If the management authority of a **COMMUNITY FOREST** is not managing the forest as agreed, the Minister can order it to start doing so, and to remove the forest to the required condition and pay compensation to anyone who has suffered a loss due to the incorrect management. The Minister may also revoke the original agreement with the management authority if it fails to do what it has agreed to do, or if it is clear that the management authority no longer represents the best interests of the people who have rights to the communal land on which the forest is situated. The management authority may itself request the Minister to do this. If the Minister is satisfied that the management authority has improved its performance and is doing what it is supposed to do, he/she may reinstate (re-establish) the original agreement with the management authority.

If the Director of Forestry is convinced that there is an immediate threat of damage to a community forest, and that the management authority cannot or will not take appropriate action, he/she can suspend (put on hold) the management agreement with the management authority. Apart from the suspension order, the Director can also order an action to prevent damage being done or repair damage already done. The order must be in writing, and must be given to the management authority and the Minister. The Minister can order or change both the suspension and action orders.

In the case of a **FOREST MANAGEMENT AREA**, the Director of Forestry can instruct the person who has entered into the management agreement to take appropriate action to prevent damage to the forest. If the person cannot or will not take the action, the agreement can be suspended. If the action is taken, the management agreement can be reinstated.

**What happens if a management agreement is revoked after time and/or money have been spent on improving the value or conservation status of a declared forest?**

In most cases, compensation must be paid.

### Type of forest

- **Community forests**
  - **Who receives compensation?** Community members
  - **Who pays compensation?** MAWF

- **State forest**
  - **Who receives compensation?** Individual who has spent time or money
  - **Who pays compensation?** MAWF

- **Regional forest reserve**
  - **Who receives compensation?** Individual who has spent time or money
  - **Who pays compensation?** Regional Council

In the case of a forest management area, no compensation is paid.

**Who is the Forest Act enforced by?**

The Act authorizes Forest Officers to make sure that nobody is breaking the law, e.g. by being in possession of a forest product for which a license is required. These officers have all the **powers of the police** when dealing with forestry matters, if they believe it is necessary. They can arrest unlicensed people. Cooperating with Forestry Officers (and obeying the Forest Act) is a matter of being a good citizen.

**What are the offences and penalties in the Forest Act?**

In addition to the offenses already mentioned (e.g. damaging protected plants on sand dunes or within 500 metres of a river), the Act makes it an offense, punishable with a **fine of up to N$6 000 and/or up to 1 year in jail, or failing to help to put out a fire when legally instructed to do so when you are supposed to do so under a fire management plan** (N$2 000 and/or 6 months), to:

- **Start a fire and allowing it to spread to a classified forest or protected area (up to N$6 000 and/or up to 1 year in jail, or failing to help to put out a fire when legally instructed to do so when you are supposed to do so under a fire management plan)**
- **Intentionally making a false statement when applying for a license or when giving information in connexion with the Act (N$1 000 and/or 3 months)**
- **Removing or destroying a hive, removing honey or wax, destroying bees or bee products (N$2 000 and/or 3 months)**
- **Not complying with (following) a regulation made by the Minister to enforce the Act, e.g. regarding the transporting of forest products (penalty to be determined by the Minister, but not to exceed N$5 000 or 2 years)**
- **Penalties of the Forest Council (Failing to declare a license [e.g. one’s own, or that of a husband, wife or business partner] in a matter to be discussed by the Forest Council (N$2 000 and/or 3 months). In addition to these fines and jail terms, offenders can lose their license and may have to forfeit (hand over) to the State or the community forest management authority any forest products collected, and any item (e.g. spades and axes) used (illegally) to collect those products. Offenders may also have to pay out outstanding fines and compensation to anyone who has suffered a loss due to the incorrect management.**

**What if someone is unhappy with a decision of the Minister, the Director of Forestry or a Licensing Officer?**

If a person feels that the Director of Forestry has made a wrong decision about revoking a management agreement, withholding a license, issuing a license, changing a license, or something a Management Authority has done (e.g. when you feel the management agreement is revised or modified), they can take the matter to court. The same applies if a person feels that the Minister decided to pay (e.g. when a management agreement is revoked or modified). Courts have the power to instruct the person who has managed the forest to do as they think necessary.

**What regulations apply to the Forest Act?**

As with other Acts, the Minister has made regulations to control the application of the Forest Act. The regulations apply to the following:

- **Applications for licenses (how to apply, forms to complete, conditions).**
- **Forest management authorities (commissions, functions, procedures).**
- **Certification of forest products, and the marks used to identity forest products.**
- **Methods for assessing fire protection, fire prevention, fuel conservation, etc.**
- **Methods for evaluating and measuring forest products and standards for the grading of wood and wooden products.**
- **Transportation, processing, sale and exporting of forest products.**
- **Protected plants.**
- **How stray animals should be dealt with.**
- **Any other matter concerning applications for the Forest Act.**

The Minister also determines the **remuneration (wages/salaries) of the Forest Council members, Honorary Forest Officers and Licensing Officers, and the fees for license applications.**
Forests are extremely important resources. They conserve soil and water, maintain biological diversity and provide a variety of products. Without forests, large areas in Namibia would become deserts, and the people who live there would suffer. Forestry involves many ways. The Forest Policy and Forest Act enable us to protect our forests. The basic aim of the Forest Act is to manage our forests to produce the maximum benefit from them to improve the economic and social conditions of rural communities as part of the national poverty reduction plan.

The Forest Act (No. 10 of 2002), as amended by the Forest Amendment Act (No. 11 of 2004), is the law through which the Ministry of Agriculture, Water and Forestry (MAWF) exercises its powers. Basically, the Act stipulates how forest resources may be used and the responsibilities of the users of these resources.

What are the duties of the Ministry of Agriculture, Water and Forestry (MAWF) regarding forests?

Through its Directorate of Forestry, the MAWF is responsible for protecting Namibia’s forests and the people’s right to use forest resources. To do this, the MAWF has to:

- Ensure that there are enough forests to use.
- Ensure that there is a use for these forests for different purposes, so that the MAWF can make sure that the forests are used in a sustainable way.
- Ensure that the people who live near the forests are able to manage them.
- Ensure that the people who use the forests have rights to use the forests.
- Ensure that the people who manage the forests have access to the resources in their forests.

What are the types of classified forest do the Act provide for?

Community Forests can be declared on communal land, with the agreement of the Chief or Traditional Authority. An organization representing the people who have a legal right to use the forest resources will be the forest management authority. This authority will have the legal rights to use the forest resources and give permission to others, or to prohibit others, to use them. The management authority has to agree to do the following:

- Look after the forest according to the management plan.
- Ensure that all community members have equal access to the resources in their forests.
- Reinvest the return of the revenue from the forest to keep protecting the forest, and share what is left over between the community members.

State Forest Reserves can be created by the Minister of Agriculture, Water and Forestry, or by the management authority of a State Forest Management Area (MSMA). The Act gives the Minister a power to create state forest reserves.

Regional Forest Management Areas can be created by agreement between the Minister and the management authority of a classified forest. The agreement will include a management plan, and may allow for technical or other assistance from the MAWF.

Regional Forest Management Areas can be created by agreement between the Minister and the management authority of a classified forest. The agreement will include a management plan, and may allow for technical or other assistance from the MAWF.

How does the Act regulate the use of forests and forest products?

Forest products can only be used in accordance with a management plan.

- As a general rule, the Minister has to create a management plan stating how a classified forest can be used, and setting harvesting and harvesting limits, or a notice issued by the MAWF will not allow anyone to harvest forest products in an area that is not a classified forest, even if no further license is needed.
- As a general rule, honey and bees of (and other insects that make honey) may not be removed without a management plan, or a forest management agreement or a license issued under the Forest Act may allow the owner or legal controller of a hive to remove honey and wax, and to move the hive to protect it.

What are protected areas and protected plants?

In Namibia as a general rule, all trees and plants/vegetation within 300 metres of a watercourse (e.g. a river) are protected. They may not be cut or destroyed without permission from a Licensing Officer. The license may require the holder to take certain action such as planting trees. Vegetation growing in dunes or dune ditches has the same protection. Vegetation growing in a solid forest can be cut only if it is done to stabilise the gully.

A fire can destroy the livelihoods of all the people who depend on a forest, so preventing fires is everybody’s responsibility.

Illegal fires in a forest reserve or community forest are not on communal land, the Minister has to place a notice in the Gazette. The notice will give any person 60 days to say if he or she disagrees with the decision. The Minister cannot declare a forest reserve on communal land without a license issued by a Licensing Officer. The license may require the holder to do certain things such as planting trees, or clear or destroy vegetation.

If a declared forest or management area is not being managed according to the management plan, the Minister can make an order for a new management plan. The order must be in place, and what the owner, Chief or Traditional Authority must do to protect it.

If the state forest reserve is on communal land, the notice in the Gazette must give any person 60 days to say if he or she disagrees with the decision. The Minister cannot declare a forest reserve on communal land without a license issued by a Licensing Officer. The license may require the holder to do certain things such as planting trees, or clear or destroy vegetation.

If the state forest reserve is on communal land, the notice in the Gazette must give any person 60 days to say if he or she disagrees with the decision. The Minister cannot declare a forest reserve on communal land without a license issued by a Licensing Officer. The license may require the holder to do certain things such as planting trees, or clear or destroy vegetation.

If the state forest reserve is on communal land, the notice in the Gazette must give any person 60 days to say if he or she disagrees with the decision. The Minister cannot declare a forest reserve on communal land without a license issued by a Licensing Officer. The license may require the holder to do certain things such as planting trees, or clear or destroy vegetation.

If the state forest reserve is on communal land, the notice in the Gazette must give any person 60 days to say if he or she disagrees with the decision. The Minister cannot declare a forest reserve on communal land without a license issued by a Licensing Officer. The license may require the holder to do certain things such as planting trees, or clear or destroy vegetation.

If the state forest reserve is on communal land, the notice in the Gazette must give any person 60 days to say if he or she disagrees with the decision. The Minister cannot declare a forest reserve on communal land without a license issued by a Licensing Officer. The license may require the holder to do certain things such as planting trees, or clear or destroy vegetation.

If the state forest reserve is on communal land, the notice in the Gazette must give any person 60 days to say if he or she disagrees with the decision. The Minister cannot declare a forest reserve on communal land without a license issued by a Licensing Officer. The license may require the holder to do certain things such as planting trees, or clear or destroy vegetation.