



Malawi Government

## Decentralisation in Forestry - Moving Forward Together



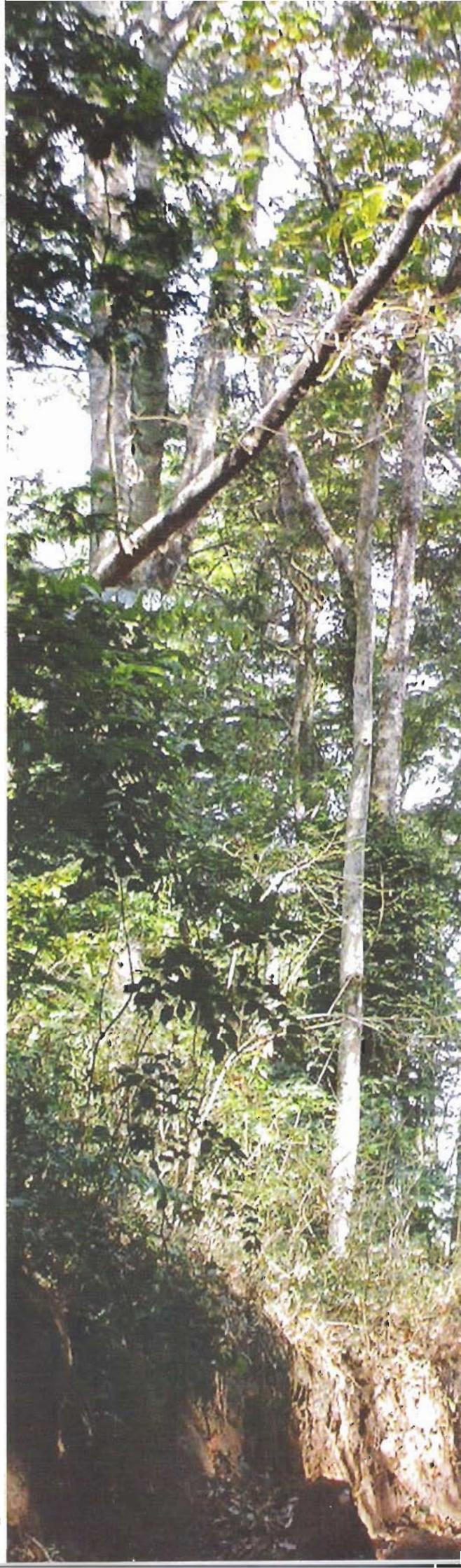
Improving forest management & governance -  
for improved livelihoods

March 2006

Department of Forestry  
Ministry of Mines, Natural Resources  
& Environment



Produced by the Improved Forest Management for  
Sustainable Livelihoods Programme, funded by the European  
Union, implemented through the Department of Forestry





The Improved Forest Management for Sustainable Livelihoods Programme will address poverty and forest degradation through promoting greater community involvement in forest management and thereby securing and formalising their access to and control of forest resources. Key forest areas, both Forest Reserves and customary land forests provide the geographical focus for this approach.

The aim is to meet basic needs from tree and forest resource, reduce vulnerability, present income generating opportunities and enhance rural livelihoods through sustainable management of forest areas in Malawi.

Department of Forestry  
Nkhalango House  
P.O. Box 30048  
Capital City.  
Lilongwe 3  
Malawi

Tel.: +265 1 771 000  
Fax: +265 1 771 417  
E-mail: [fes@malawi.net](mailto:fes@malawi.net)

# Decentralisation in Forestry

March 2006

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## Foreword

This document “Decentralisation in Forestry – Moving Forward Together” is a timely reminder to the various stakeholders, groups and individuals, both inside Central Government and Local Authorities as well as to our partners outwith Government, of the need to better collaborate and work together to achieve the common aims of sustainably managed natural resources and contributes to the economic development and well being of the people of Malawi. The aim of “Moving Forward Together” is to promote collective responsibility in the management of trees, forests and forest resources, to move away from conventional thinking that all forests belong to Government, and that each one of us has a role to play in conserving, protecting and managing these resources to ensure that future generations inherit, and pass on these assets to their children to experience and directly benefit from.

The National Decentralisation Policy, 1998, sets out the Government policy of devolving power and responsibility closer to the people. It clearly directs public service to be more efficient and cost effective, primarily through eliminating dual administration, but also to promote accountability and good governance in order to assist Government reduce poverty and promote socio-economic development.

The Local Government Act, 1998, provided the legal basis for the establishment of structures at the District level, as well as an outline of the functions and operation of the Assemblies. As a contribution to the devolution process, and the assignment of functions and responsibilities to the various levels of Government, the Ministry prepared a 5 year Sector Devolution Plan in 2002. In December 2003, the Sector Devolution Plan was approved by the Office of the President and Cabinet, and the formal transfer of forestry functions, responsibilities to the District Assemblies came into effect on 31<sup>st</sup> March 2004. From that date, staff of my Ministry deployed at the District level formally reported to the Assembly through the District Commissioners.

With the recent approval of the functional review of the institutional and management arrangements of the Assemblies, my Ministry is now at the point of completing the transition period of integration of staff, equipment and infrastructure into the Assembly system. With the designation of natural resources as a cost centre in the Assembly Budget for the forthcoming financial year, the Assemblies will be budgeting and receiving funding for the devolved responsibilities directly from Treasury. It is therefore an opportune time to reconfirm these devolved functions and clearly set out the division of responsibilities between the Assemblies and my Ministry. This will facilitate each party to clearly identify the financial implications and make the necessary arrangements to deliver on the agreed responsibilities.

Central Government through the line Ministries, retains the responsibility for Policy formulation and regulation, establishment of standards, training and curriculum development. In discharging these responsibilities, my Ministry has recently developed National Standards and Guidelines for Participatory Forestry in Malawi as a means to monitor service provision and Policy implementation in the forest sector. These standards should be referred to for the effective delivery of services and execution of responsibilities described in this document

This document serves to reaffirm my Ministry’s commitment to the devolution process and identify where Central and Local Government can move forward together for a common purpose.



HF Chimunthu Banda MP

Minister for Mines, Natural Resources & Environment

## Preamble

The Local Government Act supports the Forest Act 1997, in directing the creation of democratic institutions for governance and development at the local level to facilitate the participation of grassroots people in decision making. These are aspects that we must keep in mind and promote in our work, irrespective of position, office or location.

In the circular “Devolving Forestry Responsibilities to District Assemblies” of 21<sup>st</sup> March 2004, the functions and activities devolved to the District Assemblies were clearly set out. However, since that circular, it was felt important that the division of responsibilities between Central Government and the Assemblies be further clarified, specifically highlighting the role of the arm of Central Government represented by the Regional Forest Offices. In the devolution in the forest sector, these offices have been retained, however, their role and mandate has changed to reflect the changed responsibilities under devolution in the sector.

The Regional Offices and staff, as representatives of Central Government shall , move away from their supervisory role to one which focuses on guiding and performing regulatory functions under the forestry devolution process. Their main task is to support and advise the District Assemblies and other sector partners with the planning and conservation of customary land forests, promotion of community based management of these customary land forests, and decentralised multi-stakeholder management of State Forest Reserves.

The Regional Forestry Offices will perform a leading role in monitoring the application of service standards in the provision of participatory forestry services, the impact of these services and thereby monitor the implementation of the National Forest Policy. This will be undertaken through the close involvement of local government, traditional leaders, civil society and community groups and institutions.

In recognition of the above, it was considered important and timely to produce this document which clarifies the roles and responsibilities between Central and Local Government, but in particular, that of the Regional Forest Offices. Further information is also provided in relation to management of State assets such as the Forest Reserves and Plantations, staffing, financing and transfer of buildings and vehicles. Responsibilities outlined in this document will be reviewed from time to time to respond to the Policy reviews relevant to Forest Sector as well as the realities and capacity on the ground.

Finally, I would like to thank all staff who worked tirelessly and contributed to a series of meetings and discussions which have resulted in the production of this document. Special mention should be made to Wellings Simwela and Alastair Anton for driving the discussion and drafting process.

I look forward to continuing our close collaboration on the subject of forestry devolution to District Assemblies. The production of this document is not the end of the process – in fact it is the beginning of a long process of learning and sharing information in order to achieve the goals relating to sustainable forest management.



K M Nyasulu

**Director Of Forestry**

# Executive Summary

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Malawi has adopted the devolution model of decentralisation which transfers power and authority to a separate legal entity to Central Government, the Local Authorities, which includes District Assemblies. The aim is to: devolve administrative and political authority to the District level; integrate government agencies into one administrative unit; assign functions and responsibilities to various levels of government; promote popular participation.

In terms of the forest sector, this document provides clarification of the division of functions, roles and responsibilities between Central Government represented by the Department of Forestry of the Ministry of Mines Natural Resources & Environment, and the various Local Authorities, the District Assemblies in particular.

In summary, the division of key functions are as follows:

Department of Forestry	Local Authorities - District Assembly
<ol style="list-style-type: none"><li>1. Regulation, formulation and revision of Policy and Legislation;</li><li>2. Policy guidance</li><li>3. Sector planning, establishment of forestry Standards and Guidelines</li><li>4. Coordination of sector research, training and curriculum development;</li><li>5. Extension and advisory services;</li><li>6. Management of State Forest Reserves and Industrial Plantations;</li><li>7. Promotion of sector partnerships.</li></ol>	<ol style="list-style-type: none"><li>1. Legal capacity -District Bylaws &amp; Licensing</li><li>2. District forest management and conservation</li><li>3. Provision of Forest Extension Services</li><li>4. Facilitate technology &amp; information transfer and provide local training services;</li><li>5. District forest protection &amp; monitoring;</li><li>6. District forest biodiversity conservation</li><li>7. Urban forestry</li><li>8. District forest information management and reporting</li></ol>

Precise details of roles, and responsibilities of the various institutions are described fully in section 3 covering 4 key areas of:

- 1. Sector regulation, bylaws, law enforcement and licensing arrangements;**
- 2. Forest management of customary estate, including conservation, rehabilitation aspects & extension services;**
- 3. Management of Forest Reserves, plantations and other State assets including promotion of co-management;**
- 4. Forest planning, monitoring, research, communication & information sharing, reporting & training arrangements;**

## **Standards & Guidelines for Participatory Forestry in Malawi.**

Service standards have been developed to ensure that there is consistency in forest extension service provision across the sector, but also to ensure that the beneficiaries of the service, receive quality support and direction, and are empowered in the manner intended by the policy and legal framework.

A brief overview of the National Standards & Guidelines are found in Annex 1, but readers should refer to the document of the same name dated November 2005. Service standards will be referred to for promoting and assessing the effective delivery of services and execution of responsibilities described in this document.

# 1. Decentralisation in Forestry

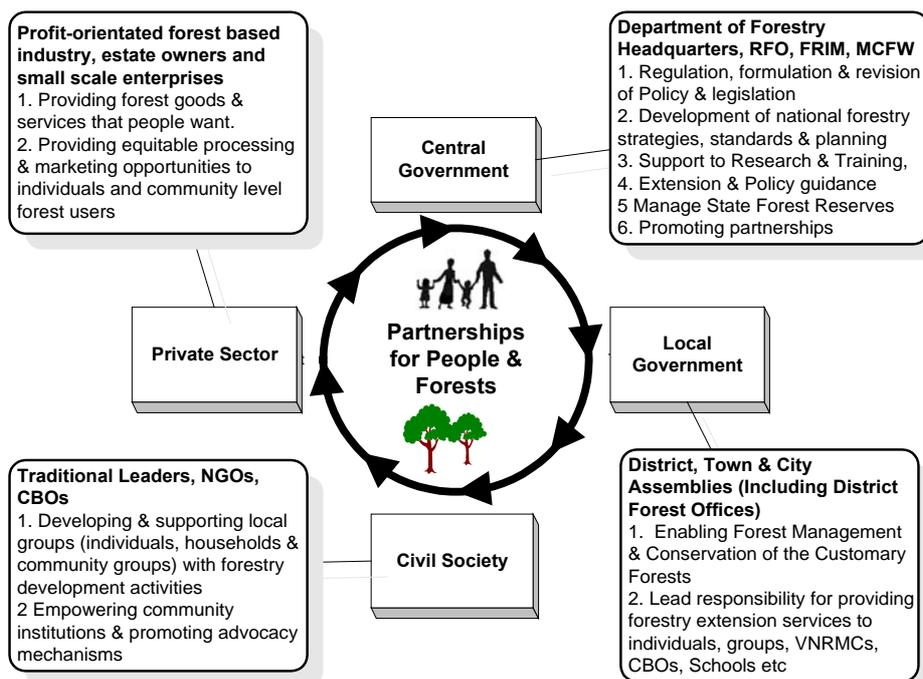
## 1.1 INTRODUCTION

The Department of Forestry is currently encountering unprecedented challenges and difficult conditions in implementing its mandate of 'sustaining the contribution of the national forest resources to the upliftment of the quality of life in the country by conserving resources for the benefit of the nation'. The current situation is such that many Malawians feel they have a 'right' to use tree and forest resources in any way they want without recognition of individual and common responsibilities. Laws, which are created and adopted through democratic processes, are not respected. This has resulted in wanton tree cutting leading to deforestation and environmental degradation all over Malawi.

This is further aggravated by the failure at policy and planning levels to link deforestation to the decline in agricultural production, severe land degradation, seasonal flooding, ESCOM disruptions, poor water quality and erratic flows which aggravate efforts to alleviate poverty. With result, the sector is not allocated the priority or resources to address these challenges.

The Department realises that to address these issues and associated challenges there is need for a multi-sectoral and partnership approach with proper guidelines and standards in place to guide all involved. Many efforts, initiatives and processes have a common goal of addressing these issues and challenges, however, unless individual, institutional and collective responsibilities are clarified these will not be achieved or realised.

Although key forestry functions and responsibilities have been devolved for some years, it is clear that some are not aware or do not apply these new responsibilities and therefore do not fulfil the role of requirements of their position or office. It was therefore considered timely to clearly clarify and communicate these functions, roles and responsibilities to both our staff and our partners and key stakeholders in the sector, highlighting the division of responsibilities between Central Government, Local Government and civil society, as a partnership for proper management of Forests in Forest Reserves and customary land, for the improved well being of the people of Malawi.



## 1.2 POLICY & LEGAL CONTEXT

The Mandate of the Department of Forestry is aimed at promoting a wide range of forestry development programmes and is implemented within the context of the Malawi's prevailing poverty reduction, rural development and forestry policies, to promote economic growth for all Malawians. The Department of Forestry implements its mandate within the context of an enabling policy and legal framework; through the Malawi National Forest Policy of 1996 and Forest Act, 1997 which makes provision for communities to play a greater role in the management of forests and access to forest resources, and for government to perform a planning and regulatory role. The Malawi National Forestry Programme, adopted in 2001 as a sector-wide approach, provides a framework for implementing the 1996 policy. This has been further strengthened through the adoption of a number of national instruments including the Decentralisation Policy and Local Government Act, 1998, which commits to a process of devolving political and administrative authority to the District level. Natural resources and forests in particular, are a key element in the Government strategy for poverty reduction as highlighted in the Poverty Reduction Strategy Paper (PRSP) 2002.

The Government of Malawi recognise the importance of forest and environment in general as reflected in the constitution and has put in place a number of national instruments to support this. A summary of the key Policies which guide the sector include:

### 1.2.1 National Forest Policy

**Forest Policy Goal** Is to sustain the contribution of national forest resources to the upliftment of the quality of life in the country by conserving the resources for the benefit of the nation. To address this broader objective the policy has the following specific objectives:

- Allowing all citizens to have regulated and monitored access to some forest products;
- Establishing appropriate incentives that will promote community based conservation and sustainable utilisation of the forest resources as means of alleviating poverty, including on-farm trees;
- Fostering the growing of trees by all sections of the communities in order to achieve sustainable self-sufficiency of wood and forest-derived products;
- Providing an enabling framework for promoting participation of communities and private sector in forest conservation and management, eliminating restrictions on harvesting of forest products by communities through the development of joint forest management plans and management agreements with Village Natural Resource Management Committees [VNRMCs];
- Empowering rural communities to manage forest resources, fostering ownership or usufruct of trees, and ensuring that such trees are sustainably utilised for the benefit of both present and future generations [women, men, boys and girls including people with special needs.

## 1.2.2 National Forest Programme, 2001

The National Forestry Programme (NFP) was formulated as a mechanism to guide the implementation of the Policy, 'to translate good intentions into real results'. Developed through a process of stakeholder collaboration and communication, consultative workshops and thematic working groups, the NFP provides a framework for implementing the 1996 policy through 12 strategies each with a set of prioritised actions, within the overall goal of

***Goal: Sustainable Management of Forest Goods and Services for Improved and Equitable Livelihoods.***

Adopted in 2001 as a sector-wide approach, the NFP provides the linkage with other policy instruments both national and international, highlights the key roles and responsibilities of the main players in the forest sector and provides a forum for continued dialogue among stakeholders and other interested parties including the donor community.

### **NFP Principles**

A set of principles for Malawi's NFP have also been generated which appear to be in tune with international consensus at this level:

- Communication and transparency
- Building capability and motivation
- Making use of 'good enough' information
- Learning from success and failure – continuous improvement
- Inter-sectoral and intra-sectoral consistency
- Strategic and tactical action (not comprehensive project wish-lists)
- Negotiation and prioritisation of objectives and actions
- Devolution to effective levels
- Collaboration and partnerships to realise roles
- Energetic process and practical outcomes

### **NFP Strategies**

The Goal of the NFP can only be achieved if key roles are played and clear strategies are pursued through practical priority actions. The following 12 strategies aim to ensure that the key role players are able to:

- *Manage the process of institutional change.* Re-shape the Forestry Department organisational structures and procedures for managing human resource development, information, finance and planning.
- *Optimise policy influences on forests and livelihoods.* Use the platform provided by the NFP consensus to pull sectors together through mechanisms for policy analysis and cross-sectoral policy co-ordination.
- *Build local forest governance through decentralisation.* Rise to the challenge of decentralisation and focus central and district actions to empower local institutions for forestry.
- *Support community-based forest management.* Recognise a broad range of village institutions and develop their capabilities, along with those of front line extension staff, for collaborative management.

- *Improve individual smallholder livelihoods.* Foster the trust, entrepreneur-smallholder partnerships, information and availability of inputs necessary for growing and nurturing trees.
- *Strengthen forest extension.* Improve effectiveness and efficiency in extension for community-based and smallholder forestry.
- *Sharpen research and information systems.* Make old and new research and information on forest assets, demands and uses more useful, and fill the gaps in social and economic knowledge for improved forestry and livelihoods.
- *Influence wood energy supply and demand.* Focus wood energy policies, and phase out government subsidies for timber, to encourage private production of wood fuel and timber.
- *Manage forest reserves.* Establish local boards and prepare practical planning guidance and partnerships between government, NGOs and the private sector for reserve management.
- *Foster improved industrial forestry.* Generate a clear political decision on the future ownership and management of plantations, and develop proper standards and leases for plantation management
- *Increase wood production in the estate sector.* Encourage better management of existing woodlands on estates and promote development of out grower schemes and contract tree growing on estate land by neighbouring farmers.
- *Develop forest sector financing.* Develop partnerships and co-financing agreements between government, private sector and civil society for new forestry investments.

Note: details of the priority actions under each strategy can be found in the NFP document. This is available from the Department of Forestry Headquarters, Regional Forest Offices, or Assembly Forest Offices.

Many institutions including the Department of Forestry have already started implementing these strategies in order to address NFP Goal. The challenge is to assess, evaluate and document progress against these strategies and clearly articulate these and their priority actions in all future programmes within the Forest Sector.

### **1.2.3 Community Based Forest Management Supplement To The National Forest Policy**

The 2003 Supplement to the National Forest Policy concerning Community Based Forest Management (CBFM) clarified the goal of the National Forest Policy that the purpose of forest management relates directly to the well-being of the people of Malawi. Following a consultative review process in 2001, it addressed gaps in interpretation and implementation of the 1996 Policy by adding detail on the intended mechanisms for the management of indigenous and planted forests and trees on customary land by landholders and for the shared management of forest reserves by Government, surrounding communities and other partners.

The clarity provided by the Supplement should have left practitioners in no doubt as to what is intended by the Policy and the means to achieve greater participation and empowerment of rural communities in the management of trees and forests.

Other key government policies and strategies within which the Department implements its mandate are briefly described below to enable each of us to be able to understand and articulate our contribution and role towards socio-economic development in Malawi. These include:

#### **1.2.4 Decentralisation Policy (1998)**

Malawi has adopted the devolution model of decentralisation which transfers power and authority to a separate legal entity to Central Government, the Local Authorities, which includes District Assemblies. The aim is to: devolve administrative and political authority to the District level; integrate government agencies into one administrative unit; assign functions and responsibilities to various levels of government; promote popular participation.

This is a key Policy which provides the direction as to the division of functions, roles and responsibilities between Central Government represented by Ministries, and the various Local Authorities, comprising District Assemblies, Town Assemblies, Municipal Assemblies and City Assemblies.

The Decentralisation Policy supported by various Cabinet Circulars have directed each Ministry to prepare sector devolution plans which set out the mechanisms and timetable for decentralisation.

#### **1.2.5 Land Policy (2000)**

The Malawi National Land Policy of 2000 captures the Government's desire to overcome the constraints to Malawi's social and economic development caused by the absence of a comprehensive land policy. In relation to forestry, some of the key policy statements support greater investments in land conservation and the community approach to resource management to be promoted by the National Forest Policy. Some relevant examples follow.

- Government Land refers exclusively to public land acquired for dedicated purposes such as government forest reserves, national parks, schools, hospitals, public infrastructure.
- Customary land managed by Traditional Authority, common access land reserved as dambos, community woodlots, will be classified as public land exclusive to members of the Traditional Authority.
- The traditional supervisory role of chief, clan leader, headperson and family heads in land matter will be formalized and streamlined to allow uniform administrative procedures and transparency in all customary land transactions.
- All customary landholders, defined to include entire 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 ensures security of land and tree tenure.

The Department will develop projects and programme that will enable individuals who own land, take the full control of forest resources within boundaries of their Title Deeds within customary land to improve the management of these resources and control deforestation.

### **1.2.6 Agricultural Extension Policy (2000)**

This policy aims to facilitate development of a more pluralistic and demand-driven agricultural extension service providers in an overall extension service. It provides for the participation of NGO's, farmer organisations and private sector service providers in extension framework. The policy sets out the intentions of the Department of Agricultural Extension Services (DAES) to promote equality in extension services, strengthen coordination among stakeholders, promote pluralism, facilitate market liberalisation, and to set and monitor quality standards in extension. This policy is very much in line with the National Forest Policy hence will specifically aim at making available quality demand-driven pluralistic extension services at community level and will work through a variety of target groups, and involve a range of service providers from national to community level. Specifically, extension practitioners should further mainstream gender and HIV/AIDS issues within extension approaches, and link farmer organisations to other service providers.

### **1.2.7 Economic And Governance Policies**

The Presidential inaugural speech in May 2004 included "a strategy to balance economic and social prosperity between urban and rural areas and to directly empower rural farmers to add value to agricultural, forestry and other products from village communities" as a means of achieving the country's new priorities and contributing to Malawi's vision and goals. The Forestry Department's mandate and focus of its major programmes are very much in line to this vision.

### **1.2.8 Malawi Economic Growth Strategy –MEGS (2004)**

The overarching instrument guiding rural and urban development in Malawi has been the Malawi Poverty Reduction Strategy (MPRS) and Malawi Economic Growth Strategy (MEGS). The former expired in July 2005 such that MEGS will form the core of the Government's approach to poverty reduction. MEGS was developed to compliment 'pillar one' of the MPRS (Sustainable pro-poor economic growth) due to recognized weaknesses in the MPRS in this area. MEGS incorporates a vision of Malawi moving towards poverty reduction. Forestry Department mandate and vision are directly aligned to these policy instruments and contributes specifically to a number of the Pillars within the PRSP as seen from its specific policy objectives, strategies and development programmes/projects. The Department of Forestry is aiming at improving productivity of forest resources both in forest reserves and customary land to create opportunities for communities and households to engage in income generating activities as a means of improving their livelihoods. This is very much in line to goals of MEGS. It is unfortunate that under the MEGS, the contribution of forestry is not well reflected.

Forestry also supports MEGS strategies for development through promotion of both foreign and local investments in forestry, job creation, and value addition through forest product processing. This is reflected in the number of Malawians engaged in furniture making and construction industries and other carpentry work, in urban and rural areas.

### **1.2.9 The National Economic Empowerment Policy 2004 (NEEP)**

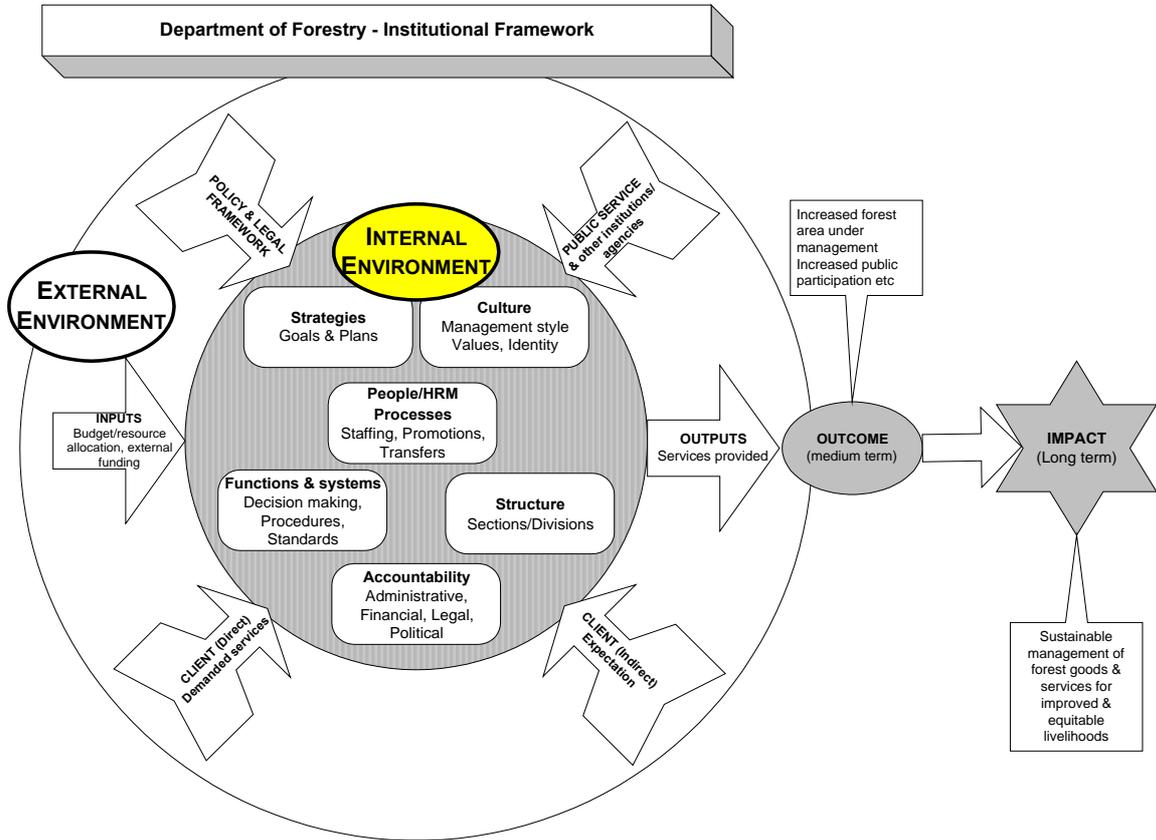
NEEP's goal is 'bringing about social- economic transformation to enable the poor in Malawi to be in a position to make their own decisions that will determine and control their economic destiny by enabling them to share in the ownership, control and management of the country's wealth, thereby increasing their participation in the formal economy in Malawi.' Among the policy instruments directly relevant to Forestry, NEEP includes statements on increased access to and control over resources by the rural poor, improved access to finance, building the capacity of Malawians to own and manage commercial enterprises, introduction of specific and targeted programmes and incentives for the rural poor, involvement of the private sector in rural economic growth and development of cooperatives in rural areas. This is the major focus of Forestry Department as it aims at empowering Malawians to make informed decisions on the way forest resources within forest reserves, customary estate and industrial plantations should be managed to promote sustainable economic growth at all levels.

### 1.3 INSTITUTIONAL CONTEXT FOR THE DEPARTMENT OF FORESTRY

The Policy & Legal context described above provides the direction and mandate for the Department of Forestry as well as other agencies and arms of Government in relation to management of natural resources and forests in particular. However, how the Department fulfils that mandate is influenced by the external environment within which the Department operates. This includes how it relates to other institutions both in Government and outside Government; to other stakeholders or direct ‘clients’ who expect and demand particular services; indirect clients who possess an expectation of the Department such as the people of Malawi; and how it can function as part of wider public services to bring maximum impact to economic growth. These clients groups include: rural communities (poor households) men, women, boys and girls, District Assemblies and Forestry Extensions Agencies, Urban population, Private Sector, Politicians, Government Ministries/Departments, Regional and International Partners.

The Policy and legal mandate along with demanded services should frame the outputs for the Department in terms of services provided, the delivery of these services and an indication of the level of satisfaction with these services. Levels of funding both through recurrent Government funding and external financing also have an influence on service delivery.

Services provided or outputs are not the end in itself. An assessment of the performance of the Department should be measured against indicators of ‘outcomes’ in the medium term and measures of ‘impact’ in the longer term. Examples of outcomes include: ‘increased area under management’ or ‘increased stakeholder participation’, while examples of ‘impact’ may include: ‘sustained socio-economic development’, ‘improved well-being’ and ‘poverty reduction’. The major objectives of Policy and the Vision statements already framed for the Ministry and Department provide an insight of the desired impact in the longer term.



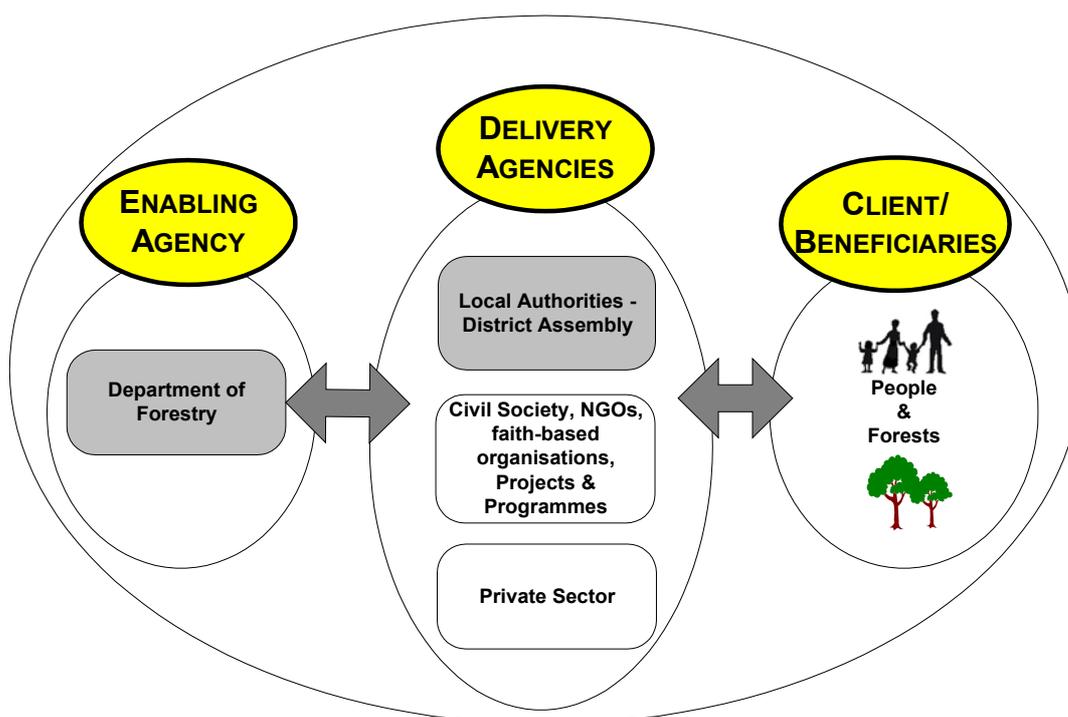
Thorough analysis of the external environment can assist the review of the ‘organisation’, to see if it is positioned to respond to the challenges and expectations set for it. Review of the ‘internal’ environment should cover scrutiny of the following:

- Strategies – goals and plans of the organisation;
- Functions and systems – procedures, standards & guidelines, processes of decision-making;
- Structure – existing or proposed;
- People and human resource management processes –staffing, promotions, transfers and disciplinary procedures;
- Culture – identity, values, management style and incentives;
- Accountability – administrative, economic and legal;

All of the above are aspects of organisational development which inform the analysis and discussion over the structure and functioning of the Department in order for it to respond and fulfil its role as the planning and regulatory authority, coordinating, facilitating and promoting sector issues in line with its Policy and Legal mandate.

With decentralisation and the devolution of forestry functions and responsibilities, the achievement of the desired outcomes will depend on working through and supporting ‘delivery’ agencies. These include the District Assemblies who now possess the mandate to provide forest extension services as well as civil society groups, projects and programmes, and the private sector. This highlights the need for a partnership approach to forestry service provision in Malawi.

The challenge is for Central Government and specifically the Department of Forestry to review its relationship with other sector partners and promote better coordination and collaborative partnerships, to provide the direction and support necessary to achieve common goals.



## 1.4 GUIDING PRINCIPLES FOR THE FOREST SECTOR

Based on the foregoing national policy and legal instruments as well as commitments to a number of international protocols and conventions, the following are considered the core guiding principles for the sector:

1.4.1 **National Objectives:** the forestry policy is consistent with the national objectives and principles guiding sustainable development found in the constitution.

1.4.2 **Conservation and Sustainable Development:** Malawi's forests should be managed to meet the needs of this generation without compromising the rights of future generations.

1.4.3 **Livelihoods and Poverty:** The improvement of livelihoods should be a major goal in all the strategies and actions for the development of the forest sector so as to contribute to poverty eradication.

1.4.4 **Biodiversity and Environment Services:** forest sector development should safeguard the nation's forest biodiversity and environmental services through effective conservation strategies.

1.4.5 **Partnerships in Governance:** new institutional relationships should enhance efficiency, transparency, accountability and professionalism and build confidence in all forest stakeholders

- ❖ The role of central government: central government should withdraw from activities that can be carried out more effectively by the private sector or other stakeholders, but maintain core functions policy development and regulation.
- ❖ The role of local government: more forest resources should be managed through devolved responsibility wherever practical and advisable.
- ❖ The role of the private sector: private sector investment should be maximised in the development of the forest sector.
- ❖ The role of local communities and farmers: the public's participation in the management of the country's forests should be actively encouraged.

1.4.6 **The role of NGOs/CBOs:** these should be encouraged to strengthen civil society, to build capacity and grassroots participation, and to help develop the rights and responsibility of forest users.

1.4.7 **Gender and Equity:** the active participation and affirmative action of all women and men, young people and the elderly, and vulnerable or disadvantaged groups should be integrated into forest sector development.

1.4.8 **Cultural and Traditional Institutions:** forest sector development should take into consideration cultural and traditional attributes and institutions.

1.4.9 **International Obligations:** legislation should be developed to support the implementation of current and future international commitments that affect the forestry sector.

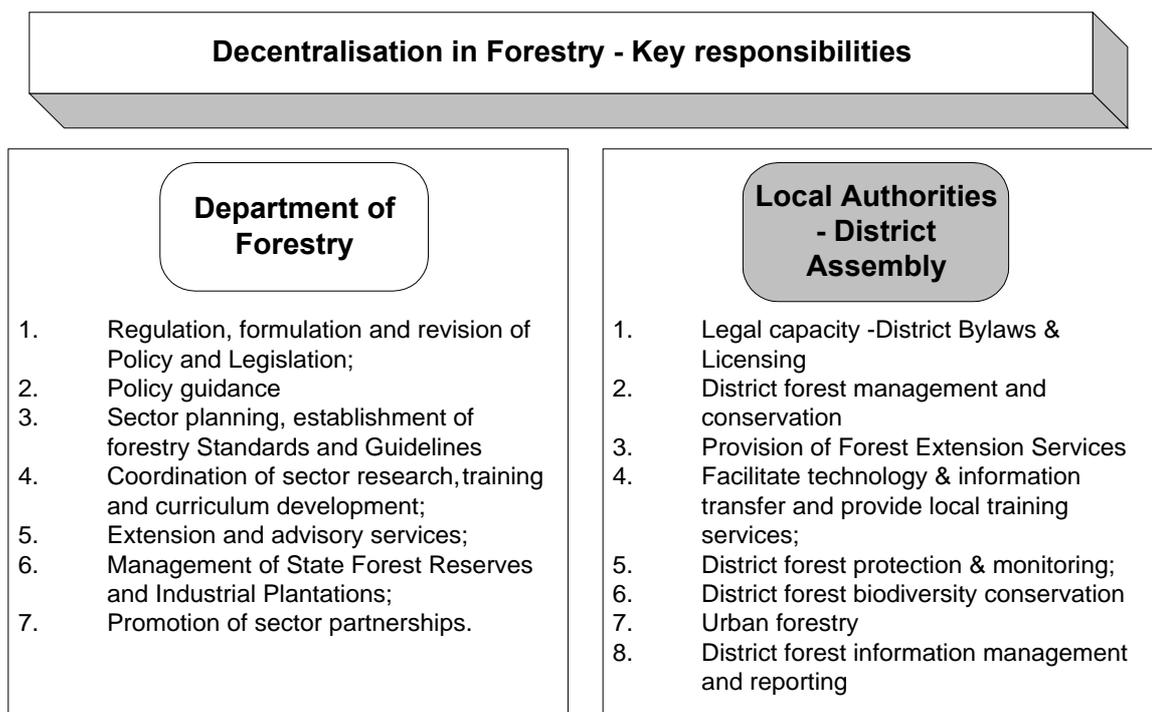
1.4.10 **Forestry Valuation:** environmental and social values should be used in cost/benefit valuations when assessing strategies to implement the Forestry Policy.

## 2. DIVISION OF RESPONSIBILITIES

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This section clarifies the division of responsibilities and functions between Central Government and Local Government as defined in the Sector Devolution Plan of the Ministry of Mines, Natural Resources & Environment that was approved by Government.

These can be summarised as follows:



## **2.1 FORESTRY RESPONSIBILITIES WITH CENTRAL GOVERNMENT**

Within the mandate provided under the National Forest Policy, 1996, Forestry Act 1997, and Decentralisation Policy 1998, the key responsibilities of the Department of Forestry of the Ministry of Mines, Natural Resources & Environment are:

- ❖ Regulation, formulation and revision of the Forestry Policy and Forestry Act;
- ❖ Policy guidance;
- ❖ Sector planning, establishment of Forestry Standards and Guidelines;
- ❖ Coordination of sector research, training and curriculum development;
- ❖ Extension and advisory services
- ❖ Management of State Forest Reserves and Industrial Plantations;
- ❖ Promotion of sector partnerships

In fulfilling these responsibilities, the Department has the following vision and guiding principles:

### **2.1.1 Vision & Mission Of The Department Of Forestry**

The Mission statement for the Department of Forestry is:

*“To guide, plan, coordinate, facilitate and promote active participation of all stakeholders in the sustainable management, development and utilisation of forest resources, goods and services for socio-economic development”*

### **2.1.2 Guiding Principles of the Department of Forestry**

In pursuit of fulfilling the Mission, National Forestry Goal, Forestry Act including the NFP the Department of Forestry will uphold the following values to guide its operations.

- ❖ Long Term Strategic Planning/Perspective
- ❖ Energizing Leadership
- ❖ Teamwork/Collaboration
- ❖ Promote self-initiative
- ❖ High staff productivity
- ❖ Contribution to society
- ❖ Diversity and equal opportunities
- ❖ Openness/Trust/Positive confrontations

The Department will pursue its programmes based on the following macro economic goals, in line with the mission statement:

- To strengthen the institutional framework, governance structures and instruments for environmental and natural resources management.
- To stimulate sustainable economic growth
- To promote sustainable use and management of the environment and natural resources
- To promote national, sub-regional, regional and international cooperation in environment and natural resource management and development.

These goals are consistent with a number of Government micro and macro development policies and international processes including those of the World Summit on Sustainable Development and the Millennium Development Goals.

Special attention will be given to the following areas in order to reverse the current trends of deforestation, drought, land and environmental degradation that the nation is experiencing:

- ❖ The haphazard and illegal charcoal production and marketing and licensing of forest produce including timber harvesting;
- ❖ The encroachment of forest reserves and the need to restore them to their original condition;
- ❖ The protection, conservation and proper utilisation of forests on customary lands and forest reserves;
- ❖ Implementation of afforestation programmes in order to rehabilitate degraded steep slopes, riverbanks and other fragile areas;
- ❖ Promotion of sound management and sustainable utilisation of industrial forest plantations.
- ❖ Provision of support services in terms of research and development to move the Department forward and target beneficiaries better.

### **2.1.3 Need for a new structure**

For the effective delivery of the above responsibilities, the structure of the Department needs to evolve to respond to the responsibilities invested in it as well as the demands from its various client groups.

The Department of Forestry is currently structured as follows:

- Forestry Headquarters
- Forestry Research Institute of Malawi
- Malawi College of Forestry & Wildlife
- Forestry Plantations, Chikangawa
- Regional Forest Offices, North, Centre & South
- 28 District Forestry Offices (performing dual functions of Reserve & plantation management, as well as forest extension services under the mandate of the District Assemblies).

As part of a review conducted in 2003, three key major areas of responsibility were identified i.e. a) Forest Conservation & Development, b) Research & Planning, and c) Administration.

These are further sub-divided as follows:

- **Forest Conservation & Development**
  - Forest Plantation
  - Extension Services & Natural Forests
  - Forest Product Marketing
  - Regulation
- **Research & Planning**
  - Forest Research
  - Forest Policy & Planning
  - Forest Technical Training (Malawi College of Forestry & Wildlife)
- **Administration**
  - Human Resources
  - Finance

Although proposed, the above structure has not been brought into operation and a full functional review in the light of decentralisation is awaited.

#### **2.1.4 Department of Forestry - Regional Forest Offices**

The Department of Forestry shall maintain Regional Offices as part of the Central Government structure. The Regional Offices and staff as representatives of Central Government, move away from their previous supervisory role to one which focuses on guiding and performing regulatory functions under the forestry devolution process, as envisaged under the Local Government Act 1998 and National Forestry Programme, 2001. Their main task is to support and advise the District Assemblies and other sector partners with the planning and conservation of customary land forests, promotion of community management of these customary land forests, and collaborative management of State Forest Reserves where applicable.

A new role is to monitor the application of service standards in the provision of participatory forestry services, the impact of these services and thereby monitor the implementation of the National Forest Policy. This will be undertaken through the close involvement of local government, traditional leaders, civil society and community groups and institutions.

Full details of these responsibilities are provided in section 3.

## **2.2 FORESTRY RESPONSIBILITIES WITH LOCAL GOVERNMENT**

Forestry programmes at district level are implemented within the context of the 1998 Decentralisation Policy. Certain functions have been devolved to District Assemblies in line with the devolution plan developed by the Ministry of Mines, Natural Resources and Environment, and communicated in the circular, “Devolving forestry responsibilities to District Assemblies”, dated 21<sup>st</sup> March 2004. This detailed functions and activities under the following headings:

1. Legal capacity – District Bylaws, enforcement & licensing
2. District forest management and conservation
3. Provision of Forest Extension Services
4. Facilitate technology and information transfer and provide local training services
5. District forest protection and monitoring
6. District forest biodiversity conservation
7. Urban forestry
8. District forest information management and reporting

### **2.2.1 FUNCTIONS AND ACTIVITIES DEVOLVED TO DISTRICT ASSEMBLIES**

#### **1. “Legal Capacity”**

- District Assemblies to draw up District Forestry By-Laws for approval by the Minister of Mines, Natural Resources and Environmental Affairs;
- Develop and strengthen Forest Law Enforcement Teams/Units in the District Forest Office;
- Develop and implement a forest licensing system for the district;
- Enforce existing Forest Management Agreements with the local communities, individuals, etc where these have been established.

#### **2. Forest Management and Conservation**

- Rehabilitate existing Local Authority Plantations;
- Create new Local Authority Plantations;
- Create new Local Authority Forest Reserves (on bare hills, water catchments, river banks, etc);
- Facilitate and support the formation and management of village forest areas;
- Preparation of forest management agreements with local communities, individuals, etc;
- Preparation of forest management plans for customary land forests.

#### **3. Extension**

- Provide forestry extension advice to communities, individuals, institutions, estates, etc;

- Facilitate the formation of VNRMC's and CBO's;
- Provide training in forest management to farmers, CBOs, Schools, etc;
- Co-ordination of various stakeholders in forest and other natural resources management;
- Mobilising donor support for community level forestry projects.

#### **4. Research and Training**

- Facilitate technology and information transfer from FRIM, ICRAF, Universities, and other research organisations;
- Identify research needs and conduct research in collaboration with FRIM;
- Conduct Training Needs Assessments and implement district training plans in conjunction with Malawi College of Forestry and Wildlife, other relevant training institutions, Non Governmental Institutions and relevant private sector agencies.

#### **5. Forest Protection**

- Develop wild forest fire prevention strategies for all forests on customary lands;
- Prepare forest fire management plans for local authority plantations and forests;
- Draw up forest education and awareness programmes on forest fires;
- Develop district forest pest and diseases monitoring scheme with support from the Forestry Research Institute of Malawi.

#### **6. Forest Biodiversity Conservation.**

- Develop appropriate plans to conserve forest biodiversity;
- Conserve all areas of cultural and scientific value;
- Conserve and protect all riverine vegetation.

#### **7. Urban Forestry**

- Advise urban authorities on preparation of long-term urban forest management plans;
- Support the Reforestation of urban streets and other open spaces;
- Facilitate the development of urban recreation parks, liaison with City/Town Park managers;
- Advise the urban authorities on sound forest utilisation practices.

#### **8. Forest Information Management and Reporting**

- Develop and implement a forest resource assessment and monitoring system;
- Submit forest resource information in the DSOER.

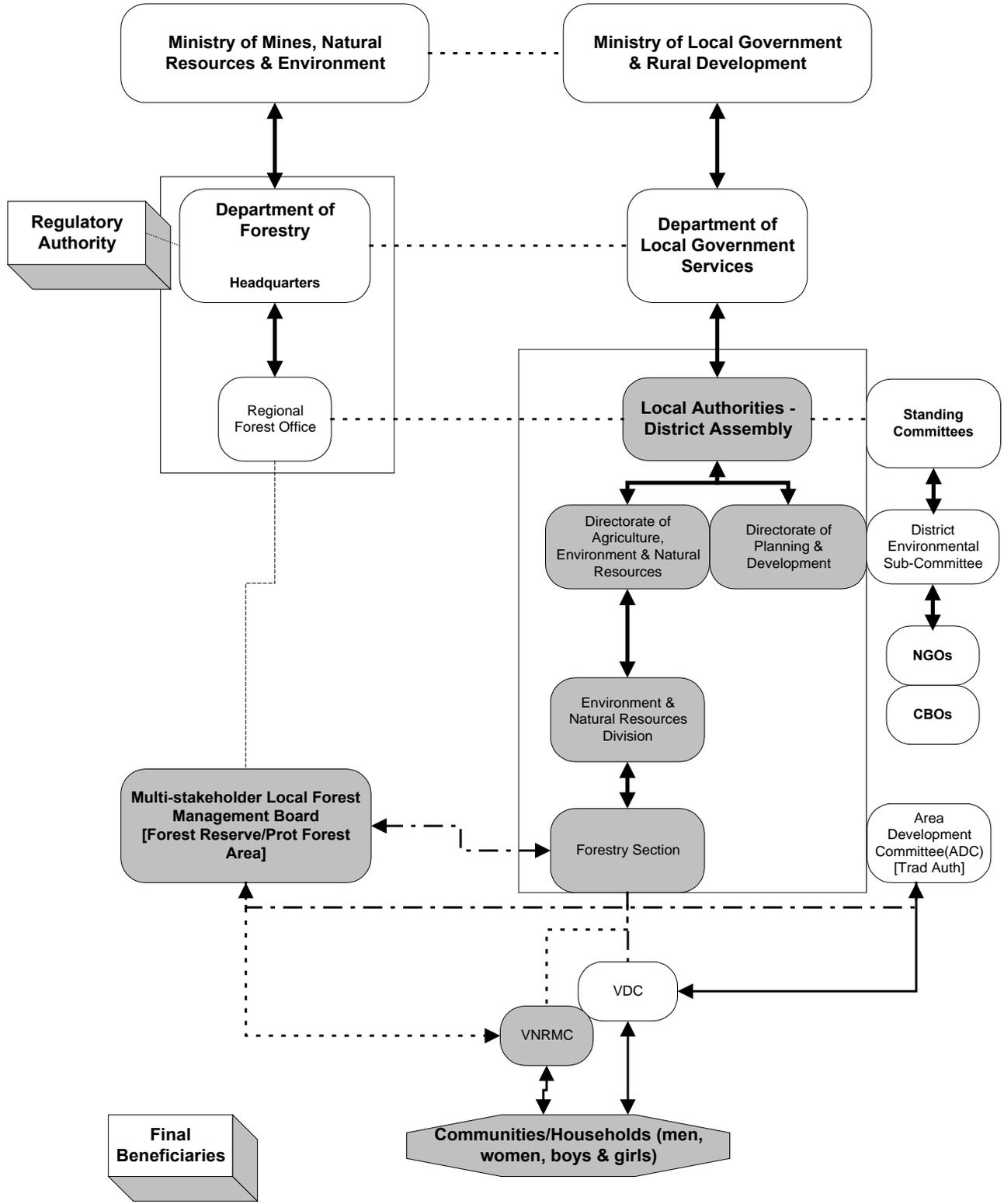
### **2.2.2 District level, District Assembly represented by the District Forest Office**

The lead responsibility for the provision of forest extension services has been devolved to the District Assemblies, as has the overseeing of the management and conservation of customary land forests, including licensing and law enforcement. Therefore the main role of the District Forest Office (now forestry Section within the Assembly structures) is to: develop and support local groups (individuals, households and community groups) with forestry management and development activities; secondly empowering community institutions and promoting advocacy mechanisms to allow these groups to fulfil their full role in the sector.

This means that service provision and the main 'action oriented activities' are provided and take place at this level. The District forest staff will be responsible for the implementation of Government forest programmes at the district level, in particular the planning, programming and implementation of the District forest development activities. The District forest staff will operate within the Directorate of Agriculture, Environment & Natural Resources, and report to the Chief Executive.

The new institutional arrangements for forestry within Central Government and local authorities is displayed as follows:

# Decentralisation in Forestry - A New Institutional Structure



### 3. DETAILED ROLES AND RESPONSIBILITIES

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Based on micro and macro policies of Government, and in accordance with the Sector devolution Plan, the Department in discussion with stakeholders, has clarified the detailed responsibilities within the major functions, roles and responsibilities to be performed by the Central Government groupings of the Headquarters and the Regional Forest Offices, with Local Government under the Assemblies. These will be reviewed from time to time to adequately address the needs of Malawians to effectively contribute to the economic growth of the country. The functions, roles, and responsibilities of various institutions will cover 4 key areas of:

1. **Sector regulation, bylaws, law enforcement and licensing arrangements;**
2. **Forest management of customary estate, including conservation, rehabilitation aspects & extension services;**
3. **Management of Forest Reserves, plantations and other State assets including promotion of co-management;**
4. **Forest planning, monitoring, research, communication & information sharing, reporting & training arrangements;**

**The following should be read in conjunction with the ‘Standards & Guidelines for Participatory Forestry in Malawi.** Service standards have been developed to ensure that there is consistency in forest extension service provision across the sector, but also to ensure that the beneficiaries of the service, receive quality support and direction, and are empowered in the manner intended by the policy and legal framework. Each service standard is based on the generic process of promoting participatory forestry and each of its various steps and stages highlight elements that are currently considered best practice.

The process of assessment may be formal or informal, be conducted within a project, organisation or agency as part of routine supervision, by the Department of Forestry as part of its regulatory and monitoring function, or through a process of self assessment by the extension staff themselves.

**What is important is that the assessment is viewed as a process of learning, of sharing knowledge between the assessor, the responsible extension worker and the beneficiaries to ensure quality of service provision to target beneficiaries.**

Further information is provided in Annex II. Reference to the full document is advised.

### 3.1 Sector regulation, bylaws, law enforcement and licensing arrangements;

<b>Roles &amp; Resp</b>	<b>Dept of Forestry Headquarters (Central Gov)</b>	<b>Dept of Forestry Regional Office (Central Gov)</b>	<b>Assemblies (Local Gov)</b>
<b>Forestry Bylaws (District &amp; Community)</b>	<ul style="list-style-type: none"> <li>▪ Producing guidelines;</li> <li>▪ Ensuring District bylaws are consistent with national policy &amp; legislation;</li> <li>▪ Arbitration;</li> <li>▪ Tracking requests &amp; approvals of Bylaws signed by the Minister.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Providing guidance;</li> <li>▪ Monitoring of application &amp; enforcement of bylaws;</li> <li>▪ Coordinate application of national laws with District level Judiciary (including Forest Rules 2001)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Formulating District Bylaws</li> <li>▪ Facilitating formulation of local bylaws by communities (see Forest Rules 2001);</li> <li>▪ Ensuring community level resource rules are consistent with District Bylaws;</li> <li>▪ Sensitising stakeholders to bylaws &amp; other governance issues;</li> <li>▪ Endorsement / approval of community bylaws by District Assembly;</li> <li>▪ Enforcing bylaws;</li> <li>▪ Monitoring of enforcement;</li> <li>▪ Periodic review of bylaws;</li> </ul>
<b>Sector regulation (rules)</b>	<ul style="list-style-type: none"> <li>▪ Arbitration;</li> <li>▪ Evaluating process in relation to sector regulation/legal framework;</li> <li>▪ Communicating sector regulation to stakeholders;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Providing guidance</li> <li>▪ Monitoring of enforcement</li> </ul>	<ul style="list-style-type: none"> <li>▪ Registration of VNRMCs &amp; VFAs in accordance with Forest Rules 2001.</li> <li>▪ Formulating District regulations;</li> <li>▪ Enforcement of regulations;</li> <li>▪ Review of regulations;</li> </ul>

<b>Roles &amp; Resp</b>	<b>Dept of Forestry Headquarters (Central Gov)</b>	<b>Dept of Forestry Regional Office (Central Gov)</b>	<b>Assemblies (Local Gov)</b>
<b>Law enforcement</b>	<ul style="list-style-type: none"> <li>▪ Review of the Forest Act;</li> <li>▪ Review &amp; setting penalties/fees;</li> <li>▪ Evaluation of law enforcement procedures;</li> <li>▪ Training in law enforcement &amp; prosecution;</li> <li>▪ Arbitration;</li> <li>▪ Coordination with Police and the Attorney General of Justice</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitor law enforcement procedures &amp; processes;</li> <li>▪ Enforcement of legislation in State forest reserves &amp; plantations;</li> <li>▪ Monitor establishment &amp; management of temporal and permanent roadblocks</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establishing local law enforcement teams;</li> <li>▪ Training local law enforcement teams;</li> <li>▪ Establishing &amp; managing temporal and permanent roadblocks;</li> <li>▪ Monitoring compliance with local and National forest laws;</li> <li>▪ District level Prosecution;</li> </ul>
<b>Licensing agreements</b>	<ul style="list-style-type: none"> <li>▪ Developing &amp; monitoring licensing mechanisms in accordance with legal framework;</li> <li>▪ Evaluation of the licensing system;</li> <li>▪ Conducting environmental audits in relation to licensed utilisation;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Issuing licensing in forest plantations/forest reserves for commercial purposes</li> <li>▪ Issuing licenses for special /protected trees Licenses for export;</li> <li>▪ Monitoring the issuing of licences by the District Assemblies;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establishing licensing procedures covered by bylaws;</li> <li>▪ Licensing of commercial forest produce from customary land in compliance with a management plan/ agreement;</li> <li>▪ Overseeing issuing of licences by VNRMCs in accordance with signed forest management agreements &amp; Forest Rules 2001;</li> <li>▪ Where there are no plans issue licenses on basis of sustainable yield/ resource assessment &amp; in compliance with licensing mechanisms;</li> <li>▪ Monitoring &amp; evaluation of licences issued &amp; resource utilisation;</li> </ul>

### 3.2 Forest management of customary estate - conservation & extension services;

<b>Roles &amp; Resp</b>	<b>Dept of Forestry Headquarters (Central Gov)</b>	<b>Dept of Forestry Regional Office (Central Gov)</b>	<b>Assemblies (Local Gov)</b>
<b>National Guidelines &amp; Standards for provision of participatory forest extension services</b>	<ul style="list-style-type: none"> <li>▪ Producing guidelines &amp; set Standards for provision of forest extension services;</li> <li>▪ Reviewing / Evaluating Standards of service delivery in the sector;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitoring Standards for provision of forest extension services;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Applying Standards for provision of forest extension services;</li> </ul>
<b>Strategic planning – forest resource &amp; social profiles</b>	<ul style="list-style-type: none"> <li>▪ Producing guidelines;</li> <li>▪ Training staff &amp; clients in resource assessment;</li> <li>▪ Managing National inventory data;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Coordinating Forest inventory, mapping &amp; data management;</li> <li>▪ Providing guidance in strategic planning &amp; resource assessments;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Preparing District Strategic Plan;</li> <li>▪ Preparing DSOER;</li> <li>▪ Preparing strategies for protection &amp; management of District forest resources &amp; Local Authority reserves &amp; plantations;</li> <li>▪ Training communities &amp; conducting joint assessment of forest resources;</li> </ul>
<b>Build partnerships with delivery agencies</b>	<ul style="list-style-type: none"> <li>▪ Developing a code of conduct for service delivery;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitoring application of code of conduct;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Coordinating service delivery;</li> <li>▪ Collaborating with service providers;</li> <li>▪ Assessing impact of partnership arrangements;</li> </ul>
<b>Community mobilisation</b>	<ul style="list-style-type: none"> <li>▪ Ensuring harmonisation between extra-sectoral policies and community institutions;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Overseeing the legal registration of VNRMCs to assist legal agreement processes (FMA, FPA, co-mngt);</li> <li>▪ Providing guidance;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conducting sensitisation of communities;</li> <li>▪ Facilitating formation &amp; registration of VNRMCs (Forest Rules 2001);</li> </ul>

<b>Roles &amp; Resp</b>	<b>Dept of Forestry Headquarters (Central Gov)</b>	<b>Dept of Forestry Regional Office (Central Gov)</b>	<b>Assemblies (Local Gov)</b>
<b>Capacity building for VNRMCs, farmers clubs, communities etc.</b>	<ul style="list-style-type: none"> <li>▪ Producing guidelines, training materials &amp; evaluate Standards;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitoring training against Standards;</li> <li>▪ Providing feedback on training for curriculum development.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Facilitate capacity building process;</li> <li>▪ Provide capacity building services;</li> </ul>
<b>Constitution formulation for Village Forest Management</b>	<ul style="list-style-type: none"> <li>▪ Producing guidelines &amp; evaluate Standards;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitoring progress against Standards;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Facilitation of the constitution development process;</li> </ul>
<b>Management Plans</b>	<ul style="list-style-type: none"> <li>▪ Developing guidelines &amp; Standards;</li> <li>▪ Evaluating application of Standards;</li> <li>▪ Facilitating legal framework for plans;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Providing guidance &amp; monitoring progress &amp; assess quality of plans and services against Standards;</li> <li>▪ Produce model for ecosystem based management plans;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Facilitation of community planning &amp; drafting of PFMPs;</li> <li>▪ Preparing plans for District level resources &amp; Local Authority Plantations &amp; Reserves;</li> </ul>
<b>Management Agreements</b>	<ul style="list-style-type: none"> <li>▪ Signing legal agreements</li> <li>▪ Producing guidelines on Forest Management Agreements</li> <li>▪ Clarifying benefit sharing arrangements</li> <li>▪ Managing a tracking system for FMA applications &amp; approvals</li> <li>▪ Reviewing policy &amp; legislation (in line to Decentralisation) to allow signing of FMAs at District level</li> </ul>	<ul style="list-style-type: none"> <li>▪ Evaluating legal implementation of Forest Management Agreements; providing guidance; and assessing against agreed Standards;</li> <li>▪ Facilitating resolution of resource use conflicts;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Facilitating communities to draft Forest Management Agreements &amp; negotiate benefit sharing;</li> <li>▪ Facilitating communities to sign agreements to legally manage forest areas;</li> <li>▪ Endorsing FMA as local stakeholder/ party to the agreement;</li> <li>▪ Monitoring progress of implementation of FMAs.</li> </ul>

<b>Roles &amp; Resp</b>	<b>Dept of Forestry Headquarters (Central Gov)</b>	<b>Dept of Forestry Regional Office (Central Gov)</b>	<b>Assemblies (Local Gov)</b>
<b>Licensing of forest products (incl charcoal)</b>	<ul style="list-style-type: none"> <li>▪ Producing guidelines for assessing sustainable production &amp; management plans;</li> <li>▪ Reviewing Policy instruments in support of licensing;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitoring progress &amp; Standards to ensure that licenses &amp; subsequent harvesting is sustainable &amp; environmentally sound;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Issuing licences according to resource assessment, management plans &amp; agreements in accordance with set Standards;</li> <li>▪ Ensuring proper record keeping;</li> <li>▪ Processing transfer certificates for forest produce;</li> <li>▪ Monitoring policing of the resource by stakeholders;</li> </ul>
<b>Technical advice</b>	<ul style="list-style-type: none"> <li>▪ Production of Forest extension materials;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Dissemination of Forest extension materials;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provision of Forest extension services;</li> </ul>
<b>Monitoring &amp; evaluation</b>	<ul style="list-style-type: none"> <li>▪ Evaluating management of customary estate against policy direction &amp; legal directives;</li> <li>▪ Providing Policy direction;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Evaluating management of customary estate against Service Standards &amp; periodic resource assessments &amp; inventories;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Undertaking monitoring of the conservation &amp; management of customary forests through periodic resource assessments &amp; inventories;</li> <li>▪ Facilitating communities &amp; other stakeholders to undertake participatory performance monitoring</li> </ul>

### 3.3 Arrangements for the management of Forest Reserves, plantations and other State assets including promotion of co-management;

Roles & Resp	Dept of Forestry Headquarters (Central Gov)	Dept of Forestry Regional Office (Central Gov)	Assemblies (Local Gov)
<b>Management of forest reserves &amp; plantations</b>	<ul style="list-style-type: none"> <li>▪ Instituting mechanisms for sound management of Forest Reserves to ensure flows of environmental &amp; productive goods &amp; services;</li> <li>▪ Promoting private sector involvement &amp; investment in the management of State Plantations &amp; Reserves where appropriate;</li> <li>▪ Regulating wood utilisation;</li> <li>▪ Developing &amp; applying clear management guidelines for reserves and plantations;</li> <li>▪ Managing Plantations under concessions arrangements;</li> <li>▪ Assist certification of wood products;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitoring &amp; enforcing mechanisms for sound management of FRs following agreed monitoring system covering environmental &amp; service standards;</li> <li>▪ Assisting with the formation of local forest management boards &amp; support their direction;</li> <li>▪ Preparing Reserve &amp; Plantation Management Plans (Incl inventories) with relevant stakeholders;</li> <li>▪ Regulating access &amp; licensing in forest reserves;</li> <li>▪ Supervising the management of concessions according to agreements;</li> <li>▪ Coordinating protection issues in Reserves &amp; plantations (incl fire management);</li> </ul>	<ul style="list-style-type: none"> <li>▪ Forming &amp; supporting the functioning of local forest management boards;</li> <li>▪ Advocacy for the maintenance of forest reserves and plantations;</li> <li>▪ Managing plantations in reserves in agreement with Central Govt;</li> <li>▪ Protecting Local Authority Reserves &amp; plantations;</li> <li>▪ Assist in the protection of State plantations &amp; reserves;</li> <li>▪ Manage utilisation and disposal of wood from areas under DA responsibility.</li> </ul>

<b>Roles &amp; Resp</b>	<b>Dept of Forestry Headquarters (Central Gov)</b>	<b>Dept of Forestry Regional Office (Central Gov)</b>	<b>Assemblies (Local Gov)</b>
<b>Promotion of co-management</b>	<ul style="list-style-type: none"> <li>▪ Promoting awareness &amp; build capacity on management partnerships through co-management agreements;</li> <li>▪ Preparing guidelines on cost/benefit sharing (including sharing from FMDf when reactivated)</li> <li>▪ Approval and signing of legal agreements</li> <li>▪ Instituting mechanisms for monitoring of co-management agreements &amp; termination when necessary;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Facilitation of co-management process within context of overall Forest Reserve/Plantation Strategic Management Plan including capacity building;</li> <li>▪ Assessing quality of co-management plans in accordance with agreed Standards;</li> <li>▪ Monitoring compliance of signed management plans &amp; agreements &amp; licensing within plans &amp; agreements;</li> <li>▪ Coordinate law enforcement;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Initiating co-management activities, assisting: <ol style="list-style-type: none"> <li>1. Community organisation;</li> <li>2. Block demarcation;</li> <li>3. Training Block committees;</li> <li>4. Constitutions, rules and regulations;</li> <li>5. Drafting Co-management plans;</li> </ol> </li> <li>▪ Advising communities on negotiation of agreements with central government;</li> <li>▪ Monitoring implementation of agreements;</li> <li>▪ Facilitate conflict resolution arising from co-management agreements;</li> <li>▪ Facilitate negotiation of cost/benefit sharing;</li> <li>▪ Assist protection &amp; policing activities by Block Committees;</li> </ul>
<b>Proposed forest reserves</b>	<ul style="list-style-type: none"> <li>▪ Assess the status of the PFRs &amp; facilitate gazettelement as appropriate;</li> <li>▪ Declare new protected areas as appropriate;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conducting assessment of the PFRs, future status &amp; management with all stakeholders;</li> <li>▪ Negotiating operational guidelines between FD and DA staff</li> </ul>	<ul style="list-style-type: none"> <li>▪ Assess potential of PFRs to be managed as Local Authority Forest Reserves;</li> <li>▪ Establish local authority forest reserves;</li> </ul>

**4. Forest planning, monitoring, research, communication & information sharing, reporting & training arrangements;**

<b>Roles &amp; Resp</b>	<b>Dept of Forestry Headquarters (Central Gov)</b>	<b>Dept of Forestry Regional Office (Central Gov)</b>	<b>Assemblies (Local Gov)</b>
<b>Planning</b>	<ul style="list-style-type: none"> <li>▪ Provision of Standards &amp; Guidelines;</li> <li>▪ Developing &amp; review of strategic plans;</li> <li>▪ Monitoring of Policy implementation;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Providing guidance on forest planning &amp; monitoring;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Reviewing impact of District forest strategic plans, DEAPs/DDP</li> <li>▪ Feeding learning into revision of District plans</li> </ul>
<b>Staffing</b>	<ul style="list-style-type: none"> <li>▪ Review staffing levels in relation to responsibilities, tasks &amp; activities;</li> <li>▪ Redeployment of staff to areas of maximum impact &amp; service provision;</li> <li>▪ Development of operational guidelines between FD and LA staff</li> <li>▪ Review performance appraisals, promotion or disciplining of staff as appropriate;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conducting Regional staff performance appraisal;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conducting District forest staff performance appraisal;</li> </ul>
<b>Training</b>	<ul style="list-style-type: none"> <li>▪ Human resource development forecasting;</li> <li>▪ Developing training plans &amp; coordination of formal &amp; non formal training (MCFW &amp; others);</li> <li>▪ Developing standards &amp; guidelines for quality control in training within sector;</li> <li>▪ Conducting sector performance assessment &amp; review;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Facilitating training needs assessment;</li> <li>▪ Coordinating non-formal training</li> <li>▪ Monitor quality of training service provision;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Preparing training framework;</li> <li>▪ Developing district training plans - training needs assessment;</li> <li>▪ Review training impact;</li> </ul>

<b>Roles &amp; Resp</b>	<b>Dept of Forestry Headquarters (Central Gov)</b>	<b>Dept of Forestry Regional Office (Central Gov)</b>	<b>Assemblies (Local Gov)</b>
<b>Monitoring</b>	<ul style="list-style-type: none"> <li>▪ Developing &amp; harmonising indicators to assess progress (PRSP/MDG etc)</li> <li>▪ Setting standards &amp; guidelines;</li> <li>▪ Reviewing sector compliance with Standards &amp; Guidelines;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Monitoring implementation &amp; compliance with Standards;</li> <li>▪ Reporting compliance;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Complying with standards</li> <li>▪ Conducting District monitoring &amp; analysis</li> <li>▪ Facilitating participatory monitoring by local stakeholder institutions (VNRMCs);</li> </ul>
<b>Research</b>	<ul style="list-style-type: none"> <li>▪ Provision of research services (FRIM)</li> <li>▪ Translating research findings;</li> <li>▪ Facilitating coordination with other research institutions &amp; process research requests;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Identifying research requirements &amp; communicate lessons &amp; other findings as appropriate;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Assisting local stakeholders with participatory action learning &amp; communicating research findings &amp; requirements;</li> </ul>
<b>Communication &amp; info sharing</b>	<ul style="list-style-type: none"> <li>▪ Conducting forest stakeholder forums;</li> <li>▪ Identifying &amp; processing key messages &amp; other information &amp; dissemination to stakeholders;</li> <li>▪ Developing code for communication;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Collecting, processing &amp; dissemination of information;</li> <li>▪ Ensuring application of code of communication;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conducting local forest stakeholder forums;</li> <li>▪ Identifying significant information &amp; sharing to other local stakeholders &amp; upwards for wider analysis &amp; dissemination;</li> </ul>
<b>Sector Reporting</b>	<ul style="list-style-type: none"> <li>▪ Developing &amp; reviewing sector reporting format;</li> <li>▪ Providing feedback to reports received;</li> <li>▪ Compiling &amp; disseminating periodic sector reports;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Compiling information for sector reporting;</li> <li>▪ Non devolved functions reported to FD copied to DA;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Preparing technical financial &amp; HR reports;</li> <li>▪ Preparing &amp; submitting financial reports to Director of Finance;</li> <li>▪ Technical Reports prepared by Section head, to controlling officer (DC) sent to Director of Forestry;</li> </ul>

## 4. Financial & Administrative Arrangements

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### 4.1 FINANCING FORESTRY FUNCTIONS

Financing forestry functions at District level will occur under three main mechanisms:

1. Funding of Assembly forestry responsibilities as a component of the District Assembly Budget
2. Funding of Central Government responsibilities (under collaborative management of Reserves and plantations) to be implemented by Assembly staff disbursed from the Department of Forestry Budget;
3. External financing of projects and programmes through individual funding/donor / NGO / Private sector arrangements.

In order to facilitate the above, District Forest staff should prepare budget estimates covering the three mechanisms:

1. A workplan and budget covering the necessary activities and sub-activities to cover the various Assembly roles and responsibilities which will be submitted as a component of the budget for the Directorate of Natural Resources of the Assembly. This will be negotiated and agreed on a local basis, but should be based on delivering services outlined in the detailed responsibilities in the preceding sections.
2. A workplan and budget covering the necessary activities and sub-activities to cover management of the State Reserves and plantations. (These will be detailed in the individual agreements and management plans negotiated between the Assembly and the Department of Forestry).
3. A workplan and budget covering the activities and sub-activities agreed with the funding institutions / private sector / NGO.

Financing of Central Government functions and responsibilities will continue through budget submissions as part of the Ministry of Mines, Natural Resource & Environment, or through external financing through projects and programmes.

## 4.2 REPORTING ARRANGEMENTS AND FORMATS

With the devolution of forestry responsibilities new reporting arrangements will come into force. The District Forestry Officer/Head of Forestry Section will prepare reports to their District Commissioners who will where appropriate, submit the same to the Director of Forestry with copies to RFO for information.

Reports	Assembly Functions & Responsibilities		Central Government Functions & Responsibilities (under Agreement)	
Prepared by District Forest Personnel	To:	Copied to	To:	Copied to
	District Commissioner	Director of Forestry	District Commissioner	Director of Forestry

The format of reports will be agreed between the two Ministries.

## 4.3 FORESTRY STAFF AT DISTRICT LEVEL

At each district, forestry staff will fall under the mandate of Local Government, reporting to the District Commissioner. This shall include all the current District Forest Officers, Forest Assistants, all Forest Guards and patrolpersons under extension activities including some support staff.

Forestry staff will operate under the Director of Agriculture and Natural Resources and shall include all forestry extension officers as per the approved staff structure within the individual District Assembly.

Following the recent approval of the functional review of the institutional and management arrangements of the Assemblies, the two Ministries are now at the point of completing the transition period of integration of staff into the Assembly system, and concerned individuals will be notified accordingly.

## **4.4 FORMAL ASSET TRANSFER – BUILDING & VEHICLES**

Buildings, motorcycles, bicycles and vehicles that are currently under Department of Forestry ownership and management and currently used for forest extension activities shall be transferred to District Assemblies through agreement with the Ministry of Local Government & Rural Development, on the basis of devolved responsibilities.

Four categories of assets are covered in this regard:

- a. All residential houses being used by forestry extension workers outside gazetted forest reserves.
- b. Office structures and associated buildings that were built at District Headquarters outside forest reserves will be shared between Central Government and Local government depending on need.
- c. All motorcycles and bicycles being used by forestry extension officers.
- d. Vehicles currently used for managing forest reserves and industrial plantations will be retained by Central Government.

The respective District Assemblies shall assume total responsibility for maintenance and replacement of the transferred vehicles and buildings. They shall also be responsible for including such costs in the annual estimates of expenditure.

A detailed list of such buildings and vehicles to be formally transferred to the individual District Assemblies shall be drawn up and submitted for legal notification.

## 5. Decentralisation – priority issues for action

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The decentralisation process and division of responsibilities between Central and Local Government presents a number of challenges to the decision makers and managers at different levels within the two Ministries. The following priority issues for attention and action are highlighted as critical to ensure that the devolution of functions to the District Assemblies is undertaken in accordance with the various directives and within the spirit of decentralisation:

### 5.1 ADMINISTRATIVE

- Conclude arrangements with Ministry of Local Government & Rural development for the transfer of human resources to Assemblies following approval of the Functional Review of Assemblies;
- Conclude arrangements for formal and legal transfer of physical assets (buildings, vehicles and other equipment) to Assemblies;
- Accelerate the devolution of Sectoral Budgets for devolved functions with clear objectives or intended purpose with results-based accountability mechanisms;
- Provide procedural guidance on the collection, retention and utilisation of forest related revenue by Assemblies;
- Ensure effective communication and information sharing to those directly affected by the decentralisation process, particularly relating to the human resource transfer process.

### 5.2 TECHNICAL

- Guide Assemblies with application of Standards to improve service delivery and policy implementation;
- Guide Assemblies with priorities for forest development at the local level for efficient utilisation of assembly resources and to improve service delivery.
- Guide Assemblies with institutionalising forest planning at the assembly level;
- Guide Assemblies with the preparation of forest development plans that focus on effective utilisation and economic growth from forestry within their Local Economy Development Plans;
- Guide Assemblies with the preparation of local level plans in a participatory manner by integrating forestry issues and priorities into the village action planning (VAP) process within the District Development Planning System;
- Support capacity development of Assemblies to manage and effectively co-ordinate their forestry development activities and resources (human and financial);
- Review sectoral laws (Forest Act) to reflect decentralisation issues and responsibilities;
- Support Assemblies with developing capacity to review and formulate their forest by-laws;
- Assist Assemblies with enhancing the revenue base from forest resources to support service delivery through developing a District licensing system;
- Promote local level democratic processes that enhance the capacities of citizenry to hold public institutions and officials accountable for their performance and service delivery.

- Improve mechanisms for coordinating and disseminating information and knowledge about the forestry decentralisation process.
- Hasten the restructuring of the Department of Forestry to reflect the changed mandate and operating environment under decentralisation;
- Monitor the decentralisation process including human resource capacity at Central and Local Government levels;

The Department of Forestry will re-activate its Core Group on Devolution as a task force to ensure that the above priority issues are based on a time bound action plan, to meet and plan with the Ministry of Mines, Natural Resources & Environment and the Ministry of Local Government & Rural Development on decentralisation issues as they affect forestry matters and personnel.

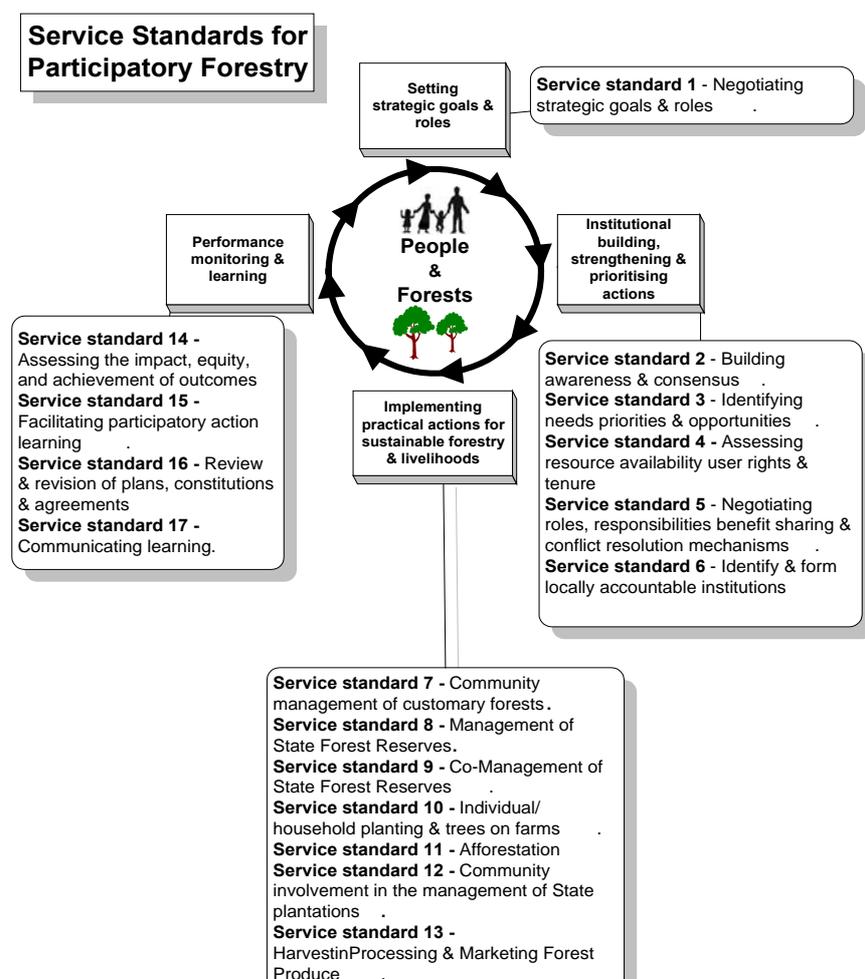
# Annex I PFM Standards & Guidelines

## PFM Forestry Service Standards

The development of national forestry strategies, standards and planning is the lead responsibility of Central Government under the decentralisation of forest management responsibilities implementing the Local Government Act 1998, and the National Forestry Programme, 2001.

In the context of participatory forestry in Malawi, service standards have been developed as a definitive statement of agreed 'best practice'. These have been compiled through a consultative process, through review of relevant literature and monitoring and evaluation reports, as well as from the knowledge and experience of those engaged in planning and providing participatory forestry services throughout the country.

The 17 service standards for forestry service provision are based on the generic process of promoting participatory forest management (PFM) illustrated later, and each highlight elements that are currently considered 'best practice'. These should be considered as benchmarks for service delivery within the sector, and used to assist the effective monitoring of activities and therefore assessment of the implementation and regulation of policy.



## Applicable Service Standards

Practical Actions	Setting strategic goals & roles	Institutional building, strengthening & prioritising actions	Implementing practical actions for sustainable forestry & livelihoods	Performance monitoring & learning
<i>Community Management of Customary Forest</i>	1	2-6	7, 13	14-17
<i>Management of State Forest Reserves</i>	1	2-6	8, 13	14-17
<i>Co-Management of State Forest Reserves</i>	1	2-6	8, 9, 13	14-17
<i>Individual/household trees on farms</i>	1	3, 4	10, 13	14-17
<i>Afforestation (Private, Estate, Community)</i>	1	2-6	11, 13	14-17
<i>Community involvement in State Plantations</i>	1	2-6	12, 13	14-17

## Achievement of PFM Standards & Means of Verification

The achievement of PFM standards is considered through a process of assessment. These take into account a number of 'quality' factors to assess the implementation of the service standard. Many of these involve field assessment and interviews with stakeholder groups and beneficiaries. These are detailed to help the 'assessor' with determining the quality of the stage or step of the PFM process, but also to assist the implementers, primarily the forest extension workers, with a measure of the 'service' they should be providing and achieving.

The service standard is confirmed through a 'verifier', the presence or absence of which indicates a level of performance. These are considered 'objective evidence' that a particular process or activity has taken place. These may take the form of documents, actions or discussions in order to verify that a standard has been met. For example evidence of a functioning VNRMC would be that meetings are documented and records kept. However, a measure of quality would be to test that decisions made were equitable and endorsed by the wider community, which would be verified through interviews with community members.

An example of a service standard and associated assessment criteria and verifiers, is set out below:

5	Service standard	Assessment	Verifier	Accountability
B	Benefit sharing (forest resources & revenues) is equitable according to tenure and access rights, transparent & documented	<ul style="list-style-type: none"> <li>▪ People can explain how &amp; why benefits have been/will be distributed;</li> <li>▪ Benefits distributed in accordance with agreed constitution.</li> <li>▪ Absence of conflict over benefit sharing;</li> <li>▪ Management of revenues (fees, licences, fines) &amp; transaction records kept;</li> </ul>	Constitution; Audit of committee financial records; Interviews with committee & community members	Forest extension worker (E), Chairperson of VNRMC (D), Traditional leaders (D), District Assembly (E),

Based on this assessment along with its associated verifier, an overall assessment of compliance with the standard can be made. This should be either: **FULL or PARTIAL or NOT ADEQUATE** as appropriate according to the assessment criteria, to reflect how far the standard has been met.

Any shortfalls or recommendations for follow up action should be noted and discussed with the responsible service provider as appropriate. This is a critical aspect of the whole assessment process. The main aim of the PFM standards is to improve the service provided to individuals, groups and communities. Therefore it is important to highlight areas that require strengthening or further support to ensure that the beneficiaries of PFM are appropriately empowered.

### The Assessment Form

The PFM Standards Assessment form (which can be found in Annex IV of the Standards & Guidelines document) should be used to assess compliance with the applicable service standards relevant to the various practical actions (afforestation, co-management, community management of customary forests etc.) implemented to promote participatory forestry.

A section of a completed assessment form appears as follows:

<b>Service Standard</b>	<b>Applicable Yes ✓ / No X</b>	<b>Comments based on assessment criteria</b>	<b>Assessment of Compliance</b>	<b>Recommended remedial action</b>
<b>5</b>	<b><i>Negotiate roles, responsibilities, benefit sharing &amp; conflict resolution mechanisms</i></b>			
<b>5a</b>	✓	Broad roles & responsibilities agreed and understood	Full	
<b>5b</b>	✓	Benefit sharing not widely discussed & agreed nor documented	Partial	Constitution requires to be reviewed

Overall comments on what was observed or discussed should be made in the 'general comments' box on the last page. A copy of the form should be left with the relevant person/extension worker responsible for the site to provide guidance to assist follow-up actions.

### Who should these apply to?

These will apply to all groups, individuals, organisations and institutions engaged in ‘people and forestry’ related activities in Malawi. This covers:

Planning & implementation level		Requirement
Field practitioners	Forest extension (Government and non-government) Assistants, agents and non-government	<ul style="list-style-type: none"> <li>▪ Apply and conform to the minimum standards for facilitating community-based forest management</li> </ul>
District Planners	District Commissioner, DEC, DESC, Agric & Natural Resources Committee, NGOs	<ul style="list-style-type: none"> <li>▪ Apply and conform to the standards for planning and providing quality forestry extension services</li> <li>▪ Formulation and review of legal matters related to the forestry sector (District bylaws)</li> </ul>
District Assembly	Ward councillors, Traditional Authorities, Members of Parliament	<ul style="list-style-type: none"> <li>▪ Apply the requirements for providing quality forestry services and allocation of appropriate resources (both human and financial)</li> <li>▪ Approve legal matters related to the forestry sector (District bylaws)</li> <li>▪ Represent the interest of all local &amp; national stakeholders in a responsible manner.</li> </ul>
Communities	VNRMCs, Block committees, forest user groups	<ul style="list-style-type: none"> <li>▪ To plan, apply and implement forestry activities for the benefit and interest of those they represent.</li> <li>▪ Utilise forest resources in a sustainable manner.</li> </ul>
Central Government	Department of Forestry Headquarters including regional offices, research & academic institutions (FRIM & MCFW), Other line Ministries involved in natural resource management	<ul style="list-style-type: none"> <li>▪ Ensure Government &amp; non-government compliance and consistency with the application of standards,</li> <li>▪ Advise District Assemblies and others with the requirements,</li> <li>▪ Apply standards for monitoring the implementation of the Policy.</li> </ul>

## **Accountability**

The last column of the PFM Standards identifies an individual, group or institution associated with each standard. These have been divided into two types of accountability. Firstly those responsible for planning and providing the appropriate resources (the enablers), and secondly those charged with ensuring that the action or activity takes place to the required standard (the deliverer).

**Enabler (E)**                      The person or institution which creates the 'space' (resources or direction) for an activity of service to take place.

**Deliverer (D)**                    The person or institution which ensures that the activity takes place to the required 'standard' and produces the intended outcome.

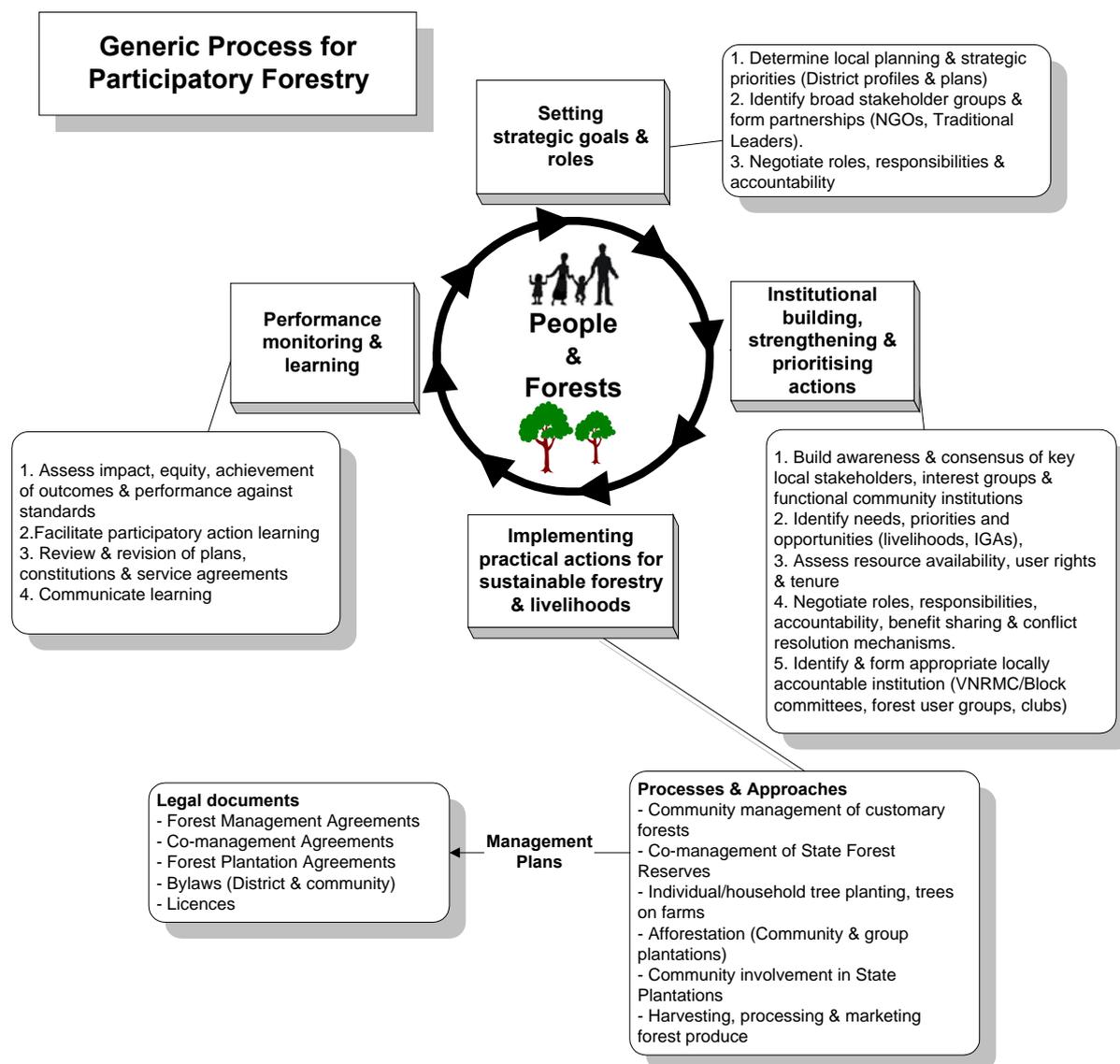
These help assist the clarification of 'who' should be doing 'what' to clarify roles and responsibilities in service provision and facilitating various actions and activities at the field level.

Reference should be made to the document 'Standards & Guidelines for Participatory Forestry in Malawi' for full details of the assessment process to assess compliance with the relevant service standards.

## Generic process for participatory forestry

Promoting participatory forestry should be considered as a process, a cycle of working in partnership, planning, and implementation, of monitoring and learning to continuously improve the practice and provision of services to improve the well being of people and forests.

The following generic process has been compiled following a review of relevant field documents, existing guidelines and manuals as well as the National Forestry Programme, 2001. The aim is to assist the practitioner and planner with a framework to guide the process of assisting individuals, groups and communities with the management of trees and forests, on both customary land and State land.



The above process aims to guide practitioners and highlight key areas of the PFM process that are often overlooked. It provides direction on taking activities to a logical stage and highlights where individual activities fit in the overall picture of participatory forestry and community empowerment. Few of the individuals, groups or communities supported so far under the new Policy environment have been fully empowered in terms of economic and legal empowerment. Many practitioners and key stakeholders are not aware of the requirements of the Policy & Legislation, eg need for Forest Management Agreements & Management plans for full rights, security of tenure and the right to benefit economically from trees and forest resources.