

# Gap Analysis:

## Benefit Sharing in Zambia's Community Forest Management System

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### 1.BACKGROUND

The Zambian government has been implementing the Community Forest Management (CFM) system in order to (1) enhance community participation in sustainable forestry management, (2) reduce community poverty by facilitating community income from sustainable forestry management, and (3) forge and strengthen partnerships in forest conservation and sustainable resource utilization.

Given its mandate in promoting transparency and accountability in forestry management, TI-Z has, since 2018, been working closely with Community Forest Management Groups (CFMGs) and Private Partners in empowering communities to demand for transparency and accountability in benefit sharing mechanisms in Rufunsa, Petauke and Kasenengwa districts. To ensure effective implementation of community forest interventions, an assessment of the legal, policy and institutional frameworks that governs forestry management in Zambia was conducted. This assessment sought to identify gaps or inconsistencies that limit effective community participation and the implementation of effective and inclusive benefit sharing mechanisms. This paper therefore highlights the key gaps, inconsistencies and opportunities within the forestry legal framework in Zambia in respect to effective Community Forest Management as well as promoting transparency and good governance among Community Forest Management groups.

### 2.LEGAL FRAMEWORK

Legislation	Specific Provision(s)
<b>Constitution of Zambia [Amendment] Act No.2 of 2016</b>	Article 255 of the Constitution of Zambia [Amendment] Act No.2 of 2016 provides for the principles and directives on the management of forests in Zambia. The objective of the Forests Act No.4 of 2015 is thus derived and meant to fulfill the principles embedded in the constitution.
<b>Forests Act No. 4 of 2015</b>	The Forests Act No. 4 of 2015 provides for the establishment of National Forests, Local Forests, joint forest management areas, botanical reserves, private forests and community forests. The Act further provides for the participation of local communities, local authorities, traditional institutions, non-governmental organizations and other stakeholders in Sustainable Forest Management (SFM). In so doing, the Act provides for the conservation and use of forests and trees for the sustainable management of forest ecosystems and biological diversity, among other things.
<b>Community Forest Management Regulations of 2018. Sections 29 to 32 of the Forestry Act No.4, 2015</b>	The Regulation establishes CFMGs as the legally recognized authorities at community level and provide for the full detailed rules and procedures for recognition and registration of CFMGs. Regulations 1-5 stipulate the requirements for establishment of CFM while regulation 6 provides for the CFMG to enter into a community forest agreement with the Forestry Department. The 3rd regulation also provides for safeguarding interests of local communities and their CFMGs.
<b>Carbon Stock Management Regulations of 2021</b>	The Regulation reinforces a concessional type of agreement where a CFMG is required to transfer its forest user rights to a proponent. This is evident in the BCP project Agreement.