



GOVERNMENT OF MALAWI

MINISTRY OF NATURAL RESOURCES

NATIONAL FOREST POLICY OF MALAWI

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1.0 Preamble

- 1.1 The importance of forests and trees in improving human welfare is increasingly recognized worldwide. Both natural and man-made forests play an important role in providing basic human needs (fuel, food fodder fibre and pharmaceuticals), employment, income and foreign exchange, hence contributing to socio-economic development. Estimates based on the mean January to April 1993 prices indicate that the 1993 retail value of urban annual consumption was about MK370.8 million for fuelwood and MK16.4 million for charcoal As integral component of the biosphere, forests help to stabilize natural systems and contribute to biological diversity, and provide habitat for fauna and flora.
- 1.2 Forests help maintain air, water and soil quality; influence biochemical processes; regulate run-off and groundwater; control soil erosion; and reduce down-stream sedimentation and the incidence of flash flooding. Forests and trees may therefore be viewed in terms of providing watershed protection and enhancing water resources.
- 1.3 In Malawi, forests and trees meet the nation's requirements for fuelwood and poles and for most of the timber required for construction, joinery and board manufacture. Furthermore, the existing plantations have the potential to meet the nation's pulp and paper needs. The rural dwellers, who make up the majority of the population, rely to a large extent on forests for their needs in the form of fuelwood, bushmeat and other foods, construction materials, agricultural tools and medicinal plants.
- 1.4 About 90 per cent of the nation's energy requirements is satisfied by woodfuels derived from natural and planted forests and trees on farms. The 1993 estimate of per capita city-dwellers' fuelwood consumption was 2.0 solid m³ while 1.1 solid cubic metre was the average per capita rural fuelwood consumption. Human population growth rate is 3.2 per cent per year resulting in increased pressures to cultivate forest lands, graze livestock and meet growing energy needs.
- 1.5 Currently some 38.6 per cent of the country's land area is under forest cover. This figure is made up of national parks and wildlife reserves (11.6 per cent), forest reserves and protected hillslopes (10 per cent) and the remaining 17 per cent by natural woodland on customary land. The extent of deforestation is continually increasing with agricultural expansion, overgrazing, woodfuel gathering, commercial logging and large-scale industrial woodfuel use for tobacco curing, lime burning, brick making, etc. The total forest cover is, however, estimated to be declining at 1.0-2.8 per cent per year with much higher deforestation rates in certain areas.
- 1.6 There are 98,000 hectares of state plantations of which 54 per cent are managed for future development of pulp and paper industry. The remaining 46 per cent is equally shared between pine timber and eucalypt fuelwood and pole production. There are also 273 retail nurseries scattered throughout the country. These nurseries produce seedlings, predominantly of eucaicalypt species, and serve the public with planning material for woodlot establiment, boundary plantings, line plantings, intercropping with agricultural crops and block planting

- 1.7 While the overall mandate of forests and tree management is the responsibility of the Forestry Department, there are other organizations that establish and manage plantations for fuelwood timber production. The total known wood output of timber products is currently at 53,200 cubic metres. However, demand exceeds supply, and this situation has been occasioned by restrictive utilization policies.
- 1.8 Malawi has acknowledged the need to protect as much as is possible the natural environment, including forests. To this end, the commitment to conserve biodiversity has been enshrined in the national constitution under section 12 para. 4 *d (v)*. It is therefore, necessary to put in place effective legal and institutional instruments and procedures to uphold this constitutional commitment.
- 1.9 The Government of Malawi is also a signatory to numerous bilateral and international agreements and conventions linked to the environment and forestry; including the Rio Declaration, the Convention on Climate Change, the Montreal Protocol, the Convention to Combat Desertification, the Convention on Biodiversity and the Convention on International Trade in Endangered Species of wild fauna and flora (CITES). Malawi is also the coordinator of in-land fisheries, forestry and wildlife sectors for the SADC region. The Government will endeavour to fulfil such obligations in the implementation of the National Forest Policy.
- 1.10 The present Forest Act, Cap. 63.01, was enacted in 1942 and is mainly geared towards the control of forests on customary and public land and, to a limited extent, on private land, but even then it does not provide a mechanism for managing trees and forests on customary land; nor does it make it clear the rights of individuals and communities to own, manage and utilize, on a sustainable basis, indigenous trees growing on such land. The present Forest Act is clearly outdated, brief and narrow in scope, and inadequate in terms of providing an enabling framework for participation of the private sector (with regard to freehold and lease hold land) and local communities in forest conservation and management.
- 1.11 The Forest Act seems to be subservient to other legislations, especially the legislation relating to land, water resources, mining, electricity, telecommunication, railways, public roads, under which certain activities that adversely affect forests and growing trees can be undertaken. Trees can be cut down, without consultation with Forestry Department, in order to give way to the construction of a road, power line or railway. The Act is also inadequate to address or relate to present day critical and key environmental issues which are directly related to the conservation and management of forests. There is, for example, inadequate relationships between the Act and related legislation such as the water Resources Act, the National Parks and Wildlife Act and the Fisheries Act.

2.0 Policy

2.1 POLICY GOAL

The goal of the National Forest Policy is to sustain the contribution of the national forest resources to the quality of life in the country by conserving the resources for the benefit of the nation.

2.2 GENERAL OBJECTIVES AND STRATEGIES

The general objectives of the policy are to satisfy the people's many diverse and changing needs, particularly those of the rural people who are the most disadvantaged. The general objectives will, therefore, aim at:

- 2.2.1 Allowing all citizens to have regulated and monitored access to some forest products;

Strategy

- 2.2.1.1 Enact a law that removes restrictions to access to the use of forests and forest products, and promote equity and participation by local communities;

- 2.2.2 contributing towards improving the quality of life in the rural communities and providing a stable local economy, in order to reduce the degenerative impact on the environment that often accompanies poverty;

Strategies

- 2.2.2.1 promote graded skill d proven methods for utilizing forest products and introduce value-adding processes to popularise their commercial values;

- 2.2.2.2 encourage the establishment of investment incentives to promote the development of small-and medium-scale industries in the rural areas and offer employment opportunities to the rural communities;

- 2.2.2.3 enhance and support sustainable and profitable networks of rural marketing services and the transportation of forest products;

- 2.2.2.4 promote increased forestry production per unit area of land, and controlled utilization of over-mature trees, licensed grazing and access for the collection of non-timber forest products; and

- 2.2.2.5 encourage agroforestry to improve land fertility with respect to nitrogen without the need to increase the use of expensive imported nitrogenous fertilizers, and to meet some of the farmers needs for fuelwood and fodder;

- 2.2.3 establishing appropriate incentives that will promote community-based conservation and a sustainable utilization of the forest resources as a means of alleviating poverty, including on-farm trees, and fostering the growing of trees by all sections of the communities in order to achieve sustainable self-sufficiency of wood and forest-derived products;

Strategies

- 2.2.3.1 promote communal individual ownership of forests and forest resources;

- 2.2.3.2 promote the establishment of nurseries by communities and individuals and increase the diversity of species;
- 2.2.3.3 encourage and enhance community and individual marketing of seeds, seedlings and other forest products: and
- 2.2.3.4 strengthen and maintain regular reward system for tree planting and improve the public information system.

2.3 SPECIFIC OBJECTIVES AND STRATEGIES

The specific objectives of the policy will be aimed at:

- 2.3.1 providing an enabling framework for promoting the participation of local communities and the private sector in forest conservation and management, eliminating restrictions on sustainable of essential forest products by local communities, and promoting planned harvesting and regeneration of the forest resources by Village Natural Resources Committees (VNRC's):

Strategies

- 2.3.1.1 promote the formation and training of village forestry committees;
- 2.3.1.2 ensure that the VNRC's are entrusted with the responsibility to collect funds from the sale of produce from customary land;
- 2.3.1.3 establish centers to disseminate up-to-date information on management methods;
- 2.3.1.4 encourage co-management of forests and forest resources
- 2.3.1.5 encourage usufruct use of forestry resources by community and individual tree growers;
- 2.3.1.6 establish a Fund to support local community forestry activities:
- 2.3.2 empowering rural communities to manage the forest resources, fostering ownership or usufruct of trees, and ensuring that such trees are sustainably utilized for the benefit of both present and future generations:

Strategies

- 2.3.2.1 introduce regular local meetings to discuss and explain changes on and additions to forest policy issues:
- 2.3.2.2 encourage and promote fuelwood sales from planted trees and provide for improved marking intelligence:

- 2.3.2.3 promote the leasing of plantation areas for planting and management by the private sector in selected areas on a pilot scale:
- 2.3.2.4 protect and promote the marketing of indigenous knowledge about the medicinal and other properties of Malawi's forest resources for the benefit of the custodians of the knowledge:
- 2.3.2.5 introduce marketing and pricing policy reforms that provide industrial woodfuel users with incentives to invest in tree planting and woodland management:
- 2.3.3 providing an enabling environment for access to all government controlled plantation resources by small-scale enterprises and processors using forest products, and instituting transparent and competitive bidding procedures for the disposal of government-owned timber:

Strategies

- 2.3.3.1 enact and formulate regulations and procedures to regulate utilization of government-owned plantations:
- 2.3.3.2 initiate and promote the necessary improvements on local road networks for better access to the resources:
- 2.3.4 formulating, applying and evaluating environmental policies, plans and legislation, in partnership with other organizations and institutions so as to allow the attainment of the national policy objectives:

Strategies

- 2.3.4.1 introduce regular policy meetings for partner participation that includes both the public and the private sectors. NGO's and the local and peripheral communities:
- 2.3.4.2 formulate conservation plans that are well understood by all partners and show areas of concern:
- 2.3.5 providing appropriate incentives for both community and private sector participation in the identification and protection of key sites of unique biodiversity and water catchment areas, in partnership with other ministries, organizations institutions and individuals:

Strategies

- 2.3.5.1 promote local community participation in forest protection and management through education, equitable sharing of benefits, provision of adequate tenure rights and security, rural infrastructure, and ensuring that their requirements are considered;
- 2.3.5.2 ensure that the rural communities' wealth of information regarding biodiversity and ecology is respected and taken into account;

- 2.3.5.3 institute mechanisms to develop a strong partnership with local people, Ngo's and the private sector in sustainable management of water catchment areas, river banks and biodiversity reserves to ensure a broad approach to forest management, and establish incentive systems to promote the involvement of the local and peripheral communities in planning, managing and using the benefits derived from such protected areas;
- 2.3.5.4 promote in-service training of field staff in aspects of participatory management;
- 2.3.6 ensuring that harvesting and exporting of timber and other forest products are not in Violation of national and international laws and regulations, and of the customary rights of indigenous people, and resisting coercive influence that is occasionally exerted trans-national corporations;

Strategies

- 2.3.6.1 effectively implement certification programme;
- 2.3.6.2 promote codes of conduct and standards, and monitor, track and enforce, effectively, laws and regulations;
- 2.3.7 undertaking endogenously well designed and relevant research programmes, whenever necessary, in collaboration with local or external organizations, to generate usable technologies, or adapt to local conditions exogenous technologies, in order to improve and achieve sustainable management and utilization of both planted and natural forest and tree resources;

Strategies

- 2.3.7.1 distribute quantitative information on wood supply and demand, and on tree clear felling cycles;
- 2.3.7.2 promote mature tree (truncheon) replanting , and promote appropriate rotational cropping systems of exotic trees in urban area;
- 2.3.7.3 develop and refine technical packages offered to both the public and the private sector in order to enable forestry achieve its full potential;
- 2.3.7.4 promote research on the improvement of the proclivity of trees plantations and woodlands;
- 2.3.7.5 promote multiple land use system in which trees are a component;
- 2.3.7.6 design and test methodologies for assessing productivity for the efficient utilization of timber and non-timber products, utilization of natural; woodlands and the development of techniques for protecting trees from pests and diseases;

- 2.3.7.7 promote the identification of problems and constraints to effective tree and forest management to include a further understanding of the taxonomy and ecology of both indigenous and exotic trees;
- 2.3.7.8 identify and evaluate suitable tree species for different sites and purposes and, where appropriate, undertake their genetic improvement and conservation;
- 2.3.7.9 determine the appropriate propagation, establishment and regeneration technique for tree species
- 2.3.7.10 investigate appropriate management systems and techniques for different types of forest and trees so that these can be managed to optimize the generation of products and services required by identified beneficiaries;
- 2.3.7.11 provide assistance to minimise the negative impact of biotic and abiotic agencies and their influences on trees and forests;
- 2.3.7.12 investigate the potential for the generation of products and services from trees and forests to meet the needs of the identified beneficiaries;
- 2.3.7.13 design and administer effective methods of disseminating research findings and technical information to users and beneficiaries;
- 2.3.7.14 promote and improve the supply of high quality and improved indigenous tree seed and germ-plasm through the operation of the National Tree Centre, especially for indigenous trees;
- 2.3.7.15 prepare suitable plans supported where required with forest inventories, and conduct biological inventories of existing resources supported by socio-economic surveys;
- 2.3.7.16 prepare outline zonation maps to define the broad categories of forest/land management to be instituted within a reserve to be broadly defined as productive forest, limited forest, completely protected areas for watershed protection, threat of soil erosion , and complete protection on the ground of scientific interest;
- 2.3.7.17 draw up proposals in collaboration with other relevant organizations for joint studies of areas of outstanding scientific interest;
- 2.3.7.18 obtain and regularly update information on the size and state of the resource base through forest inventories together with satellite and aerial monitoring, and on urban and rural demands for fuelwood and other forest products and also on the marketing systems and market potential for forest products, including woodfuels and industrial wood, so as to assist in optimizing forest resource development and management;

2.3.7.19 prepare and regularly update management plans for all timber plantations and key fuelwood/pole plantations, outline management plans for key forest reserves and model plans for representative Village Forest Areas (VFAs);

2.3.8 developing and disseminating to target to groups improved technologies for the development and management of trees and forests, optimal harvesting and utilization of forest products, as well as silvicultural and protection measures so as to ensure sustainable production of a wide range of wood and non-wood products:

Strategies

2.3.8.1 prepare update and distribute regularly standard visual aids showing use and value of forests and trees:

2.3.8.2 expand the activities of the forestry extension service to promote on-farm planting and management of natural woodlands, and maintain full co-operation with the extension activities of the Department of Agriculture and other relevant departments and agencies to minimize overlap and duplications of effort;

2.3.8.3 formalise and strengthen strong cross-sectoral institutional linkages;

2.3.8.4 promote more reliable technologies for the management and the enhancement of natural forests and plantations;

2.3.9 developing a full and comprehensive forestry extension service to support community programmes and encouraging the active participation of both men and women in all the activities designed to promote afforestation and conservation for improved sustainability:

Strategies

2.3.9.1 strengthen and develop a comprehensive forestry extension service;

2.3.9.2 train and equip adequate forestry extension staff;

2.3.9.3 introduce special courses for local communities to promote competence on forestry management by both sexes and at all active ages;

2.3.10 initiating and promoting environmental education, extension and awareness programmes, in partnership with other relevant bodies to promote and support the conservation and protection of forest ecosystems and the growing of trees by individual companies, estates, local communities and authorities, including the integration of forests and trees into farming systems, soil conservation activities and land-use systems;

Strategies

2.3.10.1 promote the rehabilitation of degraded land, through tree planning and natural regeneration;

2.3.10.2 foster the effective management of forest reserves, timber plantations, community land forests and private woodland, and encourage the development of systems required to maximize production of a wide range of products without detriment to future yields, taking into account the wider value of the forests with respect to watershed conservation, protection of fragile ecosystems while providing recreation as well as tourism opportunities;

2.3.10.3 publicise the effective management and harvesting of plantations on a commercial basis within the government sector, and foster the involvement of the private sector in plantation management with sufficient tenurial incentives;

2.3.11 reducing dependence on woodfuel as a source of energy;

Strategies

2.3.11.1 promote methods and techniques for the utilization of alternative sources of energy to substitute woodfuel;

2.3.11.2 develop, adapt and promote use of woodfuel saving devices;

2.3.11.3 initiate the provision of incentives to promote uses of alternative sources of energy; and

2.3.11.4 promote site-specific rural income generating activities.

2.3.12 accelerating and intensifying efforts to manage forest plantations for the production of timber and industrial wood products, and providing the correct incentives for the development of primary and secondary forest industries with a view to achieving self-sufficiency and to generating exports;

Strategies

2.3.12.1 retain and train appropriate qualified staff for plantation management;

2.3.12.2 encourage the development of primary and secondary forestry industries;

2.3.12.3 promote integrated use of forest raw materials to reduce their wastage, foster maximal contribution of the forest resources towards poverty alleviation through increased employment opportunities, and minimize adverse environmental effects;

2.3.12.4 introduce price incentives to promote investments in forest industries;

2.3.12.5 establish and promote appropriate timber processing training centers;

2.3.12.6 extend annual award programme to exporters of forest products;

- 2.3.12.7 review the suitability of separating the commercially productive component of the Forestry Department (industrial plantations) from the protection and extension component;
- 2.3.12.8 examine the feasibility of setting up a Treasury Fund for the industrial plantations with a view to their privatization; and
- 2.3.12.9 conduct annual reviews of stumpage rates, using cost recovery as the basis for fixing the rate, and ensure that the rate for naturally grown indigenous timber is higher than that of the planted trees and that the rates vary with location, accessibility of the quality of the logs;
- 2.3.13 providing information of the status of the constituted and proposed forest reserves:

Strategies

- 2.3.13.1 review the status of the constituted and proposed forest reserves;
- 2.3.13.2 provide regular reports on the status of gazettement;
- 2.3.13.3.1 promote consultations with communities having concerns over the expansion of forest reserves for the promotion of joint management at an alternative approach;
- 2.3.14 development requisite high quality human resources through education and training in order to strengthen the institutional capacity required to effectively manage the forest resources;

Strategies

- 2.3.14.1 carry out a comprehensive human resources survey in the forestry sector and develop a recruitment and training plan;
- 2.3.14.2 review the structure and organization of Forestry Departments;
- 2.3.14.3 initiate the strengthening and upgrading of posts in the forestry field in government, accompanied by skills development and training at all levels with an acceptable system of reward, motivation and career development;
- 2.3.14.4 develop the human resources required for the implementation of the policy and create conditions for the retention and optimum utilization of managerial, technical and scientific talent that is required to foster the sustainable utilization and improved productivity of Malawi's forests;
- 2.3.14.5 promote the initiation of a programme of graduate training in-country through the establishment of a forestry school at Bunda College of Agriculture that provides either M.Sc. training for B.A. Agricultural/General Science graduates or a full forestry B.Sc. course
- 2.3.14.6 review the diploma and certificate curricula at Malawi Forestry College;
- 2.3.14.7 strengthen the coordination between Malawi College of Forestry and Bunda College of Agriculture with a view to have the diploma accredited to the University of Malawi;
- 2.3.14.8 conduct in-service training at the Malawi College of Forestry for field staff at all levels and to be open to staff from NGOs and the private sector;
- 2.3.14.9 promote skills development and training at all levels with an acceptable system of reward, motivation and career development
- 2.3.14.10 ensure that forestry Department is adequately resourced to fulfil its mandate:
- 2.3.15 creating and maintaining an environment where every employee is able to reach his or her maximum potential in a climate favouring innovation and excellence in the development,

dissemination and use of technologies for the management and enhancement of forest and tree resources:

Strategies

- 2.3.15.1 develop a career structure that allows for promotion and retention of staff in their positions of competence and specialization;
- 2.3.15.2 encourage competition among personnel in control of forests and promote a public award system;
- 2.3.15.3 develop and refine incentive packages to be offered to the forestry staff;

2.3.16 prompting the management of cross-boarder forest and forest resources;

Strategies

- 2.3.16.1 promote international collaboration through SADC and Joint Commissions;
- 2.3.16.2 conduct joint search programmes;
- 2.3.16.3 exchange information on management plans and legislations;
- 2.3.16.4 harmonise codes of practice and standards;
- 2.3.16.5 collaborate on enforcement of laws and legislations;
- 2.3.16.6 promote regional training in specialized areas;
- 2.3.16.7 promote and strengthen the establishment of schools of excellency in the region;

2.3.17 comply with the agreed national obligations arising from bilateral, regional and international environmental and other related conventions to which Malawi is a Party;

Strategies

- 2.3.17.1 design and coordinate annual programmes to implement the relevant international agreements;
- 2.3.17.2 review international environmental agreements that are relevant to forestry to assess relevance and level or status of compliance;

2.3.18 forming a Multi-disciplinary and Multi-sectoral Board, entrusted with the responsibility of monitoring the development, conservation and sustainable use of forest and tree resources in the country for the benefit of Malawians:

Strategies

- 2.3.18.1 establish and support a Secretariat for the Board with a well defined mandate and procedure;
- 2.3.18.2 develop and support national annual meetings to be held at a site within the locality with best performance record for the year;
- 2.3.18.3 promote the introduction of annual awards for recognition to companies, estates, local communities and authorities on their efforts on forestry management;

2.4 CROSS-SECTORAL ISSUES

Among the specific objectives and strategies cited above, to relate the linkage with other agencies and those that are aimed at

2.4.1 ensuring that efforts to address the many interrelate, causative factors involved in the management of forest resources are not fragmented, overlapping and ineffective:

Strategies

Natural Resources Management Institutions

2.4.1.2 nurture foster and sustain the joint development of management plans in the natural resources sector;

2.4.1.3 prepare regional and district extension forestry programmes in collaboration with the District Development offices and the Ministry of Agriculture and Livestock Development:

2.4.1.4 promote collaborative agroforestry research:

2.4.1.5 foster the nurturance of great care in the formulation of any policy that is designed to serve as a driving force of a programme of rural development on order to ensure that it does not in the long run destroy the very means of reaching its goals through ecologically unsound agricultural land use methods;

2.4.1.6 facilitate reduction of dependence of rural communities on agriculture as the only source of their income and subsistence by, in close collaboration with the Ministry of Commerce and Industry, promoting rural development through development of skills: encouragement of infrastructure and social services within the communities;

Agricultural Research and Estate Extension Trust

Liaise, as necessary, with the Agricultural Research and Estate Extension Trust in the preparation of management plans for forest resources within the estate sector;

2.4.1.7 exchange the relevant research and extension literature and packages on forestry with the estate sector;

2.4.1.8 set up a joint working group involving the ministries responsible for forestry, agriculture, land, representatives of the estate sector, and rural communities to review current issues of leasehold agreements, the control of land use covenants, and to ensure the land use covenants are strictly adhered to;

2.4.1.9 support the creation of commercial contracting services to assist estate owners in establishing their own woodlots;

Non-Governmental Organisations

2.4.1.10 involve non-governmental organization (NGOs) in the updating of the national forest policy and strategy;

2.4.1.11 encourage the NGOs to play a prominent role in the planning and implementation of forest management;

2.4.1.12 promote and support NGOs undertaking forest-related development activities;

2.4.1.13 encourage the nurturance and sustenance of effective coordination among the numerous NGOs on one hand and between the NGOs and both the public and private sectors on the other hand;

Coordination with Other Policies

- 2.4.1.14 promote the harmonization of measures proposed in other policies with those included in this forest policy;
- 2.4.1.15 review the national forest policy biennially and ensure that any updating of the policy should be done in harmony with other related policy issues;
- 2.4.1.16 prevent changes in land-use, which promote deforestation, constrain farm forestry or endanger the protection of forests with cultural or biodiversity or water catchment conservation values;
- 2.4.1.17 discourage excisions in gazetted forest, except in cases of environment friendly public utility, for which suitable inter-sectoral and local consultations will be established; and
- 2.4.1.18 foster the carrying out of environment impact assessment where actions are likely to have significant adverse impacts on important forest and forest resources and where such actions are subject to a decision of a competent authority;

2.5 GENDER ISSUES

- 2.5.1 ensuring that the women's role in forest and tree resource utilization and management receives due attention;

Strategies

- 2.5.1.1 support women not only in forest-based subsistence and informal economies but as a key agency for innovative development of the rural forestry sector, including the growing, harvesting, processing and marketing of fuelwood, domestic construction wood and industrial wood;
- 2.5.1.2 promote the formalisation of linkages between established women's groups and forest extension;
- 2.5.1.3 give special attention to the support of women in the promotion of forest management, training of professional and technical forestry personnel forest conservation through participation, and funding of farm forestry;
- 2.5.1.4 ensure that women in the Forestry Department are offered access to equal opportunities for promotion, training and career development;

2.6 NON-PROFIT FORESTRY ACTIVITIES

- 2.6.1 generating revenue for funding of such non-profit priority forest activities as conservation for biodiversity and watershed management as well as forestry research, education and training from funds that are generated by profit-generating operations;

Strategies

- 2.6.1.1 reduce dependence on Government budget by maximising use of the existing international arrangements that provide financial support to national forestry activities of global significance;
- 2.6.1.2 facilitate the institution of arrangements that enable revenues from economic forest-dependent activities outside forestry, such as water supply and hydroelectric power generation to be used to enhance the protective and indirect economic functions of forests; and;

- 2.6.1.1 cooperate efficiently with international facilities that have been established for covering the incremental cost of achieving benefits associated with forest conservation and sustainable

development, and supporting economic sectors which would stimulate economic and social substitution activities.

2.7 ECOTOURISM DEVELOPMENT

2.7.1 ensuring that the development of the ecotourism is in consonance with efforts to preserve the ecology, conserve the country's biodiversity, and protect the character and beauty of Malawi;

Strategies

2.7.1.1 facilities increased environment friendly development of ecotourism by ensuring that construction of tourism facilities and the subsequent use of the facilities are in harmony with the ecology; and

2.7.1.2 promote the incorporation of ornamental trees on recreation stopovers on highways and built-up areas;

2.8 LEGAL FRAMEWORK

2.8.1 Update the Forest Act in order to define more adequately the legal framework for the sustained utilization of customary land forest resources with particular emphasis on the formation and operation, of Village Natural Resources Committees, and to allow usufruct of trees by rightful customary land, and ensuring that the Act makes adequate provision for the conservation and management of forests and trees on private land and supervisory powers by the Forestry Department for the conservation and management of forests and trees on private land;

Strategies

2.8.1.1 harmonise the Forest Act with the Land Act, Registered Land Act, Customary Land (Development) Act, Water Resources Boards Act, Land Acquisition Act, Deeds Registration Act Water Resources Act and related legislation, Mines and Minerals Act, Electricity Act, Railways Act Public Roads Act Telegraphs Act, Fisheries Act, National Parks Act, Town and Country Planning Act, any other legislation that has a bearing on forests and trees;

2.8.1.2 provide support in the Forest Act for treaties such as the Convention on Biological Diversity;

2.8.1.3 review the Forest Act in consultation with the Ministry of Research and Environmental Affairs to ensure consistence with their environmental management umbrella legislation, and other agencies, including NGO's;

2.8.1.4 strengthen the enforcement provisions in the Forest Act by:

(a) empowering the Director of Forestry and officers subordinate to him to prosecute offenders;

(b) substantially increasing fines payable for offences of terms of imprisonment;

- (c) removing the option to offenders of paying a fine instead of serving a sentence and making the prison term mandatory so that an offender will be required to pay a fine and serve imprisonment in respect of an offence under the Act;
- (d) empowering the seizure of forest produce illegally obtained;
- (e) empowering the court to order the forfeiture of forestry produce to the government where an offender has been found guilty; and

2.8.1.5 ensure that the percentage requirement of land to be under forest cover should be specifically provided for in revised Land Act and that all categories of land, such as private land (feehold and leasehold), public land and customary land, should be affected, and empower the Director of Forestry to monitor and enforce this requirement.

ACTION PLAN

2.2 General Objectives

The general objectives of the policy are to