



**THINK NAMIBIA**  
Sustainable Forest  
Management

**FACT SHEET ON:**

# Legal Framework of Forest Management in Namibia

*This fact sheet outlines key legislation and regulations related to the management and use of forests and other woodland resources in Namibia.*

## INTRODUCTION

The Namibian forestry sector is regulated by the Forest Act of 2001. The Act regulates various activities to ensure the sustainable utilisation and management of forest resources in Namibia. It allows for the protection of forest resources to ensure continued ecosystem services such as erosion control and carbon sequestration, and the preservation of forest capital which contributes to the national economy. The Forest Act allows for the establishment of Community Forests that contribute to the socio-economic well-being of communities. The Forest Act is enforced by the Directorate of Forestry in the Ministry of Environment, Forestry and Tourism.

Another important piece of legislation in forest resources management is the Environmental Management Act of 2007, enforced by the Directorate of Environmental Affairs, also within the Ministry of Environment, Forestry and Tourism. The Environmental Management Act is important for timber or bush harvesting activities and for land clearing, which are listed activities within this Act. The overarching legislation in conservation of all natural resources is the country's Constitution, which stipulates in Article 95 (l) that...



*"... the state shall actively promote and maintain the welfare of the people by adopting policies that are aimed at the maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future..."*



Photo 1: Zambezi teak (*Baikiaea plurijuga*) (Credit: C. Mannheimer)

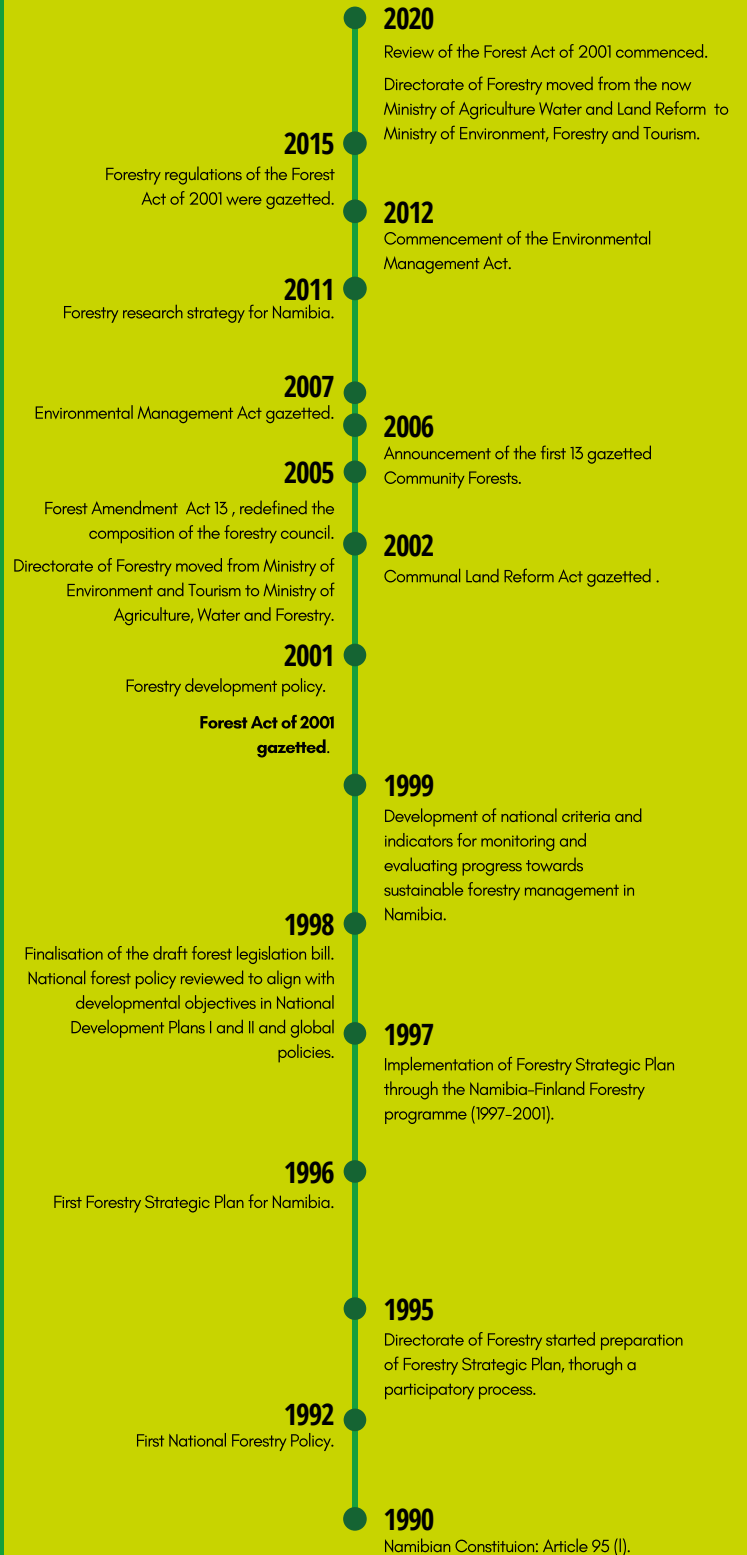


Figure 1: Timeline of the development of forestry legislation in Namibia since independence

# THE IMPORTANCE OF A LEGAL FRAMEWORK IN FOREST MANAGEMENT

A good legal framework is important in forest management as it supports good governance and ensures stakeholders' adherence to regulations. The Regulations under the Forest Act support forest management in several ways, including providing guidance and a stewardship duty to the Directorate of Forestry staff members and relevant stakeholders to ensure proper management and sustainable utilisation of forest resources.

## 1. Providing the legal framework for Community Forest establishment

The registration of Community Forests follows a 10-step process before it is officially declared a Community Forest.

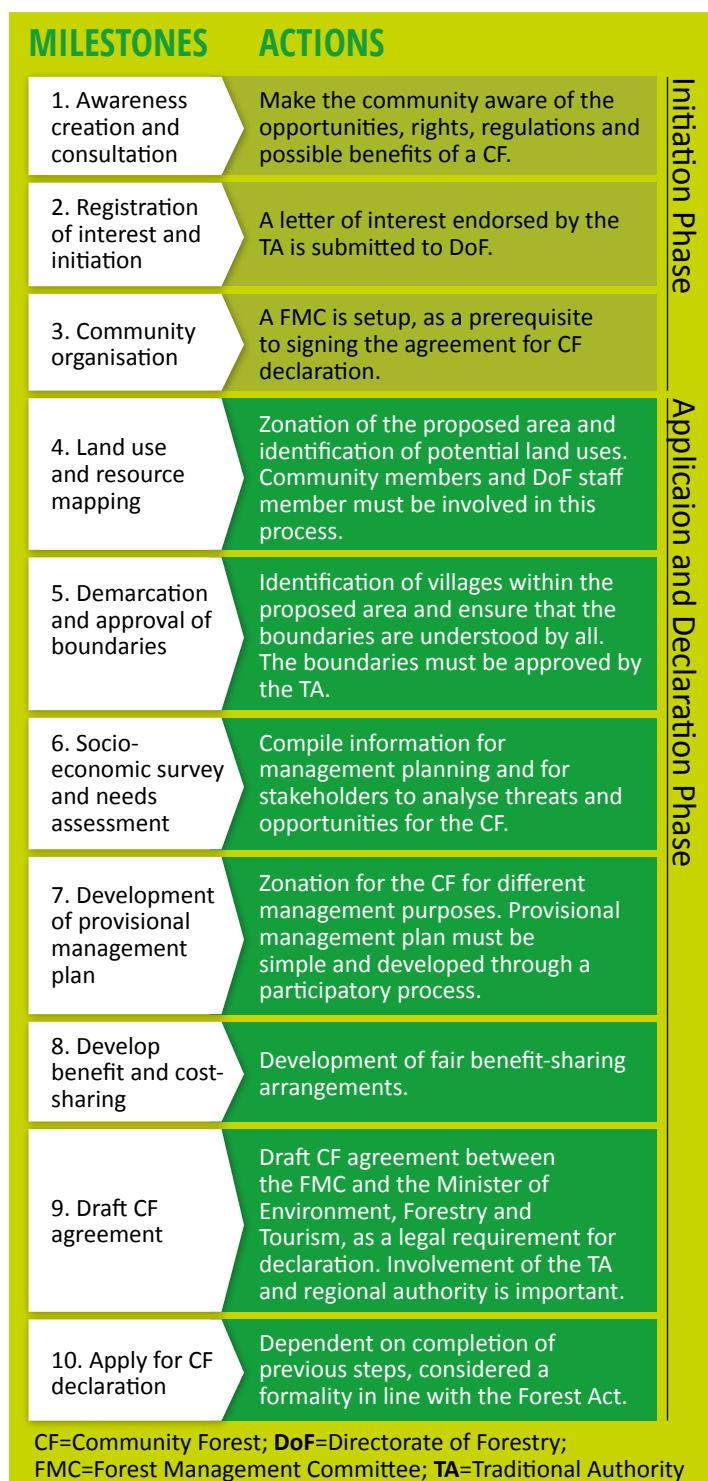


Figure 2: Ten-step process to Community Forest declaration

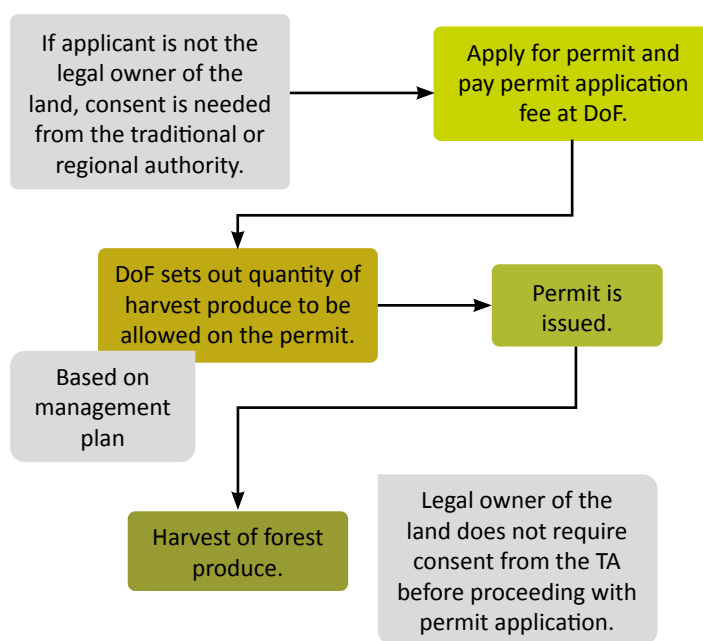
## 2. Permits and conditions for forest resources utilisation

The Act makes provision for the setting of regulations and conditions to ensure that forestry related activities are controlled through various permits. The forest regulations also make provision for the marking of indigenous timber that is imported or harvested locally. Permits are also required for grazing animals, construction of roads or buildings, and mining in a forest reserve or protected area.

Table 1: Summary of different permit types

Type of permit	Description	Validity of permit
Harvesting permit	For any tree cutting for timber or charcoal, or for other forest produce in an area, granted after a site inspection.	3 months
Transport permit	For the transporting of any wood or wood products such as droppers, planks, charcoal, and firewood.	7 days
Export permit	For the exporting of any wood or wood products outside Namibia.	7 days
Marketing permit	For the sale of wood products locally or exported.	3 months in commercial areas 1 month in communal areas

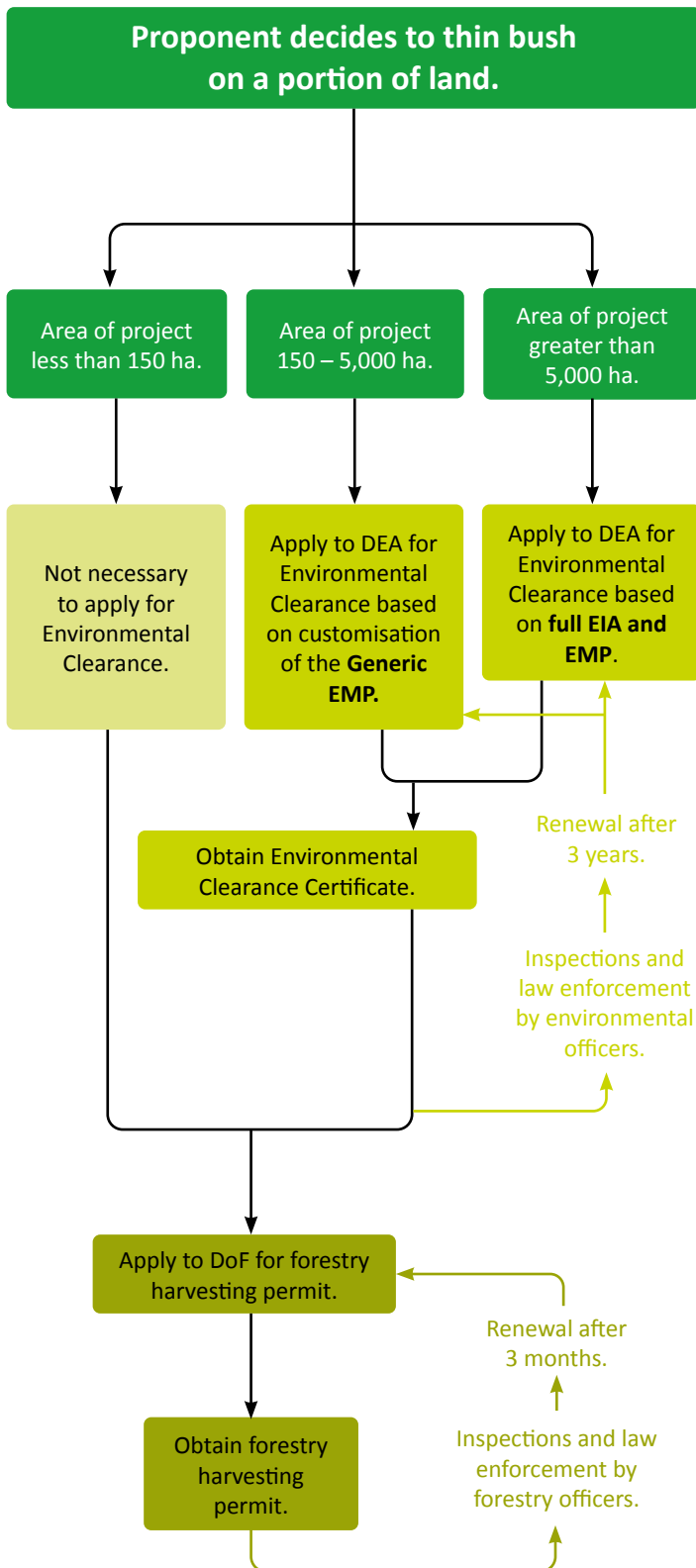
Different types of permits are required for different activities; there is no "umbrella" permit that covers several activities. The harvesting permit is usually the first of the permits to be obtained, followed by the others. The application process differs slightly for private land owners, communal land owners, or Community Forests.



DoF=Directorate of Forestry; TA=Traditional Authority

Figure 3: Application process for obtaining a harvesting permit

In some instances, such as bush harvesting within the charcoal industry, an Environmental Clearance Certificate is required from the Department of Environmental Affairs, especially for large scale harvesting and thinning activities.



DoF=Directorate of Forestry; DEA=Directorate of Environmental Affairs; EMP=Environmental Management Plan

Figure 4: Requirements for a harvesting permit and an Environmental Clearance Certificate (SAIEA, 2016)

### 3. Law enforcement and penalties




Forestry officers have the authority to enforce regulations concerning the use of forest resources and products. Those in contravention of the forestry regulations are liable to a fine or jail term based on the offence. Offences range from illegal harvesting to non-adherence to permit conditions.

**Illegal harvesting** can be defined as the collection of forest produce without a permit, or exceeding the quantities indicated on an issued permit; it is one of the most common violations in the forested areas.

Table 2: Offences and penalties as per the forestry regulations (DoF, n.d.)

Offence	Penalty
The removal or destruction of a boundary marker placed by a forestry officer.	N\$ 8,000 or 2-year jail term
The possession of unlicensed forest products, where such products require a licence.	N\$ 8,000 or 2-year jail term
Tampering with signs placed on forest products by a forestry officer.	N\$ 8,000 or 2-year jail term
Obstruction of a forestry officer in the course of his duties.	N\$ 8,000 or 2-year jail term
Bribing or attempting to bribe a forestry officer; or, in the case of a forestry officer, receiving a bribe.	N\$ 8,000 or 2-year jail term
Starting a fire and letting it spread to a protected forest area.	N\$ 4,000 or 1-year jail term
Refusing to assist in putting out a fire when requested to do so.	N\$ 2,000 or 6-month jail term
Providing false information during the licence application.	N\$ 12,000 or 3-year jail term
Destroying a beehive or removing honey, bees, or other honey-producing organisms.	N\$ 500 or 3-month jail term
Disobeying regulations made by the Minister to enforce the Act.	Penalty to be decided by the Minister, but should not exceed N\$ 2,000 or 3-month jail term
Violators of regulations may lose their licences and forfeit any forest produce they have collected and the tools that were used in its collection.	

Anyone who witnesses any violations should do one or more of the following:

-  Contact the nearest Directorate of Forestry office or police station.
-  Collect evidence, preferably photos or videos.
-  Speak to the offenders and ask them to stop, without endangering one's own safety.

## PROTECTED TREES

The protection status of trees is based on the socio-economic and ecological value of the species.

Table 3: Selected protected tree species in Namibia and the reasons for their protection

Tree name	Scientific name	Reasons for protection
Camel thorn	<i>Acacia erioloba</i>	Slow-growing, fodder
Baobab	<i>Adansonia digitata</i>	Socio-economic value, keystone species
Worm cure albizia	<i>Albizia anthelmintica</i>	Medicinal value, fodder
Zambezi teak	<i>Baikiaea plurijuga</i>	Illegal harvesting, valuable timber
Shepherd's bush	<i>Boscia albitrunca</i>	Over-utilisation, slow-growing
Mopane	<i>Colophospermum mopane</i>	Over-utilisation
Leadwood	<i>Combretum imberbe</i>	Cultural value, slow-growing
Myrrh	<i>Commiphora wildii</i>	Socio-economic value, overharvesting
Ana tree	<i>Faidherbia albida</i>	Keystone species, protection of river banks
Kiaat	<i>Pterocarpus angolensis</i>	Illegal harvesting, valuable timber
Marula	<i>Sclerocarya birrea</i>	Socio-economic value
Tambuti	<i>Spirostachys africana</i>	Over-utilisation

## CONCLUSION

Legislation is important in all productive activities, and forestry is no exception. Many people depend on forests for their livelihoods; and having legislation in place that protects and controls these resources also ensures that livelihoods are preserved and resources are used sustainably.

Namibia has several laws in place that not only support forestry management but also extend to other aspects such as rural development and conservation. There are, however, challenges such as the limited capacity and skills required to ensure proper implementation of the forestry legal framework. New initiatives and programmes are constantly being developed to support the management and use of forest resources in a sustainable manner.

The recognition of Community Forests may be considered a major step in how legislation makes provision for local communities to have direct influence on the use and management of forest

resources, so that they may derive benefits from them. The legislation further extends to large-scale commercial industries such as charcoal, timber, and other non-timber forest products.

With adequate human, financial, and infrastructural resources, there is potential for the country to implement legislation successfully; this will help to ensure that benefits from forest resources can be derived for generations to come

## GLOSSARY

### Environmental management plan:

An environmental management plan is a guiding document that ensures compliance with measures put in place to protect the environment, and mitigates environmental impacts of a project or activity.

### Forest resources:

All the benefits such as fruits, wood, non-timber forest products, and other ecosystem services that are derived from forest areas.

### Generic environmental management plan:

A generic environmental management plan is one that is not specific to a particular project, but is generalised to a group of activities.

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'Promoting Sustainable Forest Management in the Kavango-Zambezi-Region in Namibia'



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