



A PLATFORM FOR STAKEHOLDERS IN AFRICAN FORESTRY

FOREST LAW ENFORCEMENT, GOVERNANCE AND TRADE IN THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY



AFRICAN FOREST FORUM WORKING PAPER SERIES

Copyright © African Forest Forum 2011. All rights reserved. African Forest Forum P.O. Box 30677 00100
Nairobi GPO KENYA Tel: +254 20 7224203 Fax: +254 20 722 4001 Website: www.afforum.org

Correct citation: Sola, P. 2011. Forest Law Enforcement and Governance and Trade in the Southern African Development Community. African Forest Forum, Working Paper Series, Vol. (1)9, 51 pp.

Cover photo: African Forest Forum

Disclaimer

The designations employed and the presentation of material in this publication do not imply the expression of any opinion whatsoever on the part of the African Forest Forum concerning the legal status of any country, territory, city or area or its authorities, or concerning the delimitation of its frontiers or boundaries regarding its economic system or degree of development. Excerpts may be reproduced without authorization, on condition that the source is indicated. Views expressed in this publication do not necessarily reflect those of the African Forest Forum.

Forest Law Enforcement, Governance and Trade in the Southern African Development Community

Phosiso Sola¹

¹Southern Alliance for Indigenous Resources (SAFIRE), P.O Box BE 398, Belvedere, Harare, Zimbabwe.

Table of Contents

List of Tables	iii
List of Figures	iii
Acronyms and Abbreviations	iv
Foreword	vi
Executive Summary.....	viii
CHAPTER 1 Introduction.....	1
CHAPTER 2 Promoting FLEGT in the SADC	3
Promoting synergy and strengthening cooperation of member states.....	3
Shared forest ecosystems	8
Trade in timber and forest products.....	11
Learning and sharing experiences and best practices.....	16
CHAPTER 3 Status of Forestry in the SADC.....	18
Forest cover.....	18
Key elements of forest policy and legislation: country situation	19
Challenges and opportunities for socioeconomic development and environmental protection in forestry	28
CHAPITRE 4 Forestry Law Enforcement, Governance and Trade in the SADC	31
Causes for illegal forestry related activities.....	31
Illegal harvesting of forest products	35
Experiences in law enforcement, governance and trade	36
Potential best practices in addressing FLEGT provisions.....	39
CHAPTER 5: Way Forward with FLEGT in the SADC.....	44
Forest legislation reform	44
Improve capacity of forest administration	44
Reducing bureaucracy and simplification of procedures.....	44
Development and implementation of FLEGT strategies	45
Improving forest inventory data collection and management.....	45
Investing in shared forest management.....	45
Improving regional trade	45
References	46

List of Tables

Table 1: Shared forest ecosystems in the SADC.....	10
Table 2: Industrial wood production and consumption in the SADC region in 2003	12
Table 3: Production, trade and consumption of wood-based panels, pulp and paper in 2006.	13
Table 4: Production, trade and consumption of woodfuel, roundwood and sawnwood in 2006.....	14
Table 5: Level of forest products trade in the SADC region in 2003.....	15
Table 6: Forest area and area change in SADC countries	19
Table 7: The major underlying causes of illegal forestry activities.	33
Table 8: Strategies for curbing illegal harvesting of forest products.	37

List of Figures

Figure 1: Location of existing Transfrontier Conservation Areas	8
---	---

Acronyms and Abbreviations

AFORNET	African Forest Research Network
AFLEG	Africa Forest Law Enforcement and Governance
BATS	Biodiversity Analysis and Technical Support team
CLFPA	Communal Lands Forest Produce Act
CM	Common Market
CU	Custom Union
DNFFB	National Directorate of Forestry and Wildlife
DPADR	Provincial Directorates of Agriculture and Rural Development
DWAF	Department of Water and Forestry
FANR	Food, Agriculture, Forestry and Natural Resources
FAO	Food and Agriculture Organization
FLEGT	Forest Law Enforcement and Governance and Trade
FTA	Free Trade Area
GTS	Global Trade Solution
IDF	Institute for Forestry Development
IVLT	Independent Verification of Legal Timber
MECNT	Ministry of Environment, Nature Conservation and Tourism
MET	Ministry of Environment and Tourism
MINADER	Ministry of Agricultural and Rural Development
MINUA	Ministry of Urbanism and Environment
MoU	Memorandum of Understanding
NCS	National Conservation Strategy
NDE	National Directorate for Environment
NDNR	National Directorate for National Resources

NDS	National Development Strategy
NEPAD	New Partnership for Africa's Development
NFDS	Nordenfjeldske Development Services
NGO	Non Government Organisation
NWFP	Non-Wood Forest Products
PES	Payments for Environmental Services
RDCs	Rural District Councils
SADC	Southern African Development Community
SEAP	Swaziland Environment Action Plan
SPFFB	Provincial Forestry and Wildlife Services
TBNRM	Transboundary Natural Resource Management
TFCA	Transfrontier Conservation Areas
UNFCCC	United Nations Framework Convention on Climate Change
UNCCD	United Nations Conventions to Combat Desertification
UNFF	United Nations Forum on Forests
UK	United Kingdom
VLC	Verification of Legal Compliance
VLO	Verification of Legal Origin
WWF	World Wildlife Fund for Nature

Foreword

In many countries in the world forest products are sometimes harvested and traded illegally. The scale and magnitude of such activities are not known with certainty, but estimates have been put forward by various people and institutions. Illegal forest activities include illegal access to these resources, falsification of certificates and avoidance of payment of various taxes related to the resources, and many other infractions. Strengthening forest law enforcement and improving forest governance are now seen as one of the principle ways of reducing illegality in forest activities.

In the Southern African Development Community (SADC) a basis for drawing up a framework for cooperation in forest law enforcement and improving governance to contain illegal forest activities exists, but remains dispersed in various documents that guide developments in the region. For example, the SADC Treaty of 1992 forms the primary framework for integration, collaboration and coordination in the region. Since its inception SADC has developed a number of protocols to guide implementation of various sectorial policies in support of the treaty. The protocols include those on forestry and trade which provide a legally binding framework and a basis for soliciting political commitment to tackling related issues. The enhancement of compliance to forest laws and regulations as well as measures to improve forest governance and promote fair trade in forest products and services in the region can therefore be premised on principles enshrined in the treaty and in these protocols.

One of the major challenges in implementing activities in the area of Forest Law Enforcement, Governance and Trade (FLEGT) in individual SADC countries, and even at the regional level, is poor enforcement of related legislation and laws, partly as a result of weak institutions that handle these issues. Forest surveillance and monitoring are weakly undertaken in most countries because of inadequate financial, physical, human resources for their execution. Forestry departments are generally under-resourced, and cannot effectively monitor and enforce forest operations. It has been documented in many countries that the governments have reduced spending on forest administration and management which was a result of downsizing the departments. The result has been that the remaining personnel have larger areas of operation and are inadequately resourced to effectively manage them. The poor remuneration usually serves as an incentive for staff to engage in illegal and corrupt activities. All these shortcomings combine to make the scale of illegal activities in the member states largely unknown.

Sometimes the relevant legislation is poorly structured, and in some cases this has resulted in unclear allocation of roles and responsibilities among institutions that are responsible for natural resources management, forest/environmental protection, wood processing, marketing and trade. And this could partly be due to the fact activities related to forest

resources, and products and services from them, are dispersed in different departments and ministries that are guided by their own legislation and laws. This is also partly a result of how government business is organised.

The SADC region has therefore a very challenging task of containing illegal forest activities. This study is very timely because SADC already has the intention to initiate a FLEGT process. This is being spearheaded by the SADC FLEGT Working Group.

This report has been made possible through collaborative efforts of the African Forest Forum and the Southern Alliance for Indigenous Resources (SAFIRE) in Zimbabwe. Dr. Phosiso Sola was responsible for writing this report and credit should be attributed to her for this work.



Prof. Godwin Kowero

Executive Secretary, African Forest Forum

Executive Summary

Throughout the world a high proportion of timbers is illegally traded. These illegal forest activities represent a serious threat to sustainable development of most African countries. In addition, forest degradation attracts global costs, such as climate change and species loss. Thus, improving governance of forest resources will help contain the negative consequences at the global level. The Southern African Development Community (SADC) is engaged into combating forest crime and improving compliance to legislations. SADC comprises 15 member States with the objective to collectively act for “a common future for all countries and peoples of southern Africa”. This paper focuses on, actions undertaken to promote synergy and strengthen cooperation of member states on shared forest ecosystems, trade in timber and forest products, learning and sharing experiences and best practices (through regional framework for cooperation, sectorial approach, commitment to improved intra-trade). The paper also addresses the current status of forestry in the SADC region with emphasis on key elements of forest policy and legislation in each country. Main challenges to overcome in order to enforce forest laws and improve governance and trade in SADC include: poverty, conciliation of forest conservation with the alarming rate of urbanization, the increased fuelwood and charcoal demands for domestic use, erroneous definition of legal and institutional framework regarding forest management and use, and, problems related to land tenure. In addition, most of the legislations in use are prescriptive and not people-centred. Other causes for illegal forestry activities derived from flawed policy and legal framework, uncertainty surrounding forest tenure, weak law enforcement, and insufficient information on forest resources coupled with increased demand for forest products, corruption and lack of transparency. However, a number of legal instruments have been developed leading to country specific legal framework for managing forests. Majority of the countries now have strategic framework for community participation, reduction of illegal forest trade in timber and wild fires. The current national plans have prioritized indigenous species and agroforestry, and efforts are being made to reduce deforestation. To improve Forest Law Enforcement and Governance and Trade (FLEGT) in the sub-region, activities to be carried out include: participatory forest legislation reforms, improving capacity of forest administration, reducing bureaucracy and simplifying procedures, developing and implementing FLEGT strategies based on a rigorous assessment.

CHAPTER 1 Introduction

There is a significant proportion of timber that is harvested, transported, processed and traded illegally throughout the world. This is often associated with detrimental environmental, social and economic consequences, including loss of biodiversity and habitats, political instability, increased income disparities and market distortions. However the magnitude of the problem is not known with absolute certainty though the World Bank value illegal logging to be US\$10 billion annually and US\$5 billion in lost government revenues (World Bank, 2008). Illegal forest activities are a serious threat to sustainable development, ranging from financial losses to environmental degradation, worsening governance, increased poverty and social conflict (Tacconi et al., 2003). It has been shown that poor forest governance is characterized by low levels of transparency, accountability, and participation in decision-making and a lack of capacity and coordination in forest management and administration (Brito et al., 2009). On the other hand good forest governance is characterized by the World Bank (2008) as follows:

- ▶ predictable, open, and informed policy making based on transparent processes,
- ▶ a bureaucracy imbued with a professional ethos,
- ▶ an executive arm of government accountable for its actions,
- ▶ a strong civil society participating in decisions related to sector management and in other public affairs—and all behaving under the rule of law, and
- ▶ adherence to the rule of law, transparency and low levels of corruption.

Although some of these poor governance activities are localised, forest degradation attracts global costs, such as climate change and species loss. Thus improving governance will help contain the negative consequences at the global level (World Bank, 2008). It is in this regard that various initiatives at international, regional and national levels aim to combat forest crime and improve compliance (FAO, 2005).

However, it is still imperative to adopt common principles as a basis for developing policies, legal and institutional arrangements that can be applied across the region to improve forest law compliance (FAO, 2010). The principles should advocate for an open, highly inclusive, multi-stakeholder process and effective participation of all interested parties (FAO, 2005). In the whole process, political will is crucial because initiatives will fail unless there is political commitment at the highest level (FAO, 2005, 2010). Additionally, country specific strategies must deal with the weaknesses of the states covering issues like capacity to raise and manage revenue, increase transparency and accountability. The adoption of anti-corruption

legislation and codes of ethics could foster a reduction in political and business related corruption (Tacconi et al., 2003).

CHAPTER 2 Promoting FLEGT in the SADC

PROMOTING SYNERGY AND STRENGTHENING COOPERATION OF MEMBER STATES

Southern African Development Community (SADC) comprises 15 member states namely, Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe (SADC, 2005; AFORNET, 2006). The Southern African Development Community (SADC) was an outcome of transformation of the Southern African Development Coordination Conference of 1980. This was achieved through the SADC Treaty of 1992 which entered into force in 1993. The purpose of this transformation was to promote deeper economic cooperation and integration in order to address issues of economic growth and socio-economic development (SADC, 2005). The role of the Community at the initial stages was to champion political liberation and since this had been achieved, the new broader focus is on economic cooperation and integration. This evolution is embodied in the SADC vision of “a common future for all countries and peoples of southern Africa”. This espouses high degree of political will for trans-boundary cooperation in the sub-region (AFORNET, 2006).

From inception SADC has constantly engaged in developing policies and strategies in support of various areas of regional cooperation and integration. These strategies and policies were summarized into sectorial strategy papers, Memoranda of Understanding (MOUs) and Protocols (Katerere et al., 2001; SADC, 2004). These provided for political commitment by Member States through legally binding instruments and enforcement mechanisms for the regional integration and cooperation agenda. About 24 Protocols have been developed and signed. Some of the protocols relevant to forestry include the following (SADC, 2005):

- 1) Protocol on Shared Watercourse Systems of 1998;
- 2) Protocol on Trade of 2000;
- 3) Charter of the Regional Tourism Organization of Southern Africa (RETOSA) of 1997;
- 4) Protocol on the Development of Tourism of 2002;
- 5) Protocol on Wildlife Conservation and Law of 2003;
- 6) Revised Protocol on Shared Watercourses of 2003;

- 7) Amendment Protocol on Trade of 2000;
- 8) Protocol Against Corruption of 2005;
- 9) Protocol on Forestry of 2002;
- 10) Declaration on Agriculture and Food Security of 2004.

One pivotal and all encompassing strategy developed, adopted and implemented in the sub- region is the 15-year Regional Indicative Strategic Development Plan (RISDP) of 2003 (SADC, 2005; AFORNET, 2006). Two objectives of this RISDP have a specific focus on development of legal framework to promote regional cooperation of all issues relating to environmental and natural resources and to mobilise and coordinate resources for environmental and transboundary natural resources management programmes (SADC, 2009). Some of the key activities in the plan are that (SADC, 2005; NFDS Africa, 2006):

- 1) legal instrument for regional cooperation in environment and natural resources finalised by 2006;
- 2) environmental standards and guidelines developed and being implemented by 2008;
- 3) state of environment reports for southern Africa produced regularly at intervals of five years;
- 4) the strategy and programme for the management of the Brown Environment in southern Africa, finalized and being implemented by 2005;
- 5) finalisation of strategy and programme for the Brown Environment management in southern Africa;
- 6) adoption of environment responsive planning and implementation processes, regular environment and sustainable development capacity-building and training programmes by 2007;
- 7) implementation of at least 50% of the transboundary natural resources management programmes and projects in line with NEPAD initiated by 2008;
- 8) a SADC plan of action for the implementation of the Johannesburg Plan of Action developed by 2004 and specific programmes and projects emanating from the plan developed by 2005;
- 9) principles of sustainable development integrated into country policies and programmes and reverse the loss of environmental resources by 2015;
- 10) attainment of a SADC Free Trade Area by 2008;
- 11) establishment of the SADC Customs Union by 2010;
- 12) establishment of the SADC Common Market by 2012 and Monetary Union by 2016;

Besides providing an institutional basis for cooperation and integration, the SADC Treaty uses an approach which is based on project or sectorial coordination (Katerere et al., 2001). For instance, the sub-region has a dedicated division tasked with facilitating, coordinating,

strengthening cooperation and promoting synergy. The SADC Food, Agriculture, Forestry and Natural Resources (FANR) Directorate aims to (i): promote sustained regional self-sufficiency in forest/wood products, (ii) enhance the productive and environmental value of trees and (iii) protect, manage and control forest resources. However, the main frame or reference point for collaboration on forests in the sub-region is the SADC Protocol on Forestry of 2002 (Box 1). Through this protocol member states commit to assist and support each other to address issues of common concern including deforestation, genetic erosion, climate change, forest fires, pests, diseases, invasive alien species, and law enforcement capacity building, promotion of trade and implementation of harmonised approaches, policies, legislation and issues of global concern in the most efficient and cost effective manner in regards to technical, financial and other resources in the Region (Mubaiwa, 2004).

The implementation of the Protocol on Forests benefited a lot from the Regional Biodiversity Strategy whose purpose is to provide a framework for regional cooperation in biodiversity issues that transcend national boundaries. However, most of the legislation has a protectionist approach which excludes neighbouring communities from utilizing resources in protected areas. This has resulted in, poaching, illegal harvesting and encroachment of all kinds in most protected areas. Community participation and appropriate access and benefit sharing arrangements are therefore critical for the sustainable management of protected areas (AFORNET, 2006). To circumvent the legal constraint many countries have developed and implemented a number of programmes promoting sustainable use of resources by local communities. In an effort to implement the Protocol on forests, SADC has implemented a number of programmes. In addition to the SADC Biodiversity Support Programme that was one of the many key initiatives implemented with the participation of nine countries (Botswana, Lesotho, Malawi, Mozambique, Swaziland, South Africa, Namibia, Zambia and Zimbabwe), many other programmes have been implemented or are in the process of implementation (SADC, unpublished (a); Mubaiwa, 2004; AFORNET, 2006).

Box 1: SADC Forestry Protocol

Objectives

The objectives of this Protocol are to:

- ▶ promote the development, conservation, sustainable management and utilisation of all types of forests and trees;
- ▶ promote trade in forest products throughout the region in order to alleviate poverty and generate economic opportunities for the peoples of the region;

- ▶ achieve effective protection of the environment, and safeguard the interests of both the present and future generations.
- To achieve the objectives of this Protocol, State Parties shall co-operate by:
- ▶ assisting and supporting each other to address issues of common concern including deforestation, genetic erosion, climate change, forest fires, pests, diseases, invasive alien species, and law enforcement in a manner that makes the best use of the technical, financial and other resources in the region;
 - ▶ promoting the sustainable management of shared forests, taking into account other Protocols;
 - ▶ facilitating the gathering and monitoring of information and the sharing and dissemination of information, expertise and technology concerning forests, forestry and forest industries, throughout the region;
 - ▶ developing human resources in the forest sector through establishing regional facilities for building technical capacity and other means;
 - ▶ promoting trade and investment based on the sustainable management and utilisation of forests, including developing and agreeing on common standards for sustainable forest management and forest products;
 - ▶ harmonising approaches to sustainable forest management, forest policy, legislation and enforcement, and issues of international concern;
 - ▶ promoting respect for the rights of communities and facilitating their participation in forest policy development, planning, and management with particular attention to the need to protect traditional forest-related knowledge and to develop adequate mechanisms to ensure the equitable sharing of benefits derived from forest resources and traditional forest-related knowledge without prejudice to property rights;
 - ▶ promoting the intangible, cultural and spiritual value of forests;
 - ▶ establishing equitable and efficient ways of facilitating public access to forests especially by neighbouring communities;
 - ▶ establishing appropriate institutions and funding mechanisms to support the implementation of this Protocol; and taking other appropriate measures to give effect to this Protocol.

Adapted from Mubaiwa (2004)

Transboundary forest management is a key focus of the Protocol where member states are specifically expected to promote and co-operate in integrated management of transboundary forests and protected areas. In addition, the member states are required to enact the necessary legislative, administrative and enforcement measures to address forests (Mubaiwa, 2004). In order to protect all forests in the region the Protocol stipulates

that State Parties shall adopt, strengthen and implement national, and where appropriate, regional measures, which:

- ▶ control human activities that threaten forests, including land and natural resource-use practices that conflict with the principles of sustainable forest management;
- ▶ implement strategies for conservation of forests;
- ▶ prevent and suppress uncontrolled fires, and facilitate transboundary assistance in emergency situations;
- ▶ identify and control plant pests, diseases and their vectors and to develop early warning systems for these threats to forests;
- ▶ regulate and control the accidental or illegal introduction of alien species and plant pests and diseases into the region and to control, and where appropriate eradicate, invasive alien species other than exotic trees deliberately planted in managed plantations.

Within the last two decades there has been an increase in Transboundary Natural Resource Management (TBNRM) initiatives in southern Africa. However, most of the initiatives are in the wildlife sector with no clear or special focus on forests (Figure 1). As such most of these initiatives are facilitated under the 1999 Protocol on Wildlife Conservation and Law Enforcement (Biodiversity Support Program, 1999). This Protocol commits the SADC Member States to “promote the conservation of the shared wildlife resources through the establishment of Transfrontier Conservation Areas (TFCA)”. In this Protocol, a TFCA is a large ecological region that transcends “boundaries of two or more countries encompassing one or more protected areas as well as multiple resources use areas” (Biodiversity Support Program, 1999). Even then, most of these remain as identified with very little activity going on. Additionally, the rate of implementation of some of the TBNRM initiatives is very slow as agreements between states take long. In some cases the nostalgia stems from the fact that some donors and economically stronger states, like South Africa, that have emerged as key proponents of TFCAs because of the strong tourism potential offered by TFCAs. Their dominant role is perceived as a threat to economically poor countries, as result TBNRM is largely driven by donors (AFORNET, 2006). Some of this could be attributed to lack of clarity and consensus at national level on TBNRM policies. Therefore, it is critical that all Member States develop national policies and capabilities to fully engage in transboundary forest management (AFORNET, 2006). Since forests do not usually attract high tourism value, this sector will barely benefit if the TFCAs are used as the major and/or only approach adopted by SADC to facilitate TBNRM.

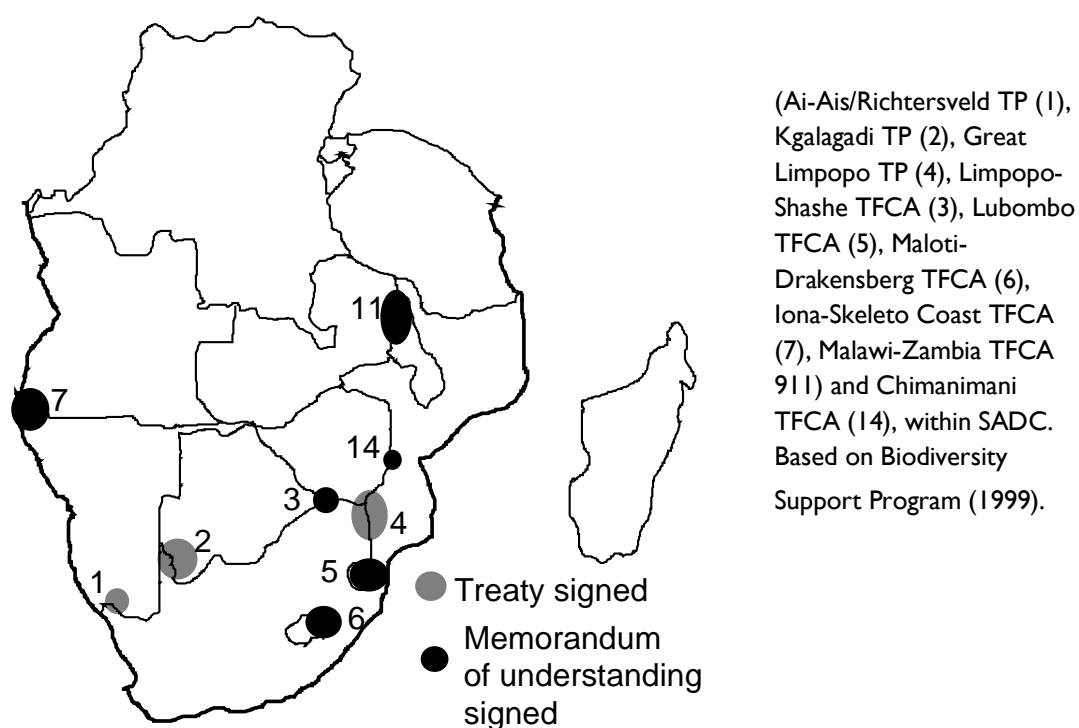


Figure 1: Location of existing Transfrontier Conservation Areas (TFCAs)

SHARED FOREST ECOSYSTEMS

Southern Africa has a total land area of 6.8 million km² which can be divided into seven major forest ecosystems. Around 33% of the total land area is covered by forests, 21% by deserts, with the remaining natural habitat largely consisting of savannas and grasslands (NFDS Africa, 2006). The types and extent of forest and woodland are chiefly influenced by the amount of annual precipitation. In areas of high rainfall, tropical and subtropical moist forests are found whilst the drier areas have woodlands and bushveld (Nyoka, 2003; UNEP, 2006).

Although many of the forest ecosystems are geographically widespread some are localized within individual countries. A total of 18 forest ecosystems are transboundary in nature covering two to four countries (Table 1). The miombo woodlands are the most extensive covering about 3.6 million km² in seven countries (Angola, Democratic Republic of Congo, Malawi, Mozambique, Tanzania, Zambia and Zimbabwe) (UNEP, 2006).

The miombo woodlands are dominated by tree species that belong to the Leguminosae family, and can be split into several forest ecosystems, three of which are shared by 2-4 countries (SADC, unpublished; Nyoka, 2003). These are the Angolan miombo woodlands found in Angola and DRC characterised by a canopy at 5-10 m dominated by Fabaceae.

The other is the Eastern miombo covering parts of Tanzania, Malawi and Mozambique. The third is the southern miombo woodlands which almost entirely covers the whole of Zimbabwe and extends to Malawi, Mozambique and Zambia. In the Kalahari sands are the Zambezi teak woodlands with two forest ecosystems: the Zambezian *Baikiaea* woodlands and Kalahari *Acacia-Baikiaea* woodlands. Zambezian *Baikiaea* woodlands cover western Zimbabwe, parts of Angola, Zambia and Namibia whilst the latter is restricted to Namibia, Botswana and South Africa in the south whilst a similar system is found between Zimbabwe and Botswana close the Chobe game reserve. These woodlands are dominated by *Baikiaea plurijuga* in association with *Pterocarpus angolensis*, *Guibortia coleosperma* and *Schinziophyton rautanenii*. The *Baikiaea* woodland covers an area of approximately 260,171 km² (SADC, unpublished; Nyoka, 2003; UNEP, 2006).

Savanna woodlands are equally extensive with five shared forest ecosystems namely; the Kalahari xeric savanna, the Angolan Mopane woodlands, the Zambezian Mopane woodlands, the Namibian savanna woodlands and the Southern Africa bushveld. These are shared by at least two countries, all south of the Zambezi River, Botswana, Namibia, South Africa, Mozambique and, Zimbabwe with the exception of Angola. Mopane woodlands which are dominated by the species *Coleospermum mopane*, cover an estimated 384,037 km² and are found in drier and lower areas with sodic soils (SADC, unpublished; Nyoka, 2003; UNEP, 2006).

The other shared forest ecosystems include the Zambezian *Cryptosepalum* dry forests with *Baphia* spp., *Combretum* spp. and *Bussea massaiensis* as the dominant tree species. In western Zambia extending into Angola the forest covers 37,908 km² whilst in the borders of northern Zambia and Tanzania the forest covers about 15,405 km² (Bass et al., 2001; Nyoka, 2003).

Table 1: Shared forest ecosystems in the SADC.

Forest ecosystem	Forest ecozones	Vegetation description	Countries
Miombo	1. Angolan Miombo woodlands	Extensive woodlands with a canopy height from 5 to 10 m dominated by tree species of Fabaceae family	Angola, Democratic Republic of Congo
	2. Eastern Miombo woodlands	Dominant tree species include <i>Brachystegia spiciformis</i> , <i>B. boehmii</i> , <i>B. allenii</i> , and <i>Julbernardia globiflora</i> and greater diversity in the wetter areas	Tanzania Mozambique, Malawi.
	3. Southern Miombo woodlands	Miombo plant communities are dominated by trees belonging to the Fabaceae, and characterized by <i>Brachystegia</i> and <i>Julbernardia</i> species	Malawi, Mozambique, Zambia and Zimbabwe
Zambezi teak	4. Zambezian Baikiaea woodlands	Deep Kalahari sands supporting dry deciduous forest dominated by <i>Baikiaea plurijuga</i>	Angola, Namibia, Zambia, Zimbabwe
	5. Kalahari Acacia-Baikiaea woodlands	Acacia-Baikiaea woodland with deciduous tree and bush savanna	Botswana, Namibia, South Africa, Zimbabwe
Succulent	6. Kaokoveld desert	Arid landscape of rugged mountains, gravel plains and shifting sand dunes	Angola, Namibia
	7. Succulent Karoo	Contains most succulent vegetation on Earth with predominance of low, succulent-leaved shrubs, few grasses, and a scarcity of tall shrubs and trees	Namibia , South Africa,
Savanna woodlands	8. Kalahari xeric savanna	Kalahari Xeric Savanna is characterized by a harsh climate, in less arid areas, the vegetation is open savanna with grasses in drier areas, large trees occur in ancient riverbeds, the red dunes are sparsely populated by <i>A. erioloba</i> , <i>A. haematoxylon</i> , and <i>B. albitrunca</i> , Cucurbitaceae including <i>Citrullus lanatus</i>	Botswana Namibia. South Africa,
	9. Angolan Mopane woodlands	Vegetation dominated by Mopane trees (<i>Colophospermum mopane</i>)	Angola, Namibia
	10. Zambezian and Mopane woodlands	Widespread throughout the lower-lying areas in the eastern half of southern Africa characterized by the dominance of the tree <i>Colophospermum mopane</i> the sole canopy species throughout much of its range	South Africa, Zimbabwe, Botswana Mozambique.
	11. Namibian savanna woodlands	Has three vegetation types: mopane savanna, semi-desert and savanna transition, and dwarf shrub savanna.	Angola, Namibia

Forest ecosystem	Forest ecozones	Vegetation description	Countries
	12. Southern Africa bushveld	The Southern African Bushveld like most savannas is a continuum of vegetation types with trees and grasses as their main constituents	Botswana, South Africa, Zimbabwe
Evergreen dry forest	13. Zambezan <i>Cryptosepalum</i> dry forests	Dense evergreen forest dominated by <i>Cryptosepalum exfoliatum</i> subsp. <i>pseudotaxus</i> ,	Zambia and Angola
Grasslands	14. Western Zambezan grasslands	Mainly edaphic grasslands surrounding the patchy Zambezan <i>Cryptosepalum</i> dry forest ecoregion	Angola, Zambia
	15. Drakensberg montane grasslands, woodlands and forests	diversified vegetative community, with montane grassland on the wet slopes, and forest patches lining the valleys Africa's largest coniferous forests are found here; <i>Podocarpus</i> is the most widespread genus	South Africa and Swaziland, Lesotho
	16. Eastern Zimbabwe montane forest-grassland mosaic	most predominant vegetation type is the submontane and montane grassland, which covers the extensive rolling hills that make up a large portion of the area	Mozambique Zimbabwe,
Coastal	17. Maputaland coastal forest mosaic	Coastal Forest Mosaic with a wide variety of habitat types, such as dry forest, swamp forest, grassland, wetland, and estuarine systems	Mozambican, South Africa
	18. Southern Zanzibar-Inhambane coastal forest mosaic	Mosaic of dry forest, savanna, woodland, and swamps.	Tanzania, Mozambique

TRADE IN TIMBER AND FOREST PRODUCTS

Forest ecosystems are diverse and result in a wide range of products which are supplied to the whole world through trade. The general trend is that SADC is producing enough to cater for its needs; however production decreases with level of value addition. For instance consumption exceeds production on sawnwood, wood-based panels, plywood and veneer, fibreboard and high value printing paper. At the same time in most countries and the sub-region in general, the production exceeds or equal consumption in roundwood, particle board, woodpulp, low value paper and paper board (Table 2). Industrial wood products from commercial plantations are produced mainly in South Africa, Swaziland and Zimbabwe whilst Zambia, Angola, Mozambique and the DRC are leading industrial producers of indigenous roundwood and sawnwood (SADC, unpublished). The Democratic Republic of Congo, South Africa, Tanzania, and Mozambique were the main producers of unprocessed wood products in 2003 with production ranging from 10,000 m³ to 72,000 m³. Production of

value added or processed products were less than 500 m³ in all cases with South Africa, Swaziland, Zimbabwe and Zambia being the main producers (FAO, 2005).

Many, if not all, of the SADC countries are actively participating in a global trade network, importing and exporting wood and non-wood forest products (NWFP), especially with Asian and European countries (SADC, unpublished). However, intra-regional trade is low primarily with most countries trading with South Africa. This has been attributed to lack of information on markets, poor transport infrastructure and trade barriers (SADC, unpublished; FAO, 2009). The bulk of the traded products, especially from natural forests, are most often low value-added products, which are either unprocessed or primarily processed. On the other hand imported products are predominantly of high value (FAO, 2009; Tables 3 and 4). Countries with limited forest resources and high per capita incomes, such as Mauritius, Botswana, Namibia, and South Africa are major importers in the region. In some cases these countries import low value-added products and exporting high value-added products, which result in net trade surpluses just like the high producing countries (SADC, unpublished; FAO, 2005; Table 5).

Table 2: Industrial wood production and consumption in the SADC region in 2003

Wood product	Production (x1000 m ³)	Consumption (x1000 m ³)	Variance (x1000 m ³)
Roundwood	185 998	185 546	452
Industrial Roundwood	29 904	29 454	450
Wood Charcoal	5 692	5 646	46
Sawnwood	2 394	2 701	-307
Wood-Based Panels	623	747	-124
Plywood	71	108	-37
Sawlogs and Veneer Logs	8 257	No data	No data
Other Industrial Roundwood	12 049	No data	No data
Wood Pulp	2 476	1 306	1170
Chemical Wood Pulp	1 655	1 017	638

Source FAO (2005).

Table 3: Production, trade and consumption of wood-based panels, pulp and paper in 2006.

Country	Wood-based panels (x1000 m ³)				Pulp for paper (x1000 m ³)				Paper and paperboard (x1000 m ³)			
	Prod	Import	Export	Cons	Prod	Import	Export	Cons	Prod	Import	Export	Cons
Angola	11	4	0	15	15	0	0	15	0	12	0	11
Botswana	0	0	0	0	0	0	0	0	0	10	0	10
DRC	3	1	1	2	0				0	10	1	10
Lesotho	0	0	0	0	0	0	0	0	–	–	–	–
Madagascar	5	5	0	9	0	3	0	3	10	20	0	29
Malawi	18	3	6	15	0	0	0	0	0	19	0	19
Mauritius	0	61	3	57	0	2	0	2	0	48	3	44
Mozambique	3	5	2	7	0	0	1	0	0	12	0	12
Namibia	–	–	–	–	–	–	–	–	–	–	–	–
Tanzania	5	24	1	28	56	0	0	56	25	102	4	123
Seychelles	0	1	0	1	0	0	0	0	–	–	–	–
South Africa	726	355	75	1007	2915	515	972	2457	1793	59	210	1642
Swaziland	8	0	0	8	167	0	167	0	–	–	–	–
Zambia	18	4	4	18	0	0	0	0	4	27	0	31
Zimbabwe	80	15	19	76	49	10	0	59	115	45	13	146
SADC	877	478	111	1243	3202	530	1140	2592	1947	364	231	2077

Source: FAO (2009). Prod = Production, Import = Importation, Export = Exportation, Cons = Consumption.

Table 4: Production, trade and consumption of woodfuel, roundwood and sawnwood in 2006.

Country/area	Woodfuel (x1000 m ³)				Industrial roundwood (x1000 m ³)				Sawnwood (x1000 m ³)			
	Prod	Imp	Exp	Cons	Prod	Imp	Exp	Cons	Prod	Imp	Exp	Cons
Angola	3656	0	0	3656	1096	2	4	1093	5	1	0	6
Botswana	665	0	0	665	0	0	105	0	0	0	0	15
DRC	72126	0	0	72126	4322	1	89	4234	94	1	69	26
Lesotho	2061	0	0	2061	0	0	0	0	0	0	0	0
Madagascar	11339	0	0	11339	183	0	43	140	89	1	28	62
Malawi	5189	0	0	5189	520	2	0	521	45	0	16	29
Mauritius	7			7	9	20	1	28	4	65	1	68
Mozambique	1674	0	0	1674	1304	4	133	1175	43	19	19	43
Namibia	–	–	–	–	–	–	–	–	–	–	–	–
Seychelles	0	0	0	0	0	0	0	0	0	0	0	0
South Africa	1200	0	0	1200	18063	51	191	17922	2 091	487	63	2516
Swaziland	996	0	0	996	330	0	0	330	102	0	0	102
Tanzania	21914	0	1	21914	2314	2	57	2259	40	1	32	10
Zambia	8798	0	0	8798	1325	0	1	1325	157	1	6	153
Zimbabwe	8380	0	0	8380	771	1	5	767	565	2	83	484
SADC	138005	0	1	138005	30237	83	629	29794	1144	578	317	3514

Source FAO (2009) Prod = Production; Imp = Imports; Exp = Exports; Cons = Consumption

Table 5: Level of forest products trade in the SADC region in 2003.

Country	Exports (x1000 US\$)	Imports (x1000 US\$)	Variance (x1000 US\$)
Angola	1 048	5 157	-4 109
Botswana	No data	15 410	
DRC	25 665	4 772	20 893
Madagascar	16 414	5 701	10 713
Malawi	13 44	14 308	-12 964
Mauritius	1 473	51 992	-50 519
Mozambique	36 112	12 332	23 780
Namibia	No data	36 449	
South Africa	1 326 423	577 712	748 711
Swaziland	7 051	29 987	-22 936
Tanzania	4 872	8 616	-3 744
Zambia	No data	3 851	
Zimbabwe	9 356	32 408	-23 052

Source: FAO (2005).

The year 2010 marks 30 years of the existence of the SADC. In 1996 the SADC states signed a Trade Protocol which came into effect in 2000 after ratification by two thirds of the member states (Cronjé, 2009). The aim of the protocol is to improve intra-regional trade liberalisation in both goods and services. For SADC to achieve this objective, certain milestones had to be completed. These include SADC Free Trade Area (FTA), the Customs Union (CU), the Common Market (CM), Monetary Union (MU) and the single currency. The implementation of the SADC Free Trade Area started in 2000 and was officially launched in 2008 and expected to be fully implemented in 2012. This will culminate in the abolishing of custom tariff and Non-Tariff Trade Barriers (NTTBs) between or among signatory countries (Cronjé, 2009).

By 2010 SADC claimed to have liberalised 85% of trade in goods that originate within member states (Cronjé, 2009). Intra-trade has been increasing from 5% in 1980 to 25% in 2000 (SADC, 2005). However, an assessment revealed that although SADC exports increased by more than 100% between 2000 and 2006 from US\$50 billion to about US\$ 113 billion, the leading destination markets were European Union, Eastern Asia and the North American Free Trade Area. Intra SADC trade fell to below 10% over the same period. In fact, most countries in the sub-region traded with partners in the rest of the world, instead of their regional counterparts, a trend which goes against the SADC's trade objectives. Most countries import forest products from South Africa than the rest of SADC countries put together (TRIPS, 2007; Maringwa, 2009). This could be attributed to various import

protection measures. Wood and paper are one of the highly protected products through the imposition of high tariff rates on imports from within the region (FAO, 2005; TRIPS, 2007). Most of the trade in SADC is captured by South Africa whilst volume of trade with other countries is very low (TRIPS, 2005).

As already demonstrated by wood and paper products, SADC is set back by complex product specific rules and non-tariff barriers to trade, preventing the region from realizing its trade potential (SADC, 2005). Other challenges included political instability, corruption, poverty and natural calamities. Above all some countries that have infant industries are not benefiting from the FTA as their goods cannot compete with products from countries with more developed industries. Consequently, establishment of the Customs Union (CU) which should have been launched in 2010 has been postponed. The CU will come with the unification of tariffs where the members will have the same external tariff and no internal tariff.

Production and trade in NWFPs has advanced within the region over the last decade. Prior to 2000 most products were traded in their raw or near raw state with little or no value addition. This included fruits (Zambia, Swaziland, and Mozambique), medicinal plants (Zambia, South Africa, Mozambique, Zimbabwe and Malawi), mushrooms (Zambia, Malawi) and roots and tubers (Mozambique, Zambia) (Walter, 2001). There has been a major shift to value addition and value chain development in various countries in the region. A number of trade associations and service organisations have been set up to spearhead these initiatives, thus a number of small marketing enterprises in the forest products sector have emerged in the sub-region. This has resulted in the production and trade in honey, herbal teas, oils (marula, manketti, baobab, *Parinari*, *Trichilia*, *Ximenia*) jams (*Uapaca*, *Ziziphus*, marula, baobab) and juices (marula, baobab) processed and packaged medicinal products among other products. However, most of the products are earmarked for export to Europe, America and Asia and again intra regional trade is minimal. The economic value of NWFPs at the sub-regional level is difficult to estimate as it is mostly in the informal sector. However, some information is available on specific products and their economic contribution (SADC, unpublished; Walter, 2001).

LEARNING AND SHARING EXPERIENCES AND BEST PRACTICES

Regional framework for cooperation

Since its inception the cooperation in SADC is always based on well articulated treaties, protocols and strategies. The SADC Treaty was an all encompassing framework that has resulted in the development of protocols and strategies. This makes the sub-region very consistent and effective with cumulative efforts towards the vision. In addition to the Treaty,

the Regional Integration Strategy Paper was a good guideline which resulted in any programs, some of which have been completed.

Sectorial approach

The SADC formulated and adopted effectively coordinated sectorial plans and policies which improved regional policy formulation, analysis and planning (Katerere et al., 2001). A number of protocols were developed to guide activities in various sectors. This made the planning more detailed and effective at the same time building capacity of the member states. The protocols have been used to guide policy and legislation reform and/or formulation in some SADC countries as they tried to respond to regional targets.

Commitment to improved intra-trade

The launch of the FTA and commitment to establish the CU is an indication of commitment to increased intra-trade in the sub-region. This will definitely increase economic growth, especially for small and struggling economies in the sub-region.

CHAPTER 3 Status of Forestry in the SADC

FOREST COVER

A decade ago forests and woodlands in Africa covered about 650 million ha, representing nearly 22% of land area and about 17% of the world's forest area. Most of the forests in Africa are in Central and Southern Africa with about 44% and 26% classified as forests, respectively (SADC, unpublished; Nair and Tieguhong, 2004). Information on forests and woodlands in southern Africa varies with sources. For instance, forests and woodlands cover was estimated at 221.94 million ha (32.5% total land area) in 2005 by FAO (2005) and UNEP (2006) while Mwabumba and Ngulube (unpublished) gave a total forest area in the 14 SADC member countries as 262.8 million ha, representing about 29% of the total land area.

There is considerable variation in vegetation cover across countries from about less than 5% in Lesotho, to about 60% for the Democratic Republic of Congo (Table 6) (SADC, unpublished; AFORNET, 2006; UNEP, 2006). Distribution is very much influenced by rainfall patterns. Rainfall in the region decreases from north to south as well as from east to west. Of the total forest cover in the SADC sub-region, plantations have remained at 1% for the past decade, representing about 2,592 million ha in 2005 (SADC, unpublished; FAO, 2006; Butler, 2009). Over 75% of these are commercially managed plantations are found in South Africa, Swaziland and Zimbabwe (SADC, unpublished; Mubaiwa, 2004; UNEP, 2006).

Between 1990 and 2000 Africa lost 0.8% of the forests with southern Africa having the highest loss of 183.1 million ha giving an annual loss rate of 1.6% (FAO, 2006; Table 6). As of 2002 annual forest losses ranged from about 2.7% for Zambia, 2.4% for Malawi, 0.7% for Zimbabwe to about 0.1% for South Africa (FAO, 2006). Generally forest cover in the sub-region is declining. More than half of the member states consistently experienced a decline in forest cover between the years 2000 to 2005 (Table 6). Significant changes were registered in Botswana, Malawi, Tanzania, Zimbabwe and Zambia. The other countries such as Angola, Madagascar, Mozambique, Namibia and South Africa were slightly stable whilst DR Congo and Swaziland actually increased forest cover in the same period (SADC, unpublished; FAO, 2006; Atyi and Bayol, 2008; Butler, 2009).

Since most economies in the SADC are based on agriculture, and mostly subsistence production, large tracks of forest areas are inevitably being cleared. Additionally, forests are cleared for construction and energy purposes. This is exacerbated by land reform in some

countries and the fact that, in rural areas where over 70% of the people reside, there is relatively limited access to high-cost electricity and fossil fuels (SADC, unpublished; FAO, 2006). It is not surprising therefore that the sub-region had six out of the top ten countries in the world that have the highest net forest loss during 2000 to 2005.

Table 6: Forest area and area change in SADC countries

Country	Extent of forest, 2005			Annual change rate			
	Forest area (x1 000 ha)	% of land area (%)	Area per 1 000 people (ha)	1990–2000		2000–2005	
				(1 000 ha)	(%)	(x1 000 ha)	(%)
DRC	133 610	58.9	2 203	–532	–0.4	–319	–0.2
Madagascar	12 838	22.1	670	–67	–0.5	–37	–0.3
Mauritius	37	18.2	30	0	–0.3	0	–0.5
Tanzania	35 257	39.9	894	–412	–1.0	–412	–1.1
Angola	59 104	47.4	3 570	–125	–0.2	–125	–0.2
Botswana	11 943	21.1	6 428	–118	–0.9	–118	–1.0
Lesotho	8	0.3	4	0	3.4	0	2.7
Malawi	3 402	36.2	251	–33	–0.9	–33	–0.9
Mozambique	19 262	24.6	919	–50	–0.3	–50	–0.3
Namibia	7 661	9.3	3 744	–73	–0.9	–74	–0.9
Seychelles	40	88.9	465	0	0.0	0	0.0
South Africa	9 203	7.6	191	0	0.0	0	0.0
Swaziland	541	31.5	477	5	0.9	5	0.9
Zambia	42 452	57.1	3 630	–445	–0.9	–445	–1.0
Zimbabwe	17 540	45.3	1 326	–313	–1.5	–313	–1.7

Source: FAO (2006).

KEY ELEMENTS OF FOREST POLICY AND LEGISLATION: COUNTRY SITUATION

Angola

For a long time Angola was operating without proper forest legislation, structure, policy and let alone management plans (Mogaka et al., 2001; IDF, 2002). However, with the assistance of the FAO, this country has made huge strides in developing this sector. The sector is still using the Forest Ordinance of 1962 (the Decree No 44 531 of 21.06.1962). The decree was heavily weighed toward command and control measures and resulted in

the creation of forest reserves with mostly protectionist objectives (BATS, 2008). Repeated attempts have been made to amend the legislation but implementation has not changed accordingly (IDF, 2002). The Decree No.43/77 of 1977 repealed a number of legislation and approved the structure of the Ministry of Agriculture and defined protected areas (BATS, 2008). Another Ministerial Decree No. 41/89 created the Institute for Forestry Development (IDF) located within the Ministry of Agriculture and Rural Development (MINADER). The institute was mandated to define and coordinate implementation of policies and strategies for sustainable conservation, management and utilization of the forest and wildlife resources (Encok, 2007; BATS, 2008). Issues of extraction of forest products is guided by the Ministerial Order 149/00 issued by the MINADER in 2000 providing for licensing requirements and procedures for forest exploitation (BATS, 2008).

However, in 2002 the Ministry of Urbanism and Environment (MINUA), was established and given the responsibility of formulating, implementing and coordinating the environmental policy (BATS, 2008) through the National Directorate for the Environment (NDE) and the National Directorate for Natural Resources (NDNR)). Whilst NDE is responsible for environmental legislation and policies, NDNR is in charge of protection of fauna, flora, habitat and regeneration of degraded areas as well as supporting the creation and management of conservation areas.

The major problem is that MINUA is under resourced and the Ministry of Agriculture and Rural Development is still holding the portfolio for defining national forestry policy, promoting forestry research, and planning and directing all tasks related with forest resources management. Therefore instead of NDNR, the IDF is managing forests and protected areas. This is further complicated by other ministries that cover some environmental roles perpetuating the chronic lack of clarity in institutional arrangements and responsibilities of certain sectorial ministries in forest policy implementation, especially MINADER (BATS, 2008). However, a forest policy has been drafted within the context of the National Forest, Wildlife and Conservation Areas policy aimed at promoting the contribution of the forest sector to sustainable development of the country through preservation, conservation, development and rational utilization of the forest, wildlife and protected areas (Encok, 2007).

Botswana

In 1990, Botswana developed a National Conservation Strategy (NCS) and later a National Forest Policy (Mogaka et al., 2001). The general goal of the National Forest Policy is protection, conservation, development and sustainable utilization of forest land and forest resources for social, economic, ecological and environmental benefits for present and future generations (Alba, 2008; Sekgopo, unpublished) Unlike the Act, there is a deliberate emphasis on decentralisation of forestry administration as well as the role and importance

of local community involvement in management of forest resources (Alba, 2008). The revised forest policy embraces the following objectives (Sekgopo, unpublished):

- 1) Strengthen the role of forestry in alleviating poverty and increasing equity in forest resources and forestland management and utilization;
- 2) Strengthen the role of the forest resources and forestland in promoting economic development, in meeting demand for products, in increasing national revenues and efficiency, creating employment as well as diversification of local, regional and national economy;
- 3) Strengthen the role of forest resources and forestland in enhancing environmental functions including soil and water conservation, biodiversity, recreation, habitats for wildlife, carbon-dioxide (CO₂) fixation and other services;
- 4) Encourage, involve and assist local communities in the conservation, management and sustainable utilization of forest resources;
- 5) Create enabling legal and institutional environment so as to effectively implement the policy.

In spite of the NCS and national forest policy, the forest sector is very much underdeveloped in Botswana, though a lot of recent efforts have been made to consider the sector as a contributor to economic diversification (Mogaka et al., 2001). At independence Botswana had no well-defined national forest policy as such. The main forest laws and regulations were either enacted or under development (Sekgopo, unpublished; Alba, 2008). The forest law is aimed at promoting protection, management, conservation and development of the gazetted government's forest reserves (less than 1% of the total country) (Mogaka et al., 2001; Alba, 2008). The Act detailed the rights of access and use of forest products by the communities with a number of identified species being granted protected status on all land tenure regimes (Sekgopo, unpublished). However the effectiveness of the Forest law is limited by the traditional nature of the land tenure system in which 99% of the land is outside the jurisdiction of the legislation and remains subject to 'open access' communal ownership and the tragedy of the commons (Sekgopo, unpublished). The Forest law and Regulation and Protection of Forests and Forest Produce of 1968 was reviewed between 1995 and 1997 under a nationwide participatory process which involved a broad spectrum of forest stakeholders and has since been passed into law (Sekgopo, unpublished; Alba, 2008).

Democratic Republic of Congo

The Democratic Republic of Congo is one of the largest and most forested countries in Africa. However, it has been beset by several decades of poor economic policies, bad governance, and wars. The Ministry of Environment, Nature Conservation and Tourism (MECNT) is the main government body charged with nature conservation including implementing government policy in the forest/environment sector (Atyi and Bayol, 2008).

The main forest resource management legislation in DRC is the Forest Code 011/2002 which succeeded the old legislation of 1949 (Atyi and Bayol, 2008; Hoare et al., 2008; Mvondo, 2008).

The aim of the Forest Code is sustainable management (Atyi and Bayol, 2008). It provides the basis for the definition of forest ownership and user rights in the DRC and encourage local people to take an active part in forest management and be able to draw legitimate benefits (Atyi and Bayol, 2008; Hoare et al., 2008). The Code supports decentralisation, with a provision for 40% of the annual revenue to go to provinces and territories for community infrastructure (Hoare et al., 2008). However, there is still lack of clarity about forest land tenure and control, as forest communities consider most forest lands to be under the control of traditional systems which are most often in conflict with the formal legal system (Hoare et al., 2008). This is more so since customary law is mostly used by local people who often do not know the provisions of the Forest Code (Atyi and Bayol, 2008). To date, the Forest Code has been supplemented by a plethora of pieces of legislation of up to 38. However, this still is inadequate and a total of 60 implementing provisions are required to make the Forest Code fully functional. The Forest Code was reviewed in 2005 and emphasised the role of indigenous people in the management of forest areas (Muchuba, 2010). In 1999 a forest policy was developed highlighting and emphasizing the need for increased production, development of infrastructure, technical management capacity, value addition and establishment of protected areas (Mitchell et al., unpublished).

Lesotho

Lesotho has administered one of the oldest forest legislations for decades without a formally approved policy until recently. For a century, since 1876, or more the Government had always assumed the lead role in the development and maintenance of forest resources (Maile, 2001). The forestry legislation and tree ownership are the Laws of Lerotholi (1938), whilst the Forest Act of 1978 was enacted mainly to support the development of woodlots or Forest Reserves (Maile, 2001). A new Forestry Act was drafted in 1996, with the guidance of National Forestry Action Programme of 1996. The draft Forestry Act was formally approved into the current Forest Act in 1998. The National Forestry Policy was adopted in 1997 and has been reviewed in 2007. Its adoption marked a great shift in the forest legislation in Lesotho with a strong recognition of the role of communities in forestry management (Maile, 2001). The main objectives of the Forest Policy include (Maile, 2001; Sekaleli, 2007):

- ▶ poverty reduction,
- ▶ employment creation,
- ▶ private sector involvement and livelihood security,
- ▶ establishment of an enabling policy and legal environment including security of land and tree tenure, and

- the provision of appropriate government services, particularly research and extension.

Malawi

Malawi has a number of government institutions involved in the forest sector, including the Ministry of Natural Resources and Environmental Affairs, Forestry Department, Forest Management Board, Ministry of Local Government and Rural Development; Local Government bodies and Traditional Authorities (Holden and Sibale, unpublished). The Forest Act of 1997 aims at providing an enabling framework for promoting the participation of communities and the private sector in forest conservation and management. This is a departure from the traditional forest approach which emphasised forest protection to the present emphasis on multi-stakeholder participation including local communities and the private sector (Bekele, 2001). Thus in addition to forest based rural enterprises, the new forest policy encourages community participation and use of traditional authorities and community organisations in the management and use of forest products from national parks (Bekele, 2001; Mogaka et al., 2001).

The Malawi Forest Policy gives specific guidance on devolving power from the Minister to the Director of Forestry and to the local communities (Mogaka et al., 2001). To promote sustainable use and the Community Based Forest Management was launched in 2003 as a supplement to the Forest Policy.

Mozambique

The National Directorate of Forestry and Wildlife (DNFFB) is responsible for implementing forest sector policies whilst at local level the Provincial Forestry and Wildlife Services (SPFFB), is in charge. The greatest challenge is that the SPFFB reports to Provincial Directorates of Agriculture and Rural Development (DPADRs) and not DNFFB, especially with regards to prioritisation and resources allocation to activities (Bass et al., 2001). Mozambique adopted a Policy and Strategy for Management of Wildlife and Forestry in 1997. The policy and strategy sets principles for wildlife and forestry management including (i) conserving basic resources, including biological diversity, (ii) involving people who are dependent on forestry and wildlife resources in the planning and sustainable use of such resources and, (iii) ensuring that communities benefit from wildlife resources (Mitchell, et al., unpublished; Salomão and Matose, 2007). The policy also focuses on infrastructure development, building technical capacity, establishment of protected areas and institutional capacity in research and training (Mitchell et al., unpublished).

The Wildlife and Forestry Law was adopted in 1999 and provided for the recommendations of integrated management of natural resources that ensures effective participation of local communities, associations and the private sector (Johnstone et al., 2004; Salomão and Matose, 2007). The main rights and benefits of the forest dependent communities include:

- ▶ subsistence level use of the resources (immediate consumption or use without the right to benefit commercially),
- ▶ participation in co-management,
- ▶ community consultation and approval prior to allocation of exploitation rights to third parties,
- ▶ development of mechanisms for sharing benefits derived from exploitation under a concession regime,
- ▶ return of the earmarked 20% of forestry tax revenue to the communities, and
- ▶ 50% of the value of fines received by the individual contributing to law enforcement.

Namibia

Namibia, unlike some other countries in the SADC, does not have a long history of forest management. However, it is one of the few countries that developed a policy and enacted an Act immediately after independence to protect and guide forest management and utilisation. In 1992 Namibia's first Forest Policy was prepared and resulted in the establishment of the Directorate of Forestry, in the Ministry of Environment and Tourism, responsible for promoting participatory management of forest resources and other woody vegetation (Ministry of Agriculture, Water and Forestry, unpublished; Kojwang, 2000; Mogaka et al., 2001; Louw, 2007). However, there are no clear mechanisms for public participation in the face of increasing demands from rural communities (Kojwang, 2000). The Forest Policy was revised in 1998 following the guidance of the Namibia Forestry Strategic Plan (NFSP) in 1996 (Kojwang, 2000; Mogaka et al., 2001). The forest Policy aims at:

- 1) Reconciling rural development with biodiversity conservation by empowering farmers and local communities to manage forest resources on a sustainable basis.
- 2) Increasing the yield of benefits of the national woodlands through research and development, application of silvicultural practices, protection and promotion of requisite economic support projects.
- 3) Creating favourable conditions to attract investment in small and medium industry based on wood and non-wood forest raw materials.
- 4) Implementing innovative land-use strategies including multiple use conservation areas, protected areas, agro-forestry and a variety of other approaches designed to yield forestry global benefits.

Between 1995 and 1997, Namibia formulated a Forest Act to repeal the Act of 1968 and later amended it to the current Forest Act of 2001 which came into effect in 2002 (Maryudi et al., 2009). This Act consolidates all laws regarding utilisation, conservation and management of forests and forest produce whilst completely replacing the Preservation of Bees and Honey Proclamation (Proc. 1/1923), the Preservation of Trees and Forests Ordinance 37 of 1952 and the Forest Act 72 of 1968. It also provided for the creation of a

Forestry Council. This Act is considered as a major improvement since it recognizes the rights of communities to identify forest resources they can claim and legally declare them community forest reserves or forest management areas (Kojwang, 2000; Maryudi et al., 2009). Forest legislations are complemented by the Nature Conservation Ordinance of 1975 which is administered by the Directorate of Resource Management. This department is in the same ministry as Forestry and can be used to control the illegal harvesting of protected plants which includes Namibia's key indigenous tree species (Kojwang, 2000).

South Africa

Forestry policies in the past were concerned solely with industrial and state forests including all indigenous forests. The current policy on forests is a significant change in that it recognises the important contribution made by forests to integrated rural and community development (Mogaka et al., 2001). The key legal framework is the National Forests Act (No 84 of 1998) that includes the National Veld and Forest Fire Act whose purpose is to prevent and combat veld, forest and mountain fires (DWAF, 2004, 2005). The provisions of the Act are mostly confined to state forests but can be extended further as it empowers the Minister to declare control on any area to prevent forest degradation (DWAF, 2005). The purpose of the National Forests Act is to:

- ▶ promote the sustainable management and development of forests for the benefit of all,
- ▶ create the conditions necessary to restructure forestry in State forests,
- ▶ provide special measures for the protection of certain forests and trees,
- ▶ promote the sustainable use of forests for environmental, economic, educational, recreational, cultural, health and spiritual purposes,
- ▶ promote community forestry, and
- ▶ promote greater participation in all aspects of forestry and the forest products industry by persons disadvantaged by unfair discrimination.

Swaziland

Within the last decade the Government of Swaziland has been formulating policies and strategies for environmental management and sustainable development in the Kingdom (Ministry of Agriculture and Co-operative, 2004). Until recently, there were 17 Acts concerned with forestry (Olsen and Helles, 2000). Key Acts among these include (BATS, 2007):

- 1) The Swaziland Environment Authority Act (1992) — empowers the regulatory body to protect the environment.
- 2) The Natural Resources Act (1951) — provides for the conservation of natural resources.
- 3) The Flora Protection Act (2000) — protects the indigenous flora.

4) The Plant Control Act (1981) — controls the growing and movement of plants.

However, a lot of progress has been made and the development of the forest policy was guided and informed by a number of legislation and strategies. The main guiding document was the National Development Strategy (NDS) which was launched in 1999 and identifies environmental protection as a cornerstone in the national development process (Ministry of Agriculture and Co-operatives, 2004). Additionally, the 1997 Swaziland Environment Action Plan (SEAP) became a fundamental basis for the development of the Forest Policy which proposed a more elaborate and better structured forest policy (Olsen and Helles, 2000). These processes resulted in the National Environment Policy and Environmental Management Act in 1999 and 2002, respectively.

The guiding vision for the National Forest Policy can be summarized as the achievement of efficient, profitable and sustainable management and utilisation of forest resources for the benefit of the entire society, the environment and biodiversity conservation (Ministry of Agriculture and Co-operatives, 2004). The policy also stipulates the need to go beyond industrial forest and include the development of community forestry and the sustainable management of natural forests and woodlands (Ministry of Agriculture and Co-operatives, 2004). However, the institutional framework for implementing the policies and enforcing the legislation is fragmented as (i) different aspects of forest utilization and conservation fall under a number of actors, and (ii) there are strong divisions between Government and traditional structures (Olsen and Helles, 2000). For instance, the National Forest Policy relates closely with and falls under the National Land Policy (draft), and the National Environmental Policy, which are nested within the NDS (Ministry of Agriculture and Co-operatives, 2004). This is further complicated as the Swazi legal system recognizes not only codified laws but also the customs and traditional structures (Olsen and Helles, 2000).

Zambia

Like many other African countries, forest policies of the sixties in Zambia focused on establishing a protection and forest revenue collection regimes. Thus, the legislation of the time was mainly for creating exclusive forest reserves and national parks (Mogaka et al., 2001). Likewise the 1965 Forest Policy empowered the government to take over forests in a large part of the country and the 1973 Act vested into the Forest Department an emphatic policing role (Mogaka et al., 2001). Zambia has until now been operating under the 1965 Forest Policy and the 1973 Forest Act which denied the local communities and traditional rulers a role in forest management (Mogaka et al., 2001). A new Forest Act was enacted in 1999 to replace the Forests Act of 1973, but is still not yet in force (Mwiya, 2008). Under this Act, the control and management of forest reserves and estates in State land, open areas, Game Management Areas and National Parks is vested with the Commission (Mwiya, 2008.) Reviews and consultations are being resumed as a process towards adoption of the new Act and Policy. The forest act is intended to legalise the Joint Forest Management as a

strategy of providing benefits to communities and has been piloted in most provinces in the country. This was implemented under the Statutory Instrument on Local Forests (Control and Management) Regulations of 1999 which has circumvented the legal shortcomings (Njovu, 2004).

In order to improve the old legislation, a new forestry policy and Act have been formulated. The policy seeks that all stakeholders are given recognition and are active participants in the management and utilisation of the forest resources, especially in forests outside the protected or gazetted forest estates (Chileshe, 2001). Additionally, the Environmental policy affirms that Government departments, local authorities and local communities have the right to the revenue generated from sustainable utilisation of natural resources on public and customary lands (Mwiya, 2008).

Zimbabwe

In Zimbabwe access to, use and management of forest resources is influenced by six separate legislations. This is a result of the pluristic nature of institutional arrangements in regards to natural resources management. The principal legislation that govern the exploitation and protection of forest and woodland resources in Zimbabwe are the Forest Act of 1948 and the Communal Lands Forest Produce Act 1985 (CLFPA), formerly the Tribal trust Lands Forest Produce Act (Shumba, 2001). After independence the Forest Act was amended in 1999 and 2002.

The new Act provided for the establishment of the Forestry Commission with the dual responsibility to protect and conserve forests for the nation and as a forest enterprise. This involved setting aside and managing land for production/industrial forestry as well as regulation and supervision of timber extraction (Ministry of Environment and Tourism, 2006). Private lands are not actively managed by the state but the Act provides a self regulatory control mechanism to owners (Shumba, 2001). However, exploitation of forest produce by rural communities is restricted to “own use” prohibiting sale or supply of any forest produce to any other person (Shumba, 2001). Outsiders are allowed to exploit resources though the state grants permits (Mogaka et al., 2001).

In conjunction with the CLFPA, the 1984 Rural District Councils Act bestows the responsibility for long term planning and development of natural resources on Rural District Councils (RDCs). Under the Act, RDCs can enact by-laws to regulate natural resource use and issue licenses for commercial extraction of natural products (Ministry of Environment and Tourism, 2006). To complicate matters, the Communal Lands Act (1985) transferred control of communal lands to, and placed traditional leaders under District Administration, the lowest Central government office. However, to empower and restore authority to traditional leaders, the 2000 Traditional Leaders Act was enacted which made traditional leaders custodians of natural resources (Ministry of Environment and Tourism, 2006). It

reconciles with RDC Act by modifying local level committees, putting them under the traditional leadership through the chairmanship of the headman and village heads.

In 2002 Zimbabwe enacted Environment Management Act and subsequently produced a National Environmental Policy in 2005. The Act aims to provide for the sustainable management of natural resources and protection of the environment, prevention of pollution and environmental degradation (Walmsley and Tshipala, 2007). This Act has been developed as a framework and reference point for all Acts that influence natural resources management. It has repealed the Natural Resources Act and requires other environmentally related Acts, including the Forest and Communal Lands Forest Produce Act, to realign with the new framework (Ministry of Environment and Tourism, 2006).

The Zimbabwe Forest Policy is guided by the Forest Act of 1999 and the Communal Lands Forest Produce Act of 1987. It is also guided by other pieces of legislation that deal with the environment as well as international Conventions. Like the Forest Act, the policy provides for the commercial production (plantation development, saw milling and marketing of timber and timber products) and social forestry, supporting conservation and protection of forests so that they can continue fulfilling their ecosystem functions. Additionally, the Land Acquisition Act of 1993 provides for expropriation of commercial farmland for the purposes of land redistribution and resettlement which has a major bearing of forests on private lands.

CHALLENGES AND OPPORTUNITIES FOR SOCIOECONOMIC DEVELOPMENT AND ENVIRONMENTAL PROTECTION IN FORESTRY

Challenges

The SADC sub-region is trapped in a poverty cycle where current needs override the need for sustainable management to secure future livelihoods. Thus most SADC rural communities in their quest to satisfy basic human needs, unintentionally degrade the environment which is the foundation of their existence. Compounding this problem is that the SADC has one of the fastest growing populations in the world resulting in ever increasing food requirements. This has inevitably resulted in large tracks of forest being cleared and converted to crop production (SADC, unpublished). The need for economic growth has had its own contribution, for instance, tobacco production is dependent on the use of enormous amounts of fuel wood for curing. Until recently and in some countries even now, a lot of political unrests and wars have prevented comprehensive management of forests. Most often the countries have no up-to-date data of the status of forests and levels of degradation as the forests cannot be accessed and or the government has no capacity to undertake inventories (SADC, unpublished).

All the countries in the sub-region are still developing, resulting in very high urbanization rates. Unfortunately this is not matched by infrastructural development in the urban centres, especially energy sources (UNEP, 2006). There is still relatively acute limited access to high cost electricity and fossil fuels in these urban centres, as well as in the rural areas. This has resulted in increased fuelwood and charcoal demands for domestic use (SADC, unpublished).

Legal and institutional framework regarding forest management and use is still not well defined. In some countries the legislation is very outdated and thus will inevitably fail to guide forest use in the era of high populations, increased poverty, climate change, urbanisation and economic growth. Coupled with this, is the plethora of legislation in most countries; this creates a lot of confusion and management vacuum. At the same time, even with well defined policies and legislative frameworks, most countries have limited (human, financial) capacity to implement them.

Most of the legislation in use is very prescriptive and not people-centred which does not give the local communities incentives to conserve the forests. This encourages crime and land use conversion, especially since agriculture remains more lucrative than forest management as a land use system. In addition issues of tenure have not been adequately dealt with in most countries. Unfortunately the ongoing land reform in some of the countries does not seem to solve most of these problems.

The success of the regional programmes is dependent on the commitment and capacity of national institutions. However, most forest national level institutions in southern Africa have limited capacity in policy formulation, legislation enforcement and the provision of management oversight. This can be attributed to inadequate human and financial resources which inadvertently promote illegal forest activities including trade.

Opportunities

The Protocol on Forestry presents a platform and guiding principles for developing country specific legal framework for managing forests. In the process of implementing the protocol, the SADC Directorate on Forest, Agriculture and Natural Resources managed to raise a lot of funds that culminated in projects which increased the capacity of the region to manage forests. This strategy should be exploited further to assist those member states that are still lagging behind, especially in the finalisation and adoption of forest policies.

Most of the SADC member states have developed or are in the process of developing policies and legal instruments that respond to current pressures. For instance, most of the countries now have strategies for community participation, reduction of illegal forest trade in timber and wild fires. Old legislation focused mostly on promoting exotic species plantation but current national plans have prioritised indigenous species and agroforestry. A lot of

effort has been made in reducing deforestation caused by the overharvesting of commercial indigenous timber in Botswana and Zambia where logging of timber for commercial purposes has been restricted while in Zimbabwe a total ban on the export of unprocessed indigenous timber has been imposed (UNEP, 2006).

CHAPITRE 4 Forestry Law Enforcement, Governance and Trade in the SADC

CAUSES FOR ILLEGAL FORESTRY RELATED ACTIVITIES

Good governance is fundamental to achieving positive and sustained development outcomes in the sector, including efficiency of resource management, increased contribution to economic growth and to environmental services, and equitable distribution of benefits (World Bank, 2008).

One of the major root causes of poor policies is that most often these are imposed with limited to no consultation and involvement of important stakeholders leading to confrontational attitude towards government and its laws (Tacconi et al., 2003). Additionally, some of the regulations are still excessively prescriptive, yet some have proven to be expensive to comply with, thereby making non-compliance attractive (Tacconi et al., 2003). This is true for most SADC countries whose legislation stems from colonial times. For instance, in Mozambique it was not until the new Forest Law in 1999 that participatory stakeholder wide consultation and/or participation in forest management has been facilitated. Before then stakeholders were engaged on a selective ad-hoc basis (Bass et al., 2001).

Generally all SADC countries now have up to date forestry legislation, however, some of these are now outdated as they have not been amended to cope with changes in the environmental, social, economic and political arena. It has been interesting to note that in principle policies should guide formulation of legislation yet the norm in the SADC countries is enacting of legal instruments in the absence of policies. Forest management in many countries is beset by legal pluralism where a number of legislations have been enacted for different institutions to champion conservation and management of forests. This has resulted in a lot of power wrangles and in some cases management vacuum.

At the same time even with well defined policies and legislative framework, most countries have limited human and financial capacity to implement them. Capacity to enforce legislation and implement national policies is very critical in preventing illegal forest activities. However, in most countries this capacity is usually limited or lacking. Forestry departments are generally under-resourced and cannot appropriately monitor and enforce forest operations. It has been documented in many SADC countries that the governments have reduced spending on forest management which has led to job cuts where personnel have larger areas to manage and are inadequately resourced to reach them. Additionally, most staff work under poor conditions, are very poorly paid and consequently lack

motivation and professionalism, making them particularly vulnerable to corrupting influences (Bass et al., 2001).

It has also been shown that factors contributing to illegal activities are multiple and inter-related thus adopted strategies should be holistic in nature including policy, legal, institutional and technical options. These strategies must be based on a proper assessment of the underlying causes and identification of possible solutions (FAO, 2005). Broadly, there are three major underlying causes of illegal forest activities:

- 1) flawed policy and legal frameworks
- 2) uncertainty surrounding forest tenure,
- 3) weak law enforcement; insufficient information on forest resources, coupled with increased demand for forest products
- 4) corruption and lack of transparency among other factors
- 5) insufficient data and information about the forest resource and illegal operations and
- 6) corruption in the private sector and in government (FAO, 2005).

For each one of these, there are numerous root causes as outlined in Table 7 (Tacconi et al., 2003; Johnstone et al., 2004; FAO, 2005; World Bank, 2008). In most countries forest legislation and policies are not up-to-date and in some instances non existence. In some extreme cases there are too many laws resulting in duplication and confusion in management responsibilities.

Sometimes the legislation is poorly structured especially where there is a host of pieces of legislation that control certain aspects of forest management. This is usually an indication of the inadequacies of the legislation or lack of clear implementation structure. Countries affected most by this phenomenon are Angola, DRC, Madagascar and Swaziland. In Angola, DRC and Madagascar although the forest Acts exist, the actual implementation is based on several decrees that are being continuously passed. The other factors contributing to weak legislation is that the regulations are outdated, however, in the SADC this has been partly addressed as most pre-1980 legislations have been amended. It is interesting to note that although Zambia developed legislation 20 years ago, it still has not adopted the law and now a new review process has been initiated. It has been shown that legislation that are developed after policies are more focused and easier to implement, however, in most SADC countries forest legislation precedes policy formulation and in some cases no policies are in place.

Table 7: The major underlying causes of illegal forestry activities.

Major cause	Underlying root causes
Inadequate and or flawed policy and legal frameworks	<ul style="list-style-type: none"> ▶ technically unrealistic laws ▶ laws perceived unfair and socially unacceptable ▶ inconsistent or conflicting with other bodies of legislation ▶ lack of public participation in the design of programs and activities ▶ unclear forest land tenure ▶ lack of consultation and involvement of important stakeholders ▶ indigenous rights are not recognized or respected.
Limited enforcement capacity	<ul style="list-style-type: none"> ▶ constraints of financial resources. ▶ lack of qualified personnel ▶ insufficient data and information about the forest resource and illegal operations ▶ lack of staff, infrastructure, funding, management skills, weak monitoring procedures and accountability structures ▶ unclear allocation of responsibilities ▶ penalties for illegal activities are set too low and do not act as a deterrent
Corruption in the private sector and in government	<ul style="list-style-type: none"> ▶ lack of transparency, clarity and consistency ▶ conflict of interest ▶ inadequate checks and balances and lack or weak civil society ▶ weak and corrupt criminal justice ▶ poor remunerations, ▶ lack of accountability and transparency ▶ lack of up-to-date reliable information to allow policy debate ▶ lack of transparency and accountability provides opportunities for abuse of power and corruption ▶ lack of funding for political activities ▶ transport and trade regulations are complex, unclear, difficult to enforce, inhibiting business activities ▶ under resourced Customs Departments cannot monitor trade appropriately.

Capacity to enforce legislation and implement national policies is very critical in preventing illegal forest activities. However, in most countries this capacity is usually limited or lacking. Forestry departments are generally under-resourced and cannot appropriately monitor and enforce forest operations. It has been documented in many countries that the governments have reduced spending on forest management which has led to job cuts where personnel have larger areas of operation and are inadequately resourced to reach them. In Malawi it has been documented that a policy of tolerance has also been adopted in some instances in the face of high levels of poverty and food insecurity in local communities where regardless of legality, the forest activities are the only source of livelihood (Sibale and Banda, 2004).

Capacity to generate, store and communicate information on forest harvesting, trade and illegal activity is very limited in most SADC countries. There is limited capacity to monitor the forest sector, especially with regards to monitoring of exports at the main ports. The

effectiveness of this is also equally doubtful. Additionally, the forest administrations have very little capacity to supervise and monitor field operations as human resources are limited (Bass et al., 2001).

Sometimes there is unclear allocation of responsibilities between different levels of government which has resulted in conflicting legislation interpretation and implementation. In Angola the Institute for Forestry Development (IDF) located within the Ministry of Agriculture and Rural Development (MINADER) was mandated to define and coordinate implementation of policies and strategies for sustainable conservation, management and utilization of the forest and wildlife resources (Encok, 2007) while the National Directorate for Natural Resources (NDNR) has similar responsibility to protect fauna, flora and habitat and regeneration of degraded areas as well as supporting the creation and management of conservation areas (BATS, 2008).

Although most countries in the SADC have embarked on decentralisation of forest management, in most instances this has been a major cause of poor enforcement. This has created legal pluralism at implementation level where there are too many institutions charged with the same activities though with different interests. In Zimbabwe the overall environmental Act is now the umbrella legislation encompassing the Forest Act and implemented by an agency that has personnel up to community level. Similarly the forest department has structures at community level as is the Rural District Council which is mandated to develop natural resources for income generation and the Traditional leaders who are the custodians of the natural resources. Similar arrangements exist in Zambia, Malawi, Namibia and Botswana.

In some cases inadequacy of legislation is manifested by inability to implement other provisions, for instance decentralisation has not been fully implemented in many countries as it rarely comes with devolution of authority or the requisite resources. The issue of collection of taxes and royalties is usually where lower level government structures (province, district) and communities have to keep a certain proportion becomes unclear, tedious and sometimes the framework for addressing local forest governance issues is absent (Ribeiro, unpublished; Brown, 2009).

Corruption is one major problem in forest law enforcement and it is a result of a number of factors. For instance corrupt and/or weak judiciary weakens the law enforcement system. In most cases corruption is a result of poor remuneration, working conditions, lack of administrative control and heavily bureaucratic systems (Bass et al., 2001; Tacconi et al., 2003). There is also a policy of tolerance by staff as they sympathise or have allegiance to the communities they live in, especially when the illegal activity is the main livelihood support system (Sibale and Banda, 2004).

ILLEGAL HARVESTING OF FOREST PRODUCTS

Illegal forest activities begin with legality of access before conversion or harvesting takes place. The whole process is often beset by corruption to facilitate personal gains. Access to forest resources may be illegal in several ways including:

- 1) awarding contracts in breach of rules that prohibit the location of extraction activities;
- 2) use of technologies that ignore mandatory environmental safeguards;
- 3) allowing harvesting outside concession boundaries or in protected areas; and
- 4) harvesting of protected species or immature individuals.

Unlawful activities can continue to the point of sale, including falsification of certificates to avoid taxes, 'laundering' of illegal wood and abuse of transfer pricing (Contreras-Hermosilla et al., 2007).

Generally documentation of the incidence and scale of illegal activities is very weak and most studies by researchers and scholars have focused on corruption. Corrupt practices are believed to include tax avoidance and irregularities in setting up timber companies (Bass et al., 2001). In some cases permits are issued after logging commences and limits are usually not very clear. For instance, some of the maps used for the proposed logging areas are often inaccurate, inventories fictitious and management plans not scientifically sound. The overwhelmed staff do accept bribes to bypass the field checks (MacKenzie, 2006). In some instances it is the staff that insists on bribes such that doing business legally becomes almost impossible and irregularities have resulted in:

- 1) over-harvesting due to low quotas,
- 2) harvesting outside licensed areas,
- 3) purchase of extra timber from labourers of other operators, or from illegal cutters and,
- 4) illegal harvesting by communities and purchase by operators to supplement legitimate harvesting (MacKenzie, 2006).

However, even with correct documentation illegal logging is widespread. Forest operators often cut above the licensed volume, transporting logs without documentation and logging trees with sizes below the legal diameter (Ribeiro, unpublished). This is so because of corruption but also as a result of few spot checks and check points stemming from limited human resources. Production of charcoal without a permit is illegal in all countries including, Malawi, Mozambique and Zambia, however the point of control, which often involves confiscation of the traders goods, is usually not at the production point but along the transportation routes. It has also been shown that since 2000, there has been increased illegal importing or exporting of forest produce through illegal border routes (Sibale and Banda, 2004).

Enacting legislation is necessary but not sufficient to curb illegal harvesting and trade in the absence of government will and commitment to enforce the law. In Madagascar unauthorized logging of rosewood trees is a criminal offence as stipulated in Inter-ministerial Order 16030/2006. However the Global Witness/EIA investigation team of 2008 observed intensive transportation of rosewood even on monitored and policed routes. This in itself suggested that either there was tolerance, unwillingness to enforce the law or officials were part of the illegal trade (Mitchell et al., unpublished). In addition to this, a plethora of supplementary legislation has been passed which increased illegal trade and confused the whole sector by reacting to situations instead of following a plan and clear vision (Mitchell et al., unpublished).

EXPERIENCES IN LAW ENFORCEMENT, GOVERNANCE AND TRADE

Problems of forest law enforcement and governance will never be entirely or permanently eliminated as they keep evolving (World Bank, 2006). However, it has been shown that existence of a policy framework is a pre-requisite for clear, consistent and transparent legalisation and laws serve to guide the implementation of strategies outlined in the policies (FAO, 2005, 2009). In some cases the policy framework itself is weak resulting in legal inconsistencies, contradictions, overlapping jurisdictions and complicated understanding (FAO, 2005). In addition to policy forest law enforcement requires a system that holds law breakers accountable. This system should be supported by credible penalties, effective enforcement, and fair and just legal systems (FAO, 2005; World Bank, 2006). It is also believed that weak governance in the forest sector is inextricably tied to weak governance in society. The strategies for addressing poor governance should ensure that correct laws and policies are in place while ensuring that law enforcement is effective (World Bank, 2006). Monitoring illegal logging is useless unless governments have the institutional capability to enforce the law. Without the real threat of sanctions, illegal logging will remain more profitable than operating legally and attractive to unscrupulous operators. At the same time, courts should impose deterrent penalties, instead of low-level fines which can be absorbed into the costs of doing business (Contreras-Hermosilla et al., 2007). Some of the strategies for curbing illegal forest activities are summarised in Table 8.

Table 8: Strategies for curbing illegal harvesting of forest products.

Cause	Strategies
Inadequate and/or flawed policy and legal frameworks	<ul style="list-style-type: none"> ▶ ensure participatory law formulation ▶ establishing sound coherent policy prior to law making ▶ awareness raising concerning laws ▶ simplifying forest rules and plans for small scale or community level action ▶ recognition of community or indigenous people's rights for ownership and permanent residence ▶ rationalization of forest laws and policies so that they are equitable, transparent and streamlined; ▶ formulating policies in the forest and other sectors that take into account the economic and social dynamics that underlie illegal activities
Limited enforcement capacity	<ul style="list-style-type: none"> ▶ strengthening national institutional capacities to enforce laws ▶ increasing staff number and improving staff performance ▶ improving terms and conditions of service, including incentives, discipline and reward mechanisms ▶ increasing operational capacity to detect and suppress crime ▶ establishing effective monitoring and law enforcement bodies ▶ filling institutional gaps in the governance system for effective information flow and decision making ▶ increasing monitoring, enforcement efforts, and penalties ▶ Streamlining the policy and regulatory framework ▶ divesting certain functions to the private sector, NGOs, civil society and local governments ▶ promoting integration and coordination with other sectors and with other players, both national and international ▶ providing for appropriate level of penalties to ensure that legislation has a sufficient deterrent effect ▶ provide incentives for voluntary compliance ▶ improve data collection, coordination, and sharing
Corruption in the private sector and in government	<ul style="list-style-type: none"> ▶ minimizing bureaucracy, stream lining legal procedure and simplifying regulations ▶ improving forest monitoring and information gathering, including surveillance and timely dissemination of information ▶ decentralisation of authority to empower local authorities to make decisions and community level law enforcement ▶ avoiding legislation proliferation ▶ increasing the competitiveness of legal operations and through the streamlining of procedures ▶ decreasing profitability of illegal activities ▶ imposing appropriate sanctions on offenders ▶ promote products of proven legality ▶ enhancing capacity of judiciary and promoting judiciary independence ▶ improving data and knowledge ▶ reporting along chain of custody including log tracking

Strategies to curb illegal activities can be classified into three major categories: prevention, detection and suppression (World Bank, 2006). These are closely interrelated and need to be implemented in a way that makes them mutually reinforcing (Contreras-Hermosilla et al., 2007). It has been noted that accurate and up-to-date information is essential for forest

crime prevention, detection, monitoring, reporting, investigation and eventually suppression (FAO, 2005). However, developing countries seldom have a good inventory of forest resources. Thus, even with modern detection and monitoring technologies, illegal logging and other operations may take place for extended periods before being detected (Contreras-Hermosilla et al., 2007). The focus of prevention of illegal forest activities is mainly the quality of the forest legislation and regulatory framework including promotion of good governance in the forest sector and more specific actions on forest crime prevention (FAO, 2005; World Bank, 2006; Contreras-Hermosilla et al., 2007).

There are a number of strategies that can be used to prevent forest crime including:

- 1) improving information availability,
- 2) improving land tenure and land ownership rights,
- 3) streamlining the legal framework,
- 4) putting information on status and utilization in public domain,
- 5) attacking the financing of illegal operations,
- 6) improving capacity of judiciary,
- 7) promoting payments for environmental services (PES), and
- 8) forest certification.

On the contrary, suppression of illegal activities almost always involves the use of force and the imposition of physical and financial penalties (Contreras-Hermosilla et al., 2007). Therefore suppression of illegal activity should be the last recourse in a forest law enforcement program; in any case most often suppression happens after the fact (World Bank, 2006). It is important to note that forest crime cannot be controlled if it cannot be adequately detected, monitored and documented (Contreras-Hermosilla et al., 2007). Detection refers to collecting and processing information on forest crime including monitoring and surveillance using satellites, aircraft, and ground monitoring to document the location, type, volume, identification of violators (World Bank, 2006.) Indirect methods can include comparisons of production, consumption, and trade in forest products or checks between forest revenues and reported harvest (World Bank, 2006; Contreras-Hermosilla et al., 2007). In Mozambique the forest crime detection is based on use of two main instruments. Firstly, monitoring visits in the cutting areas and sawmills; and secondly, checkpoints along the main roads of the country. However, the implementation is very weak due to limited logistics capacity. As a result most forestry law enforcement is aimed at curative and not preventive enforcement. This is exhibited by concentration on confiscation along the market chain rather than putting strong controls at the source of forest produce (Sibale and Banda, 2004).

In almost all the SADC countries there is a licensing system that allows nationals to harvest and sell timber and non-wood forest products. For instance, in Mozambique an annual timber licence for a stipulated area, specified species and volumes to be extracted is

required. Forest personnel are then required to conduct monitoring visits and be part of the consultations with local communities (MacKenzie, 2006). In this way countries are able to allow regulated access to forests by locals which increases stewardship and curbs illegal harvesting. Recognition of other stakeholders and devolution of power and authority to local authorities has become an important element in most legislation in the SADC. Devolving power to the local level has become an important element of the new forest sector. For instance, in Mozambique there is provision for community management of concessions where they can obtain concessions for up to 50 years (Bass et al., 2001).

Forest law enforcement requires financial and technical capacity which governments often lack (FAO, 2005). However, a number if not all international organisations dealing with natural resource use have components on forest law compliance which can assist governments to rationalise policy and legislative framework, staff training and technical assistance. Non- Government Organisations (NGOs) promoting transparency include Global Witness, Environmental Investigation Agency, Nature Conservancy, WWF, Global Forest Watch (FAO, 2005). In Cambodia, an international NGO, Global Witness, independently monitors and reports crime statistics which is a unique strengthening arrangement. In the same vein Global Forest Watch assembles and disseminates information on forest crime to large audiences by using the satellite imagery and internet communications (Tacconi et al., 2003; World Bank, 2006).

POTENTIAL BEST PRACTICES IN ADDRESSING FLEGT PROVISIONS

Africa Forest Law Enforcement and Governance initiative

Southern Africa Development Community has initiatives to contribute to international forestry platforms and agendas, such as Agenda 21 of the Earth Summit (1992) and the Convention to Combat Desertification (1994). For instance all SADC member states are regular participants at the sessions of the United Nations Forum on Forests (UNFF) and have signed and ratified :

- 1) the United Nations Framework Convention on Climate Change (UNFCCC); and
- 2) the Kyoto Protocol, Convention on Biological Diversity, United Nations Convention on Combating Desertification (UNCCD) (SADC, 2009).

Regional processes of Forest Law Enforcement and Governance (FLEG) have increased political awareness among importing and exporting countries as well as commitment to organise actions as expressed in regional Ministerial Declarations. The Southern Africa Development Community has participated in the Africa forest Law Enforcement and

governance (AFLEG) Ministerial Conferences where member states and the sub-region have committed themselves to good forest governance (Annex 1 of AFLEG).

The SADC countries, as part of Africa region, have committed themselves to a number of actions and principles at the AFLEG Ministerial Conference in Yaoundé in 2003 (Koza et al., 2003). The FLEG commitments, if followed through, provide a preliminary framework for the negotiation of regional agreements. In fact, they have become a framework for enforcement cooperation, including facilitation of cross-border enforcement operations (Tacconi et al., 2003; World Bank, 2006; Contreras-Hermosilla et al., 2007). The regional approach has also allowed for the following.

- 1) Increased awareness about the causes of illegal logging and other forest crime and their impact and improved understanding of the different types of actions in and around the forest sector that are needed to create the conditions for legality.
- 2) Regional analytical bases for organising remedial actions.
- 3) Established combating illegal logging and other forest crime as a shared responsibility of producers and consumers of forest products where governments, civil society, and the private sector all have distinct roles to play, and provided some level of understanding regarding these different roles.
- 4) Created a political platform and momentum that different actors (within the government, donor agencies, and civil society groups/NGOs) can use to mobilize resources and obtain cooperation and/or decrease resistance to different types of actions to combat illegal logging and forest crime.
- 5) Helped to identify priority actions regionally and nationally and facilitated exchange of experiences and best practice.
- 6) Created some level of basic data on illegal logging and other forest crime as a basis for informed, multi-stakeholder discussions, and as a means for establishing baselines against which to monitor progress.
- 7) Provided a network for information sharing between different actors (donors, international organizations, researchers, NGOs, government officials, more progressive private sector) and contributed to better coordination of activities.

Legislative reforms

There are a number of initiatives that have been mooted around the world and implemented by various countries but only a few are presented here, especially that there are very few experiences from Africa that have been documented and made public. It has been shown that sound and coherent policy framework is a prerequisite to the development of clear, transparent and consistent legislation. However in most SADC countries legislation is always enacted before policy formulation. In fact it is believed that legislation should inform policy (FAO, 2005). In addition most countries in the SADC have a plethora of regulations, a situation associated with weak policy framework which does not adequately address long

term vision. This has often resulted in inconsistencies, contradictions, overlap and complicates the regulatory regime of the forest sector (FAO, 2005). A similar situation was obtaining in Ecuador; however that country embarked on a program of simplifying and rationalising forest legislation through stakeholder wide review of forest policies and later drafting or redrafting forest and forest related laws (FAO, 2005).

Public disclosure of forest information

Corruption has been identified as one of the main causes of illegal forest activities and a constraint to law enforcement. In an effort to overcome this, transparency has been promoted in some countries specifically to reduce corruption and prevent participation of government officials in illegal activities. For instance, in Cameroon full and mandatory disclosure of documents to the public has been adopted to improve compliance. Documents include forest regulations, inventory reports, maps, concessions and investment agreements with details of ownership of concession holders, permits for cutting, transportation licenses, export of forest products (FAO, 2005). Public disclosures have gone further to publish all companies that have committed illegal acts and fined. In other countries, such as Bolivia, the forest management and monitoring unit is required to hold annual public hearings, thus facilitating interactive feedback process from the public about performance. Furthermore the stakeholder wide consultations and participation have ensured that decisions are no longer within the exclusive discretion of bureaucrats, but are done under public scrutiny. One of the activities is the issuance of concessions and auctions of confiscated products and equipment, and a provision for any citizen to freely request copies of official documents (Gatto, 2003).

Independent monitoring

Besides corruption, the issue of capacity to detect illegal activities in order to enforce the law is very crucial. Even though capacity can be built in the national administration, experience has shown that inspections by independent bodies with no vested interests significantly improve credibility of law enforcement and regulatory practices (FAO, 2005). This has been tried by a number of countries in West Africa. The major international experience on independent monitoring comes from the work of Global Witness (a UK-based international NGO) in Cameroon (Gatto, 2003; Johnstone et al., 2004).

In Cameroon there is a Central Control unit reporting directly to the Minister and is assisted by independent observers established through a contractual agreement with Global Witness (FAO, 2005). The mandate of Global Witness is to accompany forest officials on control missions in the field and verify compliance and discrepancies between the actual activities and official procedures (World Bank, 2006). Experiences from Cameroon show that third-party forest monitoring can:

- 1) protect control officers against intimidation or corruption,
- 2) foster accountability by providing first-hand field evidence,
- 3) restore the credibility of the timber (exporting) industry and help to secure international markets (World Bank, 2006).

However, there are still challenges which include:

- 1) very few well documented cases have gone through to the point of sanctions being emitted;
- 2) activities of the observers are still dependent on bureaucratic processes that hinder rapid response; and
- 3) lack of sustainable financing as there are periods when donor funds are not available.

It has also been learnt that these efforts can only succeed if there is political will to undertake controls, to levy penalties, and facilitate adoption by the Ministry of Forests and in the judiciary system as well as adequate legal framework with simple procedures and clear roles and responsibilities among the various institutions (World Bank, 2006).

Certification

Out of almost 200 million ha of certified forests in the World in 2002 only 1.5% was found in Africa, despite Africa accounting for 17 % of the World's forest cover (Barklund and Teketay, 2004). In southern Africa five countries had Forest Stewardship Council (FSC) certified forests of 1,706,036 ha, of which 88% was in South Africa. Between 2000 and 2008 there was a 21% increase in certified forests although Zambia lost the certificates. Therefore the total FSC certified forests in SADC were 2,072,107 ha with plantation forests contributing 79.8% and natural forests 18.2%.

However, the contribution of certification remains limited as generally, the enterprises that get certified are those that already practise good forest management (Bass et al., 2001). A number of constraints have resulted in the slow pace of adoption and application of certification in SADC and Africa. One of the major reasons is that governments (the owners of the majority of forest and forestry authorities) are not yet convinced of the importance of certification in increasing market access for forest and wood products (AFORNET, 2006). As such, government officials have rarely been involved in the process of compliance, and are mostly unfamiliar with the mechanics of certification (Bass et al., 2001). Nevertheless, where government has been involved in certification processes, certification can be viewed as a means to implement existing policy substitute for direct government monitoring of compliance with lease holders, e.g. South Africa, and Ghana (Bass et al., 2001).

The main driving force for forest certification has been the need to gain access to foreign markets that are large and reliable, rather than better prices and has little influence on governments and legislation (Njovu, 2004). Although certification standards require

compliance to certain principles and procedures; application in law enforcement is limited by the voluntary nature of most certification schemes (Bass et al., 2001). Besides legislative framework, certification is hindered by the existence of strong markets for non-certified products. Most producers in the sub-region sell their products on local, South African and Asian markets where there is unlikely to be significant demand certification. Additionally, lack of value addition means eco-labelling will not be a major requirement for most products in the markets where they are sold (SGS Global Trade Solutions (GTS), 2003). The other challenges include:

- 1) failure by local NGOs and other civil society organisations to integrate this concept and make it a major priority in forest management and
- 2) lack of national expertise to carry out the activities related to certification (AFORNET, 2006).

It is argued that certification and labelling are not a sufficient or necessary condition, for successful sustainable forest management but are merely complementary as long as they remain voluntary (Ghazali and Simula, 1998). Therefore certification remains an unlikely tool or means to combat illegal logging and the associated unsustainable trade in timber and non-timber products which calls for alternatives (Mitchell et al., unpublished). Independent Verification of Legal Timber (IVLT) is a new tool to assist governments in combating illegal logging by supporting the enforcement of forest sector legislation. The Independent Verification of Legal Timber is designed to be mandatory and operate at a national level and consists of Verification of Legal Origin and Verification of Legal compliance (Mitchell et al., unpublished). Verification of Legal Origin (VLO) focuses on demonstrating that timber and timber products derive from a legal source and are legally owned at all points in the supply chain which supports improvement of forest governance. Once it has been demonstrated that each consignment of timber or timber products was produced in compliance with the requirements of the scheme, a Statement of Legal Origin is then issued. Verification of Legal Compliance (VLC) is the second step and focuses on, demonstrating that timber is managed in accordance with forest legislation and other relevant specified laws. Once VLC is achieved, timber is verified as legal and a Statement of Legal Compliance is then issued. For those consumers that are interested in products that have been legally produced this will be a useful tool.

CHAPTER 5: Way Forward with FLEGT in the SADC

Determining the status of FLEGT in the SADC sub-region is a daunting task as very little information is documented and in the public domain. It is recommended that country level documentation studies be undertaken in the sub-region. However, there are four main activities that could improve FLEGT in the sub-region, namely:

- 1) participatory forest legislation reforms;
- 2) improving capacity of forest administration;
- 3) reducing bureaucracy and simplifying procedures; and
- 4) developing and implementing FLEGT strategies based on a rigorous assessment.

At international level FAO provides support to several countries to strengthen their forest policy framework, implementation and monitoring. However it has been noted that success of the initiative is heavily dependent on political commitment to address corruption and lack of transparency in the forest sector.

FOREST LEGISLATION REFORM

Most SADC countries have very weak policies some of which are still incomplete. The forest legislation is either incomplete or fragmented with responsibilities spread among many institutions. Therefore most countries should embark on reforms to develop policies based on wide stakeholder participation, streamline and harmonise legislation and promote compliance.

IMPROVE CAPACITY OF FOREST ADMINISTRATION

Capacity to detect, monitor and suppress forest crime is usually very limited in forest administrations in SADC countries. The forest sector should be adequately staffed and made viable for the administration to be effective. This calls for staff training and support, including access to appropriate equipment. Partnering with private companies is a useful approach to improving administrative capacity.

REDUCING BUREAUCRACY AND SIMPLIFICATION OF PROCEDURES

The highly bureaucratic administration has been shown to contribute significantly to forest crime and difficulties in law enforcement. Many SADC countries have tried to decentralize however in most cases this is not matched with adequate personnel, skills, funding and

even authority while processes for obtaining licenses, permits and concessions could improve compliance.

DEVELOPMENT AND IMPLEMENTATION OF FLEGT STRATEGIES

After the 2003 Ministerial Declaration there does not seem to be a process to internalize the agreements at SADC and member country levels. Southern Africa Development Community member states should develop a regional and, more importantly, country specific strategies for implementing FLEGT strategies. Those that have attempted to adopt the recommendations require undertaking an analysis of strengths and weaknesses (SWOT) in order to develop new strategies that will address current problems. One of the major constraints is apparent lack of documentation of the illegal activities and the enforcement measures taken. This lack of data and/or information needs to be addressed in order to substantiate the level of forest crime and provide the urgency of action.

IMPROVING FOREST INVENTORY DATA COLLECTION AND MANAGEMENT

Most of the countries within the sub-region have no capacity to undertake periodic forest inventories. Consequently most of the data available is outdated which implies that decision making processes are not being adequately informed. A sub-regional level inventory unit might be more cost effective than country based units although this requires further analysis.

INVESTING IN SHARED FOREST MANAGEMENT

Unlike water and wildlife resources, there are no concerted efforts at SADC level or between states to develop shared forest management programs. In cases where attempts have been made, the justification has been from outside the sector. Although shared forest management is clearly highlighted in the SADC Forest Protocol, implementation has been overshadowed by transboundary activities for water and wildlife management.

IMPROVING REGIONAL TRADE

Although the SADC Protocol on Trade was developed to promote regional trade, much remains to be done. Better strategies should be developed including those for facilitating and capturing information on trade on non-timber forest products.

References

- AFORNET. 2006. Wood based Industries in sub Saharan Africa : Lessons learnt on Sustainable Forest Management in Africa. Policy brief No 8 KSLA.
- Alba, A., (ed). 2008. NFP Update- Botswana www.fao.org/forestry/14331-0-14.pdf and Integration <http://www.sadc.int/cms/uploads/>
- Atyi, R.E. and Bayol, N. 2008. The Forests of the Democratic Republic of Congo in de Wasseige C., Devers D., de Marcken P., Eba'a Atyi R., Nasi R. and Mayaux Ph., (eds) 2009. The Forests of the Congo Basin - State of the Forest 2008, Luxembourg: Publications Office of the European Union.
- Barklund, A. and Teketay D. 2004. Lessons Learnt on Sustainable Forest Management in Africa: Forest Certification; A potential tool to promote SFM in Africa; AFORNET.
- Bass, S., Thornber, K., Markopoulos, M., Roberts, S., and Grieg-Gran, M. 2001. Certification's impacts on forests, stakeholders and supply chains. Instruments for sustainable private sector forestry series, International Institute for Environment and Development, London.
- BATS Team. 2007. 118/119 Biodiversity and Forest Assessment – Swaziland. pdf.usaid.gov/pdf_docs/PNADL722.pdf
- Chemonics International Inc. 2008. 118/119 Biodiversity and Tropical Forest Assessment for Angola pdf.usaid.gov/pdf_docs/PNADL906.pdf
- Bekele, M. 2001. Forestry Outlook Study for Africa (FOSA): Malawi.
- Biodiversity Support Program. 1999. Study on the development of Transboundary Natural Resource Management Areas in Southern Africa highlights and findings. WWF.
- Brito, B., Micol, L., Davis, C., Nakhooda, S., Daviet, F. and Thuault, A., 2009. The governance of forests toolkit (VERSION 1): A draft framework of indicators for assessing governance of the forest sector. <http://www.wri.org/gfi>
- Brown, D. 2009. 'Building national capacity for forest governance reform: The role of institutions', World Forestry Congress, Buenos Aires, October 2009 Session 6.3 'Governance and Institutions, VERIFOR.
- Butler, R. 2009. Deforestation rates and related Forestry Figures. <http://rainforests.mongabay.com/deforestation/2000/Zambia.htm>

- Chileshe, A. 2001. Forestry Outlook Study for Africa (FOSA): Zambia
<ftp://ftp.fao.org/docrep/fao/004/AC428E/AC428E00.pdf>
- Contreras-Hermosilla, A., Doornbosch, R. and Lodge, M. 2007. The economics of illegal logging and associated trade. Round Table on Sustainable Development Paris, 8-9 January 2007. OECD.
- Cronjé, J.B., 2009. Implementation of SADC Protocols. Trade Law Centre for Southern Africa.
<http://www.tralac.org>
- DWAF. 2004. Policy and Strategic Framework for Participatory Forest Management, South Africa.
- DWAF. 2005. Compliance and Enforcement Policy: National Forest Act, 1998 & National Veld and Forest Fire Act, 1998, South Africa.
- Encok, M. 2007. NFP Update -Angola: Forest Policy, legal and institutional framework information report www.fao.org/forestry/19971-0-13.pdf
- FAO, 2005. Best practices for improving law compliance in the forestry sector. FAO Forestry Paper 145. FAO, Rome.
- FAO, 2006. Global Forest Resources Assessment 2005, Progress towards sustainable forest management. FAO Forestry Paper 147, FAO, Rome.
- FAO, 2009. State of the World's Forests. Food and Agriculture Organization of the United Nations, FAO, Rome.
- FAO, 2010. Forest law enforcement and governance. www.fao.org/forestry/law/en
- Gatto, F.D. 2003. Forest Law Enforcement in Mozambique: An Overview - Mission Report. Ministry of Agriculture/National Directorate of Forest and Wildlife, Maputo
www.fao.org/forestry/12933-2-0.pdf
- Ghazali, B.H. and Simula, M. 1998. Timber Certification: progress and issues, International Tropical Timber Organization, Kuala Lumpur – Helsinki.
- Hoare, A., Macqueen, D., Kodi, M., Counsell, S., Long, C., Hardcastle, P. 2008. Towards sustainable management and financing of the Democratic Republic of Congo's Forests: Research Report Chathamhouse, London.
- Holden, M. and Sibale, B. Donor Involvement and financial instruments: Supporting sustainable forest management in Southern Africa: PROFOR and the case of Malawi, PROFOR.

- IDF. 2002. Forestry Outlook Study for Africa (FOSA) Angola
www.fao.org/docrep/003/X6772E/X6772E00.HTM
- Johnstone, R., Cau, B., Norfolk, S., and Lda, T.F. 2004. Forestry legislation in Mozambique: compliance and the impact on forest communities. IIED, London.
- Katerere, Y., Hill, R. and Moyo, S. 2001. A Critique of Transboundary Natural Resource Management in Southern Africa. Paper no.1, IUCN-ROSA Series on Transboundary Natural Resource Management.
- Kojwang, H.O. 2000. Forestry Outlook Study for Africa (FOSA): Namibia
<ftp://ftp.fao.org/docrep/fao/003/X6644E/X6644E00.pdf>.
- Koza, F., Mead, L., Salpin, C. and Wilkins, H. 2003. A Summary Report of the Africa Forest Law Enforcement and Governance Ministerial Conference (AFLEG) , Volume 60, Number 7, IISD, <http://WWW.IISD.CA/LINKAGES/SD/SDYAO/>
- Louw, V.G. 2007. NFP-update of Namibia: Forest Policy, legal and institutional framework information report www.fao.org/forestry/14177-0-27.pdf.
- MacKenzie, C. 2006. Forest Governance in Zambezia, Mozambique: Chinese takeaway! Final Report for FONGZA.
- Maile, N. 2001. Forestry Outlook Study for Africa (FOSA): Lesotho.
- Maringwa, J. 2009. SADC Regional integration: What role has bilateral trade agreements played in promoting intra-regional trade? Trade Policy and Trade Flow Analysis. TIPS.
- Maryudi, A., Devkota, R. R., Schusse, C., Salla, M., Uthaiwan, W. and Krott, M. 2009. Rights and Practices in Community Forestry- Comparative Analysis of Albania, Indonesia, Namibia, Nepal and Thailand. Paper presented at XIII World Forestry Congress, Buenos Aires, Argentina, 18 – 23 October 2009.
- Ministry of Agriculture and Co-operatives. 2004. The Forest Policy Green Paper, Government of Swaziland
www.ecs.co.sz/forest_policy/forestry_green_paper/forest_green_paper_chapter2.htm
- Ministry of Agriculture, Water and Forestry. Namibia Forestry Policy Statement
www.mawf.gov.na/.../Forestry/.../Nationalforestpolicydocument.pdf
- Ministry of Environment and Tourism. 2006. Zimbabwe Forestry Code Proposal
www.pfcmc.com/esa/forests/pdf/aheg/nlbi/cp-zimbabwe.pdf
- Mitchell, A., Elliott, J. and de La Rochefordière, A. Independent verification of legal timber: complementing certification and encouraging positive governance? SGS, Geneva.

- Mogaka, H., Simons, G., Turpie, J., Emerton, L. and Karanja, F. 2001. Economic Aspects of Community Involvement in Sustainable Forest Management in Eastern and Southern Africa. IUCN, Nairobi. www.cifor.cgiar.org/miombo/docs/CBNRMMozambique1207.pdf
- Mubaiwa L., 2004. The Southern African Development Community (SADC) Protocol on Forestry – can it stop the mounting threats to the region’s forests? *Unasylva* 55: 27-33.
- Muchuba, R. 2010. Forest Sector and REED in the Democratic Republic of Congo, Chatham House, Third Dialogue on Forests, Governance and Climate Change, 22nd January 2010 www.illegal-logging.info/uploads/Muchuba220110.pdf
- Mvondo, S.A. 2008. Democratic Republic of Congo (DRC): current situation with verification County Case Study www.verifor.org/RESOURCES/case-studies/drc_english.pdf
- Mwabumba, L. and Ngulube, M.R. Research, Science and Technology Development in Sustainable Forest Management within the Southern Africa Context. DWAF, Pretoria.
- Mwiya, S. 2008. Draft Legal and policy analysis for community based natural resources management (CBNRM) in Zambia. African Biodiversity Consultants, Lusaka.
- Nair, C.T.S and Tieguhong J. 2004. Lessons Learnt on Sustainable Forest Management in Africa; an overview report prepared for the project African Forests and Forestry, FAO, Rome.
- NFDS Africa. 2006. Environmental analysis for regional strategy paper: Background briefing for the SADC-EC 10th European Commission Development Fund Strategy Paper, SADC, Gaborone.
- Njovu, F. 2004. Forest Certification in Zambia: In: Cashore, B., Gale, F., Meidinger, E., and Newsom D. 2004. Confronting Sustainability: Forest Certification in Developing and Transitioning Countries. Yale School of Forestry and Environmental Studies Publication Series.
- Nyoka, B. I. 2003. State of Forest and Tree Genetic Resources in Dry Zone Southern Africa Development Community Countries. FAO, Working Paper FGR/41E, Rome.
- Olsen, C.S. and Helles F. 2000. Towards a new forest policy in Swaziland. *International Forestry Review* 2: 254-260.
- Ribeiro, V. An overview of the problems faced by Mozambique's forests, forest-dependent peoples and forest workers
www.wrm.org.uy/.../Overview_problems_Mozambique_forests.pdf
- SADC. 2004. Southern African development community Regional Indicative Strategic Development Plan, SADC.

- SADC. 2005. SADC Major Achievements and Challenges: 25 Years of Regional Cooperation, SADC.
- SADC.2009. Input to UNFF8 by the Southern African Development Community (SADC) www.un.org/esa/forests/pdf/national_reports/unff8/SADC.pdf
- SADC. Unpublished Forest Management. Food, Agriculture and Natural Resources Directorate www.sadc.int/fanr/
- Salomão, A. and Matose, F. 2007. Towards community-based forest management in Mozambique: can this make a difference? Community-based natural resources management of miombo woodlands in Mozambique. CIFOR, Harare.
- Sekaleli, E. S. 2007. NFP Update -Lesotho: Forest Policy, legal and institutional framework information report www.fao.org/forestry/14177-0-27.pdf
- Sekgopo, M. Forestry Outlook Study for Africa (FOSA): Botswana. Ministry of Agriculture Division of Forestry and Range Ecology <ftp://ftp.fao.org/docrep/fao/003/X6774E/X6774E00.pdf>
- SGS Global Trade Solutions (GTS). 2003. Establishing the Foundation for Sustainable Forest Management in Africa: Legal Origin of Timber as a Step Towards Sustainable Forest Management, SGS, Geneva.
- Shumba, E.M. 2001. Forestry Outlook Study for Africa (FOSA) Zimbabwe <ftp://ftp.fao.org/docrep/fao/004/AC429E/AC429E00.pdf>
- Sibale, B. and Banda G. 2004. A study on livelihoods, governance and illegality: Law enforcement, illegality and the forest dependent poor in Malawi Forest Governance Learning Group, Malawi.
- Tacconi, L., Boscolo, M. and Brack, D. 2003. National and International Policies to Control Illegal Forest Activities: A report prepared for the Ministry of Foreign Affairs of the Government of Japan. CIFOR, Bogor.
- TRIPS. 2005. Trade Performance Review: Pretoria. www.sadctrade.org
- TRIPS. 2007. Intra-SADC Trade Performance Review: 2007, Pretoria www.sadctrade.org
- UNEP. 2006. Africa Outlook 2: our environment, our wealth. Nairobi.
- Walmsley, B and Tshipala, K.E. 2007. Handbook on Environmental Assessment Legislation in the SADC Region. Development Bank of Southern Africa, Midrand.
- Walter, S. 2001. Non-wood forest products in Africa: A regional and national overview EC-FAO Partnership Programme FAO, Rome.

World Bank. 2006. Strengthening Forest Law Enforcement and Governance Addressing a Systemic Constraint to Sustainable Development. Washington, D.C.

World Bank. 2008. Forests Sourcebook: Practical guidance to sustaining forests in development cooperation, The International Bank for Reconstruction and Development / The World Bank, Washington, D.C.

African Forest Forum



Contact us at:

African Forest Forum

P.O. Box 30677-00100 Nairobi GPO KENYA

Tel: +254 20 722 4203 Fax: +254 20 722 4001

www.afforum.org

