

**POLICY BRIEF**

**STRENGTHENING THE LEGAL AND COMMUNITY GOVERNANCE FRAMEWORK FOR EFFECTIVE FOREST RESTORATION AND SUSTAINABLE MANAGEMENT OF ZOMBA MOUNTAIN**



*Pictures showing the transition of Zomba Mountain to the current trajectory, bare state.*

**Background**

The current status of Zomba Mountain, a protected forest reserve, strongly reminds duty bearers about their core obligations. Once a lifeline of water and biodiversity hotspot for the population of Zomba and beyond, it is now being stripped bare at an unsustainable rate. Despite its protected status as a forest reserve, it continues to face severe deforestation. This is rooted in an anthropocentric approach to nature that treats the mountain merely as a resource to be exploited. For some community members, activities such as charcoal production, firewood collection, and illegal timber extraction have become part of an informal economy offering short-term relief but ensuring long term ecological and economic collapse. When Mountain forests are demolished, habitats for wildlife and species are lost and become threatened with

extinction; water decreases in quality and quantity mainly due to debris and soil erosion leading to flooding; resulting to food insecurity increases; and loss of carbon kept in trees and forest soil.<sup>1</sup> The adverse impacts affect both the present and future generations.

The laws regarding deforestation and environmental protection exist, including Environment Management Act, Forestry Act and others but political willingness to enforce them is minimal. There is weak implementation and enforcement at all levels from national, district and even at community level. Even though the forestry authority put police officers to handle the illegal loggers, the evidence is clear these loggers still pass with timber from the Mountain in a day light. The Environment Management Act established the environmental tribunal, but from 2017 up to now there is no functional tribunal, cementing the political unwillingness. Usually implementation is limited by inadequate training, lack of facilities for enforcement, low numbers of staff and corruption. This policy brief argues that addressing the crisis requires genuine community engagement that gives local communities an economic stake in conservation through smart partnerships, empowerment of traditional leaders and alternative livelihoods to break the charcoal dependency and also strengthening law enforcement through stiffer penalties, deployment of army personnel, and activation of the Environmental Tribunal.



*pictures showing the logging camp on the Zomba Plateau, timber production and Men carrying timber illegally logged off the Zomba Plateau passing through the University of Malawi campus.*

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<sup>1</sup>Alois Aldridge Mugadza *The Legal Protection Of Forests In International Environmental Law, Shortcomings And Comparative Analysis*  
<http://hdl.handle.net/10803/672289>

## **Policy Recommendations**

There is no one-stop shop answer to deal with this crisis. The key lies in local communities, government and NGOs working together in an integrated and coordinated pattern. Doing it alone will yield nothing. The Mountain bleeds through illegal timber extraction, logs passing openly in daylight, and a charcoal economy that fuels deforestation. To effectively confront this crisis on Zomba Mountain and beyond, Malawi must encourage local communities to plant and manage trees and protect deforested areas to allow natural forest regeneration. This can be done by;

- 1. Creating smart partnership with the community<sup>2</sup>:** It is naïve to think that local communities will protect and respect Zomba Mountain as a forest reserve when there are no direct economic benefits to the communities in protecting the forests. Communities will protect the Mountain if it can be demonstrated that they are beneficiaries. This should be in economic interest of the communities to protect the Mountain and plant trees. In general, local communities can mobilize and implement tree planting and tree protection activities while the government should create the regulatory environment and policies for financial mobilization.

**Involve local communities and their traditional leaders as custodians of the land<sup>3</sup>:** They are custodians of customary land on which Zomba Mountain resource is found where deforestation and encroachment is taking place. Their involvement is vital. Evidence are there that local people's rights to traditional lands and self-determination are respected, forests stay standing. However, government and corporations overlook this and it should not be the case on Mountain Zomba. The understanding should not be that the communities are the enemies of the Mountain but they are its potential saviours if the rights are respected and their livelihoods are genuinely integrated into the governance framework. The trick is to make local communities have an economic stake in the management and protection of the Mountain through smart partnerships and co-management. The Chiefs and their village headmen can and do exert tremendous pressure (even penalties) to protect certain areas deemed to be of vital interest to local communities. Communities do not cut trees from a graveyard without chief's permission or risk a heavy penalty. These are proved lectures to be learned in the way local communities protect and manage graveyards and other important cultural sites.

- 2. Malawi must substitute charcoal with other sustainable source of energy**

- (a) Introduce subsidized gas stoves and alternative cooking fuel:** The demand for charcoal is high. Households and institutions use charcoal for cooking and heating because it has been identified as an affordable and acceptable energy source.<sup>4</sup> Charcoal producers are directly responsible for cutting down trees. To address this, communities around and over must be supported to use fuel-efficient cook stoves to reduce wood used for cooking. Subsidized gas stoves and other alternatives cooking fuels are essential to reduce Malawi's overdependence

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<sup>2</sup>Kenneth A. Wiyo, Lameck Fiwa & Weston Mwase *Solving Deforestation, Protecting and Managing Key Water Catchments in Malawi Using Smart Public and Private Partnerships* Journal of Sustainable Development; Vol. 8, No. 8; 2015, Published by Canadian Center of Science and Education and also Asare, R. A., Kyei, A., & Mason, J. (2013). *The Community Resource Management Area Mechanism: A Strategy to Manage African Forest Resources for REDD+*. Phil. Trans. R. Soc. B 368: 20120311. <http://dx.doi.org/10.1098/rstb.2012.0311>

<sup>3</sup>Section 25 of the Forestry Act

<sup>4</sup>Simon Milledge, IIED, UK *Exploring demandside measures for the reduction of deforestation in Kenya and Tanzania*, Workshop report, February 2014 Dar es Salaam, Tanzania. Published by IIED, February, 2015.

on wood as a source of energy and to break the charcoal cycle that is destroying Zomba Mountain.

- (b) **Organize, register and incentivize charcoal producers:** Charcoal producers are mainly villagers often contracted by others such as transporters or wholesalers. More often they are paid in advance. They are not organized into groups, giving them a disadvantage when bargaining for fair returns in the value chain.<sup>5</sup> If organized, registered, incentivized and with awareness created among the charcoal makers, they could exert considerable influence on trade, including the implementation of sustainable measures to reduce deforestation of Zomba Mountain.
- (c) **Regulate the entire timber chain with due diligence:** The Timber Regulation prohibits the sale of illegally logged or traded timber and requires due diligence checks. The regulation of the Zomba Mountain is minimal. Among the key players are the transporters who provide the services that move the logs and timber from traders or mountain to the markets. They do not merely facilitate implementation they facilitate corruption. They facilitate deals among stakeholders, oiling the wheels of destruction with bribes and blind eyes. Government has a regulatory role. Policies and regulations are developed by the government and its organs, yet enforcement is reluctant to take the stage and the logs keep moving. Government institutions must be dragged from their slumber to assume full responsibility for enforcement and regulation of the timber and logging industry. This is not tomorrow, not soon; it is now without further delay. Every day the chain remains unregulated is the day the Mountain is carved away and carried off.
- (d) **Introduce stiffer penalties for perpetrators of forest crimes vs operation of tribunal:** The laws pertain deforestation<sup>6</sup> and environmental protection exist, yet political will to enforce them remains minimal. There is a persistent lack of enforcement of existing rules and regulations across all levels national, district and community level. For instance, the Environment Management Act provides for establishment of an environmental tribunal<sup>7</sup>, yet from 2017 to the present, no tribunal has been operationalized. This is a clear manifestation of political unwillingness to confront environmental crimes. Perpetrators operate with impunity because consequences are absent. Stiffer penalties including substantial fines, meaningful custodial sentences, and confiscation of assets and equipment used in illegal operations are fundamental to disrupt the cycle of impunity that currently incentivizes deforestation on Zomba Mountain. Without deterrents that carry weight, illegal activity will persist and expand.
- (e) **Temporarily deploy army forces to the site to protect the trees:** The evidence is clear that people pass with illegal logging from the Mountain in daylight, no one questions them including the relevant authorities. They go unpunished as if they are preaching the gospel of salvation. As an immediate short-term measure, part of the Mountain should be turned over to Cobbe Barracks. Army forces must be deployed to the site to protect the tree. This sends

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<sup>6</sup>See section 64 of the Forestry Act

<sup>7</sup>Section 107 of the Environment Management Act No. 19 of 2017

a strong signal that the state is serious about enforcement and creating space for long-term solutions to take hold.

In conclusion Zomba Mountain's destruction is not inevitable, it is the result of community exclusion and enforcement failure. By pairing strengthened legal enforcement with genuine partnerships that offers local communities an economic stake in conservation, forest conservation can be restored in the Mountain as a lifeline for generations to come.

## **Bibliography**

The Constitution of the Republic of Malawi (Section 13(d)(iii))

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- ❖ *Social and Economic Rights Action Center for Economic (SERAC) and Social Rights (CESR) V Nigeria*, October 2001.

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- ❖ National Climate Change Management Policy (2016)

## **Articles**

- ❖ Asare, R. A., Kyei, A., & Mason, J. (2013). *The Community Resource Management Area Mechanism: A Strategy to Manage African Forest Resources for REDD+*. Phil. Trans. R. Soc. B 368: 20120311. <http://dx.doi.org/10.1098/rstb.2012.0311>
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