority for commercial forest resource production within its Village Forest Area.

The VNRMC may generate income from forest production in two ways. Firstly, it may engage in direct sales of forest products (planks, poles, grass, firewood, etc.) outside the community. Alternatively, it may license community members or even outsiders to harvest such products for their own private business purposes. Production (harvesting) must in every case be recorded, and must not be permitted to exceed the limits set in the forest management plan.

Note that the VNRMC will act as a licensing authority for the production of forest resources from a Village Forest Area, but not for their processing, trade or use in other rural industries (for instance, tobacco curing or brick making). Processing and trade in forest products will remain subject to licensing by the Director of Forestry, a condition of such licence being that the raw material for processing or trading is certified as having originated from a sustainable source of supply. In most cases this will require proof that the raw materials were legally obtained from a Village Forest Area or a Forest Reserve. The licensing of processing or trading in forest products will at a future date be devolved to the District Assemblies in accordance with the devolution plan of the Ministry of Natural Resources and Environmental Affairs.

## 2.17 Offences against the management rules

Cases of infringement of the management rules of a Village Forest Area will in the first instance be dealt with by the VNRMC. The committee may warn the offender(s), or may impose such sanctions on them as the rules prescribe. Persons who feel they have been wrongly accused, or who are otherwise unsatisfied with the decision of the VNRMC, may appeal to the Village Head for arbitration. The Forestry Act, 1997, empowers VNRMCs to seize forest produce believed to have been removed from the Village Forest Area without permission.

Cases that cannot be resolved by the VNRMC may be referred to the Village Head, and if necessary the higher levels of traditional authority may be called upon to achieve settlement. Similarly, appeals against decisions made at one level may be referred to higher levels of traditional authority for resolution.

Some cases, including those that cannot be resolved either by the VNRMC or the traditional leadership, and especially those involving persons from outside the Traditional Authority, may

need to be tried in a magistrate's court. The assistance of a Forestry Officer or the Police will be required in such instances. It was noted in section 2.12 that the Forest Rules (2001) specify a number of offences with respect to Village Forest Areas. In instances of successful prosecution, any forest produce seized by a Forestry Officer or the Police and proven to have been unlawfully removed from a Village Forest Area will be surrendered to the VNRMC for disposal.

Proceeds arising from the sale of forest produce confiscated by Forestry Officers or the Police will be shared between the respective VNRMCs and the government, initially the Department of Forestry, in order to defray the costs of law enforcement. As and when forestry law enforcement is devolved to the District Assemblies they will become the beneficiaries of the government's share in such arrangements.

## 2.18 Termination of a Forest Management Agreement

A Forest Management Agreement is the end product of an intensive process of education, planning and decision-making on the part of the participating community, and wilful abuse of the agreement is considered unlikely. It may be the case however that the high rewards of unsustainable resource use (resource mining) may divide the community or lead to persistent malpractice by one group or faction. Any breakdown in the implementation of the plan as revealed by routine monitoring will lead to a corrective response by the Department of Forestry, which will make every effort to assist the community to regain control over its Village Forest Area. In instances where all else fails, and as a measure of last resort, the Forest Management Agreement will be terminated and responsibility for the forest resources of the former Village Forest Area will revert to the government.

A community threatened with the termination of its Forest Management Agreement may appeal to the Minister for his judgement, and, in the event that it is unsatisfied with the Minister's decision, may further apply to the High Court for a judicial review.

A community that is party to a Forest Management Agreement but considers that the government has failed to honour its part of the contract (by failing, for instance to provide agreed-upon services) may refer the dispute to the Minister for his decision, and may, if it so decides, terminate the agreement.

In cases where there is obvious disagreement between the government and the community concerning the terms of the agreement, or the need to change them, or concerning the respective parties' adherence to those terms, it may be helpful to engage the services of a third party as an intermediary before the Minister's decision is sought. This would be an appropriate role for a Traditional Authority, a non-governmental organisation or other party of similar standing.

## 2.19 Intermediate levels of community forest management

Many communities have established Village Forest Areas, but very few have yet entered into Forest Management Agreements. Most commonly, this is the result of an extreme shortage of skills in forest management planning, a deficiency that government has noted and intends to correct (section 2.11). In such cases the community may proceed to manage the Village Forest Area according to the advice received from the forestry extension service. It will have the right to harvest and sell planted trees from woodlots or plantation areas, but will not have the right to

undertake or licence commercial forestry activities in non-planted indigenous forests or woodlands.

Communities that have not yet started on the formal process of community forest management may nevertheless be engaged in some sort of forest conservation activity, on any scale down to that of the individual tree. In some parts of Malawi, farmers protect fine timber trees on their allocated holdings, and there are instances of individual Village Heads enforcing exemplary forest management controls in their areas. These individuals and communities have earned certain rights through their actions, and in this regard the government undertakes not to licence or allow any harvest by third parties of the resources they have protected.

Section 34 of the Forestry Act (1997) is intended to safeguard the rights of individuals and communities as described in the preceding paragraph. Without careful interpretation, however, this section can be read to confer on those individuals and communities all of the rights of community management in the absence of the formal structures described above. Section 34 is potentially a source of considerable confusion, and will therefore be amended accordingly.



## PART 3. THE CO-MANAGEMENT OF FOREST RESERVES

### 3.1 Forest reserves

Malawi has 97 Forest Reserves covering a total of 934,000 hectares, almost 10% of the national land area. Together with National Parks and Wildlife Reserves, they constitute four fifths of Malawi's remaining forests. The main reason for the creation of Forest Reserves was the protection of the steep upper catchments of rivers, and of steep slopes in general where forest cover is needed to prevent serious erosion. They are mostly situated, therefore, along the rift escarpments or in mountainous areas. A secondary reason was to maintain forests for productive purposes, either through the harvesting of indigenous fuelwood, poles and timber or by establishing plantations of exotic species. Only in three cases were reserves created primarily for the conservation of biological diversity, although many of the protected mountain forests are particularly valued for the diversity of their evergreen species. A small number of Forest Reserves were created for their aesthetic or amenity value, but the total area of these is insignificant.

Forest Reserves are, for the most part, public land, and are therefore almost entirely under government management. Most are in good condition, and some support pristine stands of indigenous forest and woodland. However, in areas of high population density, and where the surrounding customary forest has been mostly or entirely removed, the Forest Reserves have come under pressure from the boundary communities, and have been to a greater or lesser extent encroached or degraded.

## 3.2 Forest reserves and the Forestry Act

The Forestry Act, 1997, sets out provisions for the creation, modification or revocation of Forest Reserves, and prescribes in some detail what activities are permissible within them. Sections 39 to 41 of the Act deal with the threat of fire. They specify the limited conditions under which a fire can be lit in a Forest Reserve, and empower Forestry Officers to co-opt members of the public in fire-fighting or fire prevention. Section 43 effectively bans hunting in Forest Reserves, although game animals fall within the Act's definition of "forest produce" and managed hunting could be viewed as a legitimate use of such areas. The initiation of managed hunting within Forest Reserves, an activity actually encouraged in the National Wildlife Policy, would require an amendment to the Forestry Act.

Sections 44 and 46 specify other activities which are not expressly forbidden but may only be carried out within a Forest Reserve after obtaining a licence from the Director of Forestry. These include:

- depositing litter or noxious waste;
- harvesting any forest produce;
- cultivating crops and clearing or digging land;
- grazing livestock;
- prospecting for or extracting minerals, and
- squatting, residing or erecting buildings, livestock enclosures or other structures.

The Director is not obliged to issue licenses for these activities. Under section 52 he may refuse to issue a licence if the applicant is considered unsuitable or if licensing the activity in question would be against the best interest of forest management.

Similarly, where circumstances require, the Director may revoke a licence already issued (under section 53) or suspend it (under section 51).

Section 3(c) of the Act states that one of its purposes is to promote community involvement in the conservation of trees and forests in Forest Reserves. The management of a Forest Reserve must be conducted in accordance with a management plan drawn up by the Director of Forestry. But section 25 gives the Director the power to design and implement such a management plan in collaboration with the local communities, a clear expression of the National Forest Policy:

*“24. In assuring the protection and management of forest reserves, the Director of Forestry shall prepare management plans as stipulated in section 5.*

*25. The Director of Forestry may enter into agreement with local communities for implementation of the management plan that is mutually acceptable to both parties.”*

The Act does not define “communities”, but the Forestry (Community Participation) Rules, 2001, offers a very broad definition that includes VNRMCS, local authorities, NGOs and the private sector. The collaboration between government, local communities and other partners in the management of Forest Reserves is the subject of this part of the guide.

### 3.3 Co-management: policy objectives and guiding principles

- Forest Reserves were created primarily for the protection of specific areas of forest where other forms of land use would be environmentally harmful. The government's overriding policy objective is to ensure that these areas remain under forest cover in order to maintain their essential environmental services.
- A second policy objective, having regard to the national deficit in forest products, is to develop the Forest Reserves for productive purposes, to the extent that this is compatible with the primary objective.
- The conservation of biological diversity and aesthetic resources are also retained as policy objectives in special cases.

As a strategy for achieving increased productivity while at the same time reducing unsanctioned (and hence unmanaged) pressure from boundary communities, the government will enter into agreements with those communities to share both the management of Forest Reserves and the costs and benefits arising from such management. Third parties, for instance non-governmental organizations or District Assemblies, may also be included in the shared management partnership. This type of arrangement is usually known as co-management, and is defined as follows:

*Co-management is joint management by more than one party. The concept involves a variable degree of consultation by and with all parties, involvement in decision-making by all parties and with*

*obligations and responsibilities embodied in a management plan, possibly contractually binding.*

The co-management of Forest Reserves will in most cases apply to specific blocks of the reserves rather than to their entirety, and will be promoted in circumstances where (a) the reserve's productive potential and management objectives and (b) the needs and capacities of the non-government partners coincide to produce a situation with a high probability of success.

The co-management of Forest Reserves is not a device to secure the labour needed for reserve management in exchange for controlled access to forest resources. The concept is based on a freely negotiated partnership in which each party has a voice in management decision-making, each party shares the costs and the benefits of the enterprise, and each party is accountable to the others.

The formal system for establishing co-management, described in the following sections, closely parallels that for the management of customary forest by the landholding communities. Both involve the specification of an area for management, the formation a new management body, the development of a management plan and the conclusion of a legally binding agreement.

### 3.4 Forest Reserve management plans

Before the suitability of a Forest Reserve for co-management may be determined, it is necessary to define the management objectives for the reserve and to develop an overall management plan. The management objectives will be determined with regard to the reserve's wider environmental significance rather than to the demand for the products it might yield. Forest Reserve management plans will be prepared in each case by the technical

staff of the Department of Forestry. They will include the identification and mapping of zones that would be suitable for the productive management of indigenous forest or the establishment of plantations under a co-management regime.

### 3.5 Co-management blocks

The area within a Forest Reserve to which a Forest Co-management Agreement (section 3.9) or a Forest Plantation Agreement (section 3.10) will apply will be selected by negotiation between the boundary community and the Department of Forestry. In each case the area, or block, will lie within the zone of the Forest Reserve identified as suitable for co-management in the reserve's management plan. In situations where the community is entirely dependent on the reserve for firewood, the minimum size of the block should be that which would yield a sustainable supply of firewood for the entire community. Otherwise, there are no specific rules governing the selection of block boundaries. In Chimaliro Forest Reserve (Kasungu District) grazing rights were determined according to former village boundaries, and the Department of National Parks and Wildlife proposes to experiment with a similar system based on former group village boundaries in the co-management of the Lower Shire protected wildlife areas.

### 3.6 Block Committees

A Block Committee is a community-based committee elected by the stakeholders in a co-management block within a Forest Reserve. It is essentially similar in character to a VNRMC, that is:

- It will represent the interests of and be accountable to the entire community in the co-management initiative. It will also

take the lead in forest planning, management and administration.

- It will function as a sub-committee of the Village Development Committee.
- It will develop a constitution that expresses its objectives and responsibilities.

All other comments made in section 2.6 with reference to VNRMCs will apply to Block Committees.

### 3.7 Co-management plans

The purpose of a co-management plan is to design a management regime for the identified block that matches the Forest Reserve management objectives and the productive potential of the co-management block with the specific needs of the partner community or organization. It is essentially similar to the forest management plan as developed for a Village Forest Area (section 2.11), except that government's interest in the reserve will be reflected in the management objectives for the co-management block. Management objectives and strategies will therefore be the subject of negotiation between the government and the other partner(s).

The co-management of a Forest Reserve may provide a supply of forest products for the domestic consumption of the boundary community, but it could also provide a new source of cash income. As a general principle, both the costs and the benefits of co-management will be shared between the parties. The ratio of benefits to costs will vary between reserves, according to their productive potential, the density of the boundary population and other factors. Accordingly, the sharing of costs and benefits will be negotiated between the parties on a case-by-case basis. The

agreed basis for sharing costs and benefits will form part of the co-management plan.

Few communities have had any prior experience of negotiating with the government, and they may therefore wish to seek advice and assistance from third parties. Such third parties might include Traditional Authorities, representatives of non-governmental organizations or other individuals of similar standing.

### 3.8 Management rules

As a part of the co-management plan the community, with the assistance of Forestry Officers and the Village Head or Group Village Head, will develop simple management rules providing for, among others:

- The allowable harvest of specified products, by compartment or area subdivision of the co-management block;
- The allocation of resources, by household or individual;
- The areas to be harvested, and the seasons for harvesting particular products;
- The duties of individuals, households and the Block Committee in managing the co-management block;
- The sharing of costs and benefits between the co-management partners;

Management rules must be easily understood and endorsed by all community members. They may therefore be written in the language of the district and should be compatible with local culture, although they should not contradict any provision of the Forestry Act or the Forest Rules with respect to Forest Reserves. They will be enforced by the Block Committee and the traditional leadership, and will not be enforceable in a magistrate's court. Essentially, the management rules will provide an additional level



of protection over and above the formal legislation, and will be designed to suit the particular needs of the co-management block. The provisions of the Forestry Act and its subsidiary legislation are entirely adequate for dealing with more serious infringements through the magistrate's court.

### 3.9 Forest Co-management Agreements

In the co-management of a Forest Reserve, the purpose of a Forest Co-management Agreement is to formalise, in a contract, the agreements reached between the respective parties concerning the way in which the block will be managed, the rights and responsibilities of each, and the sharing of costs and benefits. The agreement will be signed by the Director of Forestry or his/her appointed representative and nominated individuals representing the other partner(s). A boundary community would usually be represented by the chairman of its Block Committee.

The signing of a Forest Co-management Agreement will not confer on the community or other partner(s) either the ownership of the reserve or co-management block or the authority to license commercial forestry activities by third parties within it. It will, however, establish certain resource-use rights to be securely enjoyed by the non-government partner(s) so long as they abide by the terms of the agreement.

The authority to conclude Forest Co-management Agreements in respect of Forest Reserves will remain with the Director of Forestry for the immediate future. It is likely that in the longer term the responsibility for some or all of the Forest Reserves may be devolved to the District Assemblies, at which time the authority for Co-management Agreements within the reserves will be devolved also.

## 3.10 Forest Plantation Agreements

In some circumstances, the most appropriate management option for a co-management block might be the establishment of a plantation for the production of firewood, softwood timber, poles and other products. In this instance the management plan will be termed a “plantation management plan” and the formal agreement a “Forest Plantation Agreement”. Although the type of forestry to be undertaken will be different, the structure of the contract between the parties will remain the same as for a Forest Management Agreement. A Forest Plantation agreement will:

- provide for the obligation to grow and manage trees in accordance with the plantation management plan;
- convey the right to harvest the forest plantation;
- provide for advice and assistance from the Department of Forestry in growing and managing the plantations, and
- specify the obligations of each of the parties to the agreement.

## 3.11 Co-management involving partners other than boundary communities

Earlier in this Part it was noted that there may be more than two parties to an arrangement for the co-management of Forest Reserves, and bilateral partnerships with NGOs or District Assemblies would also be possible. The essence of a Co-management (or Plantation) agreement is its flexibility – wherever it is in the mutual interest of the government and one or more other parties to jointly manage a Forest Reserve or a part of a Forest Reserve they may enter into a contractual agreement that specifies the management plan to be implemented and the rights and responsibilities of each party.

## 3.12 Other arrangements applying to co-management initiatives

The arrangements described in Part 2 (community management of customary forests) for: (a) the monitoring of forest management plans (section 2.15), (b) offences against the management rules (section 2.17) and (c) the termination of Forest Management Agreements (section 2.18) apply equally to the co-management of Forest Reserves.

# PART 4. ROLES AND RESPONSIBILITIES

## 4.1 Overview

The arrangements and procedures for community based forest management outlined in Parts 2 and 3 of this guide refer to, or sometimes describe directly, the responsibilities of various institutions – either within or outside of government. The aim of this final part of the guide is to summarise those roles and responsibilities and to list others that may not have been mentioned already.

The work of transforming an “unenlightened” community into one which has taken ownership of natural resources decision-making, has a functioning VNRMC, has planned the development and management of its forest resources and has concluded a legally binding agreement with the government is very considerable. This is usually seen as an extension task, and certainly the field extension worker (whether employed by central or local government) should be a central catalyst in the process. But there are important roles here for traditional leaders, for the VNRMCs, for District Assemblies and for NGOs. Most important of all are the roles and responsibilities of the rural communities in whose care Malawi’s forests are largely entrusted.

## 4.2 Field extension services

### 4.2.1 Extension providers

The Department of Forestry remains the largest forestry-focused extension agency by a wide margin, but many other service providers are also active. In all, 36 other agencies have been identified as actually conducting work in the field with some degree of involvement in the forestry sector – 19 local NGOs; 9 international NGOs; 2 registered trusts; 1 parastatal (ESCOM), 3 government departments and 3 local government authorities (pre-decentralisation).

The existence of so many different agencies involved in one way or another in forestry extension is a good thing, because even if all the individual extension agents were added up they would still be too few to achieve a complete, countrywide service. But there is a danger that the different actors will carry different messages to different communities, or, worse, carry different messages to the same communities. That highlights one of the principal purposes of this guide, which is to ensure that all agencies and communities involved in community based forest management have the same understanding of the systems government is trying to promote.

There is some degree of specialisation between agencies. For instance, community mobilisation and the building and training of community institutions are special areas of expertise shared by the Community Development Officers and Assistants of the Ministry of Community, Youth and Gender Services (MoCYGS) and some NGOs. This is a field in which the Department of Forestry is now placing increased emphasis, although it will be some time before all of the Department's field officers have received training in participatory community development. Another specialisation is the training of community institutions in forest-related income

generating activities and in business management. The Wildlife Society of Malawi is a local NGO that has built considerable experience in this field.

There are also other fields of forestry extension where the responsibilities of the various partners is unclear, and there are risks either of duplication, or of “blind spots” in which a topic is missed out altogether because each partner thinks one of the others will cover it. Probably the best example of potential overlap concerns the division of responsibilities between the agricultural and forestry extension services. There are such close links between the agriculture and forestry sectors that at certain points it is impossible to separate them. Areas of uncertain responsibility include agroforestry – the incorporation of trees and other non-crop plants into the farming system – and the wider management of trees on-farm, including fruit and other tree crops and the incorporation woodlots into farm land-use plans. Close collaboration and coordination is necessary at field level, but as a general guide the work of the two agencies can be split spatially according to the primary land use of the area in question. Thus:

- the Ministry of Agriculture and Irrigation should take primary responsibility for agro-forestry, on-farm trees and on-farm woodlots, while
- the Department of Forestry should take primary responsibility for forests and woodlots on uncultivated land, mainly in the hills.

Strong collaboration in forestry extension is necessary (a) to maximise extension coverage and (b) to make the best use of specialist skills found in only some of the service providers.

## 4.2.2 The decentralisation of government extension services

All of the major government extension services – agriculture, forestry, fisheries, health – will be included in the first tranche of decentralisation, that is, they will be devolved to the control of the District Assemblies before the year 2004. Very roughly, this will mean that all field staff at district level and below (in the MoAI at Rural Development Project level and below) will by that time report directly to the Assemblies and not to their parent ministries or departments. The budgets of decentralised ministries and departments will also be split up in a similar way, so that in the future field services will be funded from the District Operating Funds. Each individual ministry is preparing its own devolution plan, to be negotiated with the Decentralisation Secretariat of the Department of District and Local Government Administration and to be approved by the Cabinet Committee on Decentralisation.

Although the process of decentralisation entails great change, and will require an extended transition period before district level procedures and patterns of working run smoothly, it will not alter government policy for forestry or the systems and structures described in this guide. National forestry policy will continue to be made at the central level, albeit in consultation with the districts and with all other stakeholders.

In practice, the decentralisation of extension services will encourage closer collaboration and better coordination than is the case now. All of the institutional partners in extension (including NGOs) will be represented on the District Environmental Sub-Committees. An important theme for coordination at the district level, and one that is already functioning, is the inter-agency collaboration in developing District State of the Environment Reports (DSOERs) and District Environmental Action Plans (DEAPs).

### 4.2.3 Extension tasks

Table 2, below, shows a breakdown of the individual tasks of forestry extension agents that are described or implied in Parts 2 and 3 of this guide dealing with the community management of customary forests and the co-management of forest reserves. A useful task for all extension workers to perform would be to use the left-hand column of this table as a check-list and to identify in which fields they feel competent and in which they need further training. It is anticipated that in future each of these extension tasks will be the subject of a more detailed extension handbook to be published as companions to this volume.



<b>Extension tasks</b>	<b>Principal actors</b>
<b>National and district awareness-raising and publicity</b>	
Public awareness-raising through the press, other media, formal and informal documentation, public meetings	DoF (Headquarters); NGOs; politicians; TAs; DAs
<b>Extension and training in rural and urban communities</b>	
Mobilisation and empowerment of communities; sensitisation to the forestry policy; establishment of VNRMCs	DoF/DA field extension service; MoGYCS (CDAs/CDOs); NGOs; supported by TAs
VNRMC training and capacity development	
VNRMC and community technical training in woodland management, nursery and plantation management	DoF/DA field extension service; NGOs
VNRMC and wider community training in agro-forestry	MoAI/DA field extension service; MAFE; NGOs
Village-level participatory forest management planning	DoF/DA field extension service
VNRMC/community training in income generating activities and business management	NGOs; DoF/DA field extension service
Support to the preparation of community forest by-laws	DoF/DA field extension service; traditional leaders
Negotiation of Forest Management and Co-management Agreements	DoF/DA specialists; NGOs; TAs
Maintenance-level extension; two-way information flow, including delivery of new technologies	DoF/DA field extension service; NGOs; MoAI/DA field extension service

**Table 2. Forestry extension tasks; present and potential actors**

*Notes to Table 2:*

*“TAs” = Traditional Authorities*

*“DAs” = District Assemblies*

*“DoF/DA field extension service” refers to the Department of Forestry extension service, which will be devolved by 2004 to the District Assemblies.*

*Similarly “MoAI/DA field extension service” refers to the field units of the MoAI’s Department of Agricultural Extension Services, which will also be decentralised by 2004.*

#### 4.2.4 The need for common standards

Despite the generally satisfactory degree of field-level collaboration between the partners in forestry extension, the extension environment has been damaged in some locations by bad practice. A particularly damaging practice is that of paying rewards (in cash or in kind) to target communities to induce them to carry out specific activities that a project is trying to promote, for instance tree-planting or soil conservation. This practice is a short cut to quick results, but it has two harmful impacts. Firstly, it closes the minds of the community members to the underlying reasons for undertaking the promoted activities. They are seen only as a means to obtaining the reward, not as a beneficial addition to the community’s livelihood system. Consequently, when the rewards stop coming (at the end of the project), the activities cease also. Secondly, a community that has been “spoiled” by rewards will remain closed to extension efforts that cannot offer rewards. This impact carries across sectoral boundaries – so a community that has been “spoiled” by payments related to forestry will then be unavailable to agricultural extension without similar payments, and *vice versa*. This problem, which affects all sectors, is mainly associated with

donor-funded projects implemented by government or local NGOs, and is a source of ongoing concern.

The distinction between “rewards” and hospitality is blurred, and project designers and implementers should use their judgement here. A community will not be corrupted by the offer of soft drinks or a meal, but “sitting allowances” are another matter. There are also instances in which payments can be made in a straightforward way without “spoiling” the community. A number of afforestation projects implemented by the Malawi Social Action Fund (MASAF) come into this category. The principal aim of this project is to transfer cash to poor households, and the wage paid to project workers is sufficiently low to attract only the poorest. When the time is taken to introduce these projects carefully into the community there is no confusion between payment and extension, and the result can be a project that is sustained even after the period of wage payments has ended.

There is without doubt a need for the adoption of a set of common standards across all forestry extension service providers, and ideally a Code of Practice should be developed for this purpose. Until such time as a Code of Practice is in place, extension workers should think very carefully about how they interact with the communities they serve – problems can be avoided by remembering always to put the long-term interest of the community first, and achieving project targets second.

## 4.3 Non-extension roles of the Department of Forestry

Several functions of the Department of Forestry that will be retained after decentralisation will have a direct bearing on community based forest management:

- **Policy formulation.**

The policy for community based forest management will be reviewed regularly as experience in implementation grows, and both the policy and legal framework will be modified or updated as and when necessary. The Department of Forestry will lead this process, which will be undertaken in full consultation with other stakeholders at national, district, area and village levels.

- **Research.**

The Forestry Research Institute of Malawi (FRIM) has an ongoing programme of research into *miombo* woodland management that has produced valuable results and recommendations for use in community based forest management initiatives. It is anticipated that this and other forestry research programmes will continue to make an important input into the future development of community forestry.

- **Monitoring.**

The basic monitoring of community forest management plans, and co-management plans, will be undertaken jointly by the extension service and the participating communities. But it is also necessary for the Department to track the overall progress

towards community based forest management, and its real impact on national forest resources. The monitoring unit in the Department's headquarters will monitor both the process (number and status of VNRMCs, progress in developing management plans, conclusion of Forest Management or Co-management Agreements, compliance with management plans) and the impact (status of forest resources) of the policy for community based forest management. It will strengthen its lines of communication with the districts and will provide regular feedback to the District Assemblies as an input to their ongoing development planning.

- **Planning services.**

It is intended that participatory forest management planning should become part of the standard range of skills taught to forestry extension agents, whether they be employed by central or local government. However, the extension service is likely to need periodic technical backup, and this will continue to be provided by the planning staff of the Department of Forestry.

- **Training.**

Pre-service and in-service training for forestry extension staff will continue to be the responsibility of the Department of Forestry after decentralisation.

## 4.4 Non-extension roles of local government

As the process of decentralisation unfolds the District Assemblies will become increasingly prominent as the instruments of government policy for land and natural resources. In the forestry sector this will mean much more than managing the field extension service, as will be seen from the following list of key functions:

- **Financing**

Each District Assembly manages a District Development Fund (DDF) for the financing of development projects in line with its District Development Plan (DDP) and the DEAP. The DDP/DEAP may include district-wide forestry initiatives. Within this general planning framework, individual communities are encouraged to submit development micro-projects for consideration by the District Development Committee. VNRMCs and Block Committees should forward development micro-project proposals through the VDC/ADC network as part of this process in order to access DDF financing. Such micro-projects might include afforestation projects requiring funding for inputs and equipment, or voluntary resettlement projects arising out of village land use planning.

- **Conclusion of Forest Management Agreements**

Responsibility for customary forests will be decentralised to the District Assemblies in accordance with the Local Government Act, 1998, and the devolution plan of the Ministry of Natural Resources and Environmental Affairs (MoNREA). The DoF will confer authority for the conclusion

of Forest Management Agreements on individual Assemblies as and when they are judged to have the technical capacity to manage this task. The technical appraisal of proposed Forest Management Agreements would in these instances be undertaken by the relevant technical sub-committee with responsibility for forestry.

- **Licensing of commercial forestry activities**

The licensing of wood processing, the trade in forest products and the harvesting of forest products from customary land that is not a Village Forest Area managed under a Forest Management Agreement will be decentralised to the District Assemblies in accordance with the MoNREA devolution plan.

- **Making district forest by-laws**

District Assemblies are empowered by the Local Government Act, 1998, to make by-laws for the management of sectors under their overall control, including forestry. After approval by the Minister responsible for local government and subsequent publication in the gazette, district by-laws will be legally enforceable in a magistrate's court. In section 2.12 of this guide it was suggested that district by-laws might be used to bridge any gaps between the formal forestry legislation (the Forestry Act and its various Rules and Regulations) and the informal management rules made by VNRMCs and Block Committees. The DoF will provide technical guidance on request to any Assembly wishing to draft district forestry by-laws.

- **Law enforcement**

Law enforcement is another function of central government that will be devolved – at least in part – to the Assemblies.

Law enforcement is chiefly thought of in connection with the “government management” option for customary forests (section 2.2) and with the protection of Forest Reserves. But an effective forest law enforcement service would remain a necessity even if community management of customary forests were universally adopted. However much power is devolved to communities to manage their own forest resources they will remain poorly equipped to deal with powerful outside interests, and government (central or local) will need to retain sufficient law enforcement capacity to protect community based forestry initiatives from the threat of theft.

- **Land use planning**

The need for rural land use planning is emphasised in the National Land Policy, 2001, as a means of ensuring the most efficient use of agricultural land while at the same time protecting catchments and the wide range of natural resources associated with natural woodlands. Village land use plans will be developed as a participatory activity in which rural communities contribute fully at all stages of the planning process. Village land use planning will be coordinated through the District Planning Office and the Area and Village Development Committees, and will be guided by expertise in land resources, water, forestry and other professional skills available at district level. Village land use plans will clearly identify which parcels of land should be designated as Village Forest Areas, and the planning process will provide a natural point of entry into community based forest management in those communities where it has not already been adopted.



## 4.5 Non-extension roles of NGOs

Apart from their existing functions in forestry extension, there are a number of ways in which NGOs can support community based forest management:

- **Mediation and advisory services**

NGOs can play an important role as independent mediators between communities and the government in the event of any dispute arising, for instance concerning the implementation of a Forest Management Agreement (section 2.18). Equally, an NGO could provide a valuable advisory service to communities negotiating the terms of a co-management plan or Co-management Agreement relating to a Forest Reserve (sections 3.7, 3.9).

- **Partners in forest management**

It is also possible to envisage NGOs taking a more active role in forest management rather than just providing extension or advisory services. The National Forest Policy promotes the creation of partnerships between local communities, NGOs and the private sector in the conservation of catchments and biodiversity reserves (Forest Policy s. 2.3.5.3), and encourages NGOs to take a prominent role in the planning and implementation of forest management (Forest Policy s. 2.4.1.11). The Forestry Act, 1997, refers specifically to the possibility of NGOs entering into Forest Plantation Agreements with the government in respect of Forest Reserves or other land (Forestry Act s.36), and the Forest (Community Participation) Rules, 2001, includes NGOs within the definition of “local communities”, providing a clear point of entry into the management of customary forests also. An international NGO, the Wildlife Action Group, has been

engaged since 1996 in the co-management of Thuma Forest Reserve in Salima District, and there may be similar opportunities for three-party co-management arrangements (community / NGO / government) based on wildlife conservation / utilisation or ecotourism.

## 4.6 The roles of Traditional leaders

The roles of traditional leaders in community based forest management are described in detail in section 2.8. Traditional leaders are seen to be particularly important in providing an overall framework of good governance over customary land and its resources, rather than direct involvement in the technical details of forest management. Specific functions may include:

- influencing the development of the forest sector through Traditional Authorities' membership of the District Assemblies;
- encouraging the wise selection and allocation of Village Forest Areas by Village or Group Village Heads;
- facilitating the work of extension services within their communities by convening village meetings and by providing ongoing encouragement to community based forest management efforts.
- calling for and supervising the election of VNRMCs as sub-committees of the Village Development Committees;
- monitoring the performance of VNRMCs against objectives stated in their respective constitutions and forest management plans, and hold them accountable to the communities they represent;
- assisting and advising in the formulation of local forest management rules;

- acting as arbitrators in cases where there is disagreement within the VNRMC, or between the VNRMC and any community member, and
- using their authority to support community compliance with local forest management rules.

In the longer term it is hoped that the traditional leadership will take a more powerful and proactive role in forest management. It can be thought of as an institutional network with representation in every village in Malawi, and its potential as an extension partner should not be underestimated.

## 4.7 The private sector and community based forest management

### 4.7.1 Extension delivery

For the most part the delivery of field extension services to rural communities must still be regarded as a service, i.e. it is not profitable, nor is it likely to be in the foreseeable future. However there are some instances in which the interests of a private sector business operation and forestry extension coincide. This type of collaboration is envisaged in the Forestry Act (s.32 (2) (c)) and could probably be encouraged, especially under co-management situations involving tourism in Forest Reserves. The following are two examples of private sector participation in forestry extension:

- The Electricity Supply Commission of Malawi (ESCOM) – a statutory corporation – finances local NGOs to undertake soil and forest conservation within the fragile catchments of the Shire River hydro-power stations. ESCOM expects to benefit from this work by reducing the need for expensive

dredging to remove silt entering the Shire as a result of deforestation and poor farming practices.

- A recent and innovative venture is a partnership in Lake Malawi National Park between a private sector eco-tourism enterprise (Kayak Africa), the newly-formed Chembe Community Trust and the Department of National Parks and Wildlife. The arrangement includes profit-sharing in recognition of the community stake in the resources which form the local basis for tourism (lake, land and forests) as well as an extension service provided by Kayak Africa, with a focus on forest and fisheries management. The principal benefit to the company is that the local community has now become an active force for resource conservation, and is therefore seen as an asset to tourism rather than a threat.

In each of these initiatives the lead was taken by the company in recognition of the complementary needs of good business and good environmental management in their special situations. Similar opportunities may arise in the future, and the promotion of tourism in Forest Reserves, already provided for in the forestry policy, could be encouraged to include arrangements that parallel the Chembe model.

#### 4.7.2 Input supply

A second role for the private sector lies in the commercial supply of inputs – especially seed – for agro-forestry and afforestation enterprises. In agro-forestry the Malawi Agro-Forestry Extension (MAFE) Programme has actively promoted this collaborative linkage, and seed production is now seen as a viable commercial proposition by many large farms. Tree seed supply would be amenable to a similar approach.

## 4.8 Public responsibilities

### 4.8.1 The roles of VNRMCs and Block Committees

VNRMCs and Block Committees are community institutions established primarily for the purpose of managing forest resources on customary land or in Forest Reserves. They each represent a specific community – which may be a village or a group village – and they are each accountable to that community for their actions. These committees are expected to take on the lead role in forest planning, management and administration, and for this purpose they will be provided with periodic training. The specific responsibilities of VNRMCs and Block Committees include the following:

- Drafting a constitution that sets out the functions of the committee and the way in which it will discharge them (see section 2.7);
- Taking the lead in forest management planning, in collaboration with the forestry extension service (see sections 2.11, 3.7);
- Formulating management rules, in collaboration with the village head (see sections 2.12, 3.8);
- Presenting the constitution, forest management plan and management rules to the community for ratification;
- Negotiating the terms of a Forest Management Agreement, a Co-management Agreement or a Forest Plantation Agreement with the Department of Forestry/District Assembly (see sections 2.13, 3.9, 3.10);
- Licensing and recording harvesting operations within the Village Forest Area, recording harvesting operations within a

Co-management Block, and making records available to staff of the Department of Forestry (see section 2.16);

- Collecting and accounting for revenues, and disposing of revenues in accordance with the management plan;
- Enforcing the management rules, or referring enforcement issues to traditional leaders, the Department of Forestry of the Police, as necessary (see section 2.17), and
- Representing the interests of the community on all matters of forest management, and liaising with government and non-governmental agencies.

(See also sections 2.6, 3.6.)

#### 4.8.2 Public responsibilities

Section 3 (1) of the Environment Management Act, 1997, states:

*“It shall be the duty of every person to take all necessary and appropriate measures to protect and manage the environment and to conserve natural resources and to promote sustainable utilization of natural resources in accordance with this Act and any other written law ...”*

Members of the public – the ordinary women, men and children living in villages and towns throughout the country – have a more important role to play in ensuring the survival of Malawi’s forests and woodlands than all of the government and non-governmental agencies put together. They are the harvesters, the producers and the consumers, and it is through their actions that the forests will live or die. It is unfortunate that history has cut them off from the traditional systems through which forests were managed in the past. The new policy environment offers them the opportunity to regain control over those resources that are so important both to rural livelihoods and to the national economy. It is up to all of us to ensure that this opportunity is not wasted.