



Forestry Department



Introduction to Forest Law Enforcement for Honorary Forest Officers: A Training Manual for Trainers

Supported by:

**Zambia Integrated Forest Landscape Project
(ZIFLP)**

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Ministry of Green Economy and Environment

Zambia Integrated Forest Landscape Project

Improving lives through sustainable management of natural resources

This document represents guidance material prepared to support trainers of Honorary Forest Officers with the aim of promoting sustainable management of community forests and protected forest areas with direct involvement of community forest management groups and traditional leaders.

The content reflects the outputs of various trainings supported by the Zambia Integrated Forest Landscape Project (ZIFLP). Although there have been many contributors to the development of this document, we acknowledge the key inputs of the Zambia Forestry College and officers of the Forestry Department, Eastern Province. Final editing was undertaken by Alastair Anton, Community Forestry Technical Adviser, ZIFLP.

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<https://ziflp.org.zm/community-forest/>

A project supported by:



Introduction to Forest Law Enforcement for Honorary Forest Officers:

A Training Manual for Trainers

Zambia Integrated Forest Landscape Project

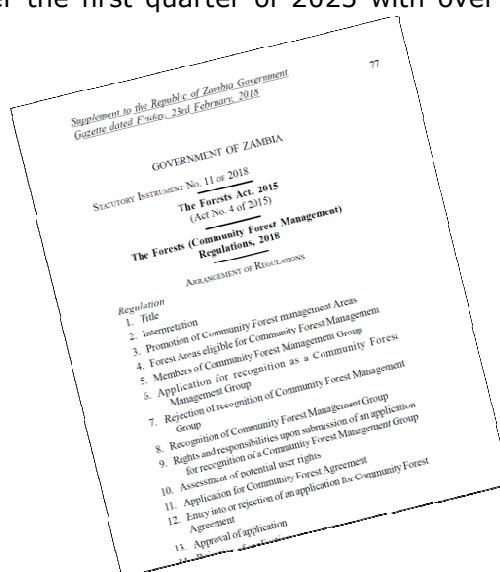
Summary

This manual provides guidance for the transfer and sharing of knowledge of the requirements, processes and practices of Forest Law Enforcement in Zambia by Honorary Forest Officers (HFO) nominated by their community and appointed by the Minister responsible for Forests. It is also about informing, influencing, empowering, and changing behaviour towards the sustainable use of forest resources. It promotes a two-way exchange of information and learning between community representatives appointed as HFOs and Forest Officers to collaborate with protecting the country's key natural resources.

The manual covers a 5-day training programme which incorporates a range of non-formal adult learning approaches primarily involving communication and facilitation methods combined with practical exercises to reinforce learning. Each session includes session plans, notes for facilitators and where appropriate, handouts for participants

At the end of the training the newly appointed HFOs should be equipped with the appropriate skills understanding of roles, responsibilities and approaches to promote sustainable forest management.

This manual was prepared as part of a programme to strengthen the training skills of Forest Officers of the Forestry Department through the implementation of the Zambia Integrated Forest Landscape Project (ZIFLP). The training was delivered by a multidisciplinary group of Forestry Officers over the first quarter of 2023 with over 318 community representatives trained.



Contents

Summary	1
Overview of the Project.....	4
How to Use this Manual.....	6
https://ziflp.org.zm/community-forest/	9
Day One – Introduction to forest law enforcement & the role of Honorary Forest Officers	10
Session 1: Training Objectives, Expectations, Norms for the Training.....	10
Session 2: Overview of law enforcement, summary processes & procedures	14
Session 3: Introduction of relevant Laws of Zambia	18
Session 4: Introduction to Forest Offences.....	21
Session 5: Appointment of HFOs, Roles & Condition of Service	25
Session 6: Reflection on learning Day One & Overview Day Two.....	27
Day two: Control – dealing with illegal Activities	29
Session 7: Check in - Reflection on Day One.....	29
Session 8: Regulating Forest Produce	31
Session 9: Enforcement – offences and penalties	40
Session 10: Powers of an Authorised Officer & Rights of the Offender	45
Session 11: Practical law enforcement exercises	55
Session 12: Reflection on learning Day Two & Overview Day Three	59
Day three: Conducting law enforcement operations	61
Session 13: Check in - Reflection on Day 2.....	61
Session 14: Admission of Guilt.....	63
Session 15: Practical scenarios & operations.....	74
Session 16: Processing offenses Practical's – Filling of relevant documents.....	77
Session 17: Preparation for a Court Hearing	80
Session 18: Reflection on learning Day Three & Overview Day Four.....	86
Session 19: Practical - Night Patrol.....	87
Day four – Community forest law enforcement	89
Session 20: Check in - Reflection on Day 3.....	89
Session 21: Concept of Jurisdiction and where the offence has taken place	91
Session 22: Dealing with contravention of local rules & regulations specified in Community Forest Management.....	94
Session 23: Scenarios for Community Forest Law Enforcement.....	99
Session 24: Conflict resolution	104
Session 25: Abuse of powers, fraud, penalties and how to report	106
Session 26: Reflection on learning Day four & Overview Day five	109
Day five – Law enforcement scenarios	111
Session 27: Check in - Reflection on Day 4.....	111
Session 28: Risk assessment, personal safety, and safeguards	113
Session 29: Communication, reporting according to Terms & Conditions	122
Session 30: Course assessment - Real scenario practical's	125
Session 31: Next steps and actions	129
Session 32: Course evaluation	131
Session 34: Graduation & dispersal	135



Annexes Participant Handouts for Sessions.....	136
Forest Law Enforcement Processes Diagram	139
Session Handout 4. Forests Act, 2015.....	140
Session 5 Terms and Conditions for HFOs	141
Session 14 Admission of Guilt Form.....	144
Session 15 Practical Scenarios	145
Session 16 Charge Sheet	147
Seizure form 148	
Warn and Caution Statement Form.....	149
Notice for encroachment	150
Day 3 Practical assessment	152
Concept of Jurisdiction – lawfully transferred/ assigned.....	153
Contravention of Community Forest Rules	154
Contravention of Community Forest Rules Chichewa	155
CFM Law Enforcement Scenarios	156
Notice of Contravention of Forest Rules.....	158
HFO Introduction Course Final Assessment.....	160
Evaluation of the training	162

Overview of the Project

Context

The Zambia Integrated Forest Landscape Project is a GRZ initiative which provides support to rural communities in the Eastern Province to allow them to better manage the resources of their landscapes so as to reduce deforestation and unsustainable agricultural expansion; enhance benefits they receive from forestry, agriculture, and wildlife; and reduce their vulnerability to climate change.

Forest areas within Eastern Province are increasingly under threat of deforestation and forest degradation, contributing to the increased emissions of greenhouse gases in the province and beyond. An assessment of greenhouse gas emissions from Eastern Province has indicated that more than 82% of emissions are coming from the degradation of standing forests, over 9% from conversion of forest to agriculture (forest loss), with 2% from poorly managed agricultural soils. The key drivers of these emissions relate to deforestation and degradation due to fuel wood use for household firewood, charcoal production and tobacco as well as degradation due to fires, deforestation for small scale and shifting agricultural expansion due to low productivity and poor land tenure systems, as well as loss of soil carbon through poor agricultural practices.

One of the project objectives under forestry management is to assist local communities and their organizations to improve the management and conservation of their natural resources, create income opportunities, and generate carbon benefits. This is being accomplished by developing and implementing participatory land and resource use planning, development of Community Forest Management Groups (CFMG's) including fire control and prevention and providing specialized training.

The project is supporting the Forestry Department to engage communities and their traditional leaders to promote the community forestry in accordance with the policy and legal framework following the process set out in the National Guidelines for Community Forestry. This includes addressing issues of controlling restricted activities in accordance with section 16 of the Forests (Community Forest Management) Regulations, 2018.

Assistance with control of restricted activities	16. (1) The community forest management groups shall assist the Director to control restricted activities within an established community forest area.
Act No. 4 of 2015	(2) A recognised community forest management group shall select members to be appointed as Honorary forest officers in accordance with the Forests Act, 2015.

Approach

ZIFLP's approach is to work through Government institutions and other development partners strengthening their capacity in accordance with their role and mandate in environmental management and national development. Through promoting climate change mitigation service provision, the capacity of local community level organisations to sustainably manage natural resources upon which their livelihoods depend, will be increased. A key strategy to achieve this is to increase and strengthen capacity in forest law enforcement. This would be achieved through creating a pool of trainers from the Forest Officers in Eastern Province. This pool delivered training in a number of HFO training courses to nominated and authorised Honorary Forest Officers Trainers coming from different backgrounds: members of CFMGs or from communities around the Protected Forest Areas or motivated individuals who want to contribute directly to forest conservation.

How to Use this Manual

This manual is aimed at developing the skills and understanding of trainers who are critical in the process of transferring knowledge, skills and understanding to communities' forest management groups and their members, as well as other interested forest sector stakeholders. The manual covers a five-day training programme comprising **33** sessions. These sessions and their practical exercises have been designed to promote learning through a mixture of introducing topics, policy and legal documents, group discussion, individual and group reflection as well as critical observation.

The manual is based on the assumption that the user has basic knowledge and skills of facilitation and adult education, skills in communication and training facilitation, knowledge of forestry and gender awareness.

Manual aim and intended outcomes

The aim of this manual is to provide guidance for the transfer and sharing of knowledge of the requirements, processes and practices of Forest Law Enforcement in Zambia by appointed Honorary Forest Officers.

At the end of the training, participants will be able to:

- ✓ Understand the role of an Honorary Forest Officer;
- ✓ Understand the Laws and legal framework for Forest Law Enforcement in Zambia;
- ✓ Deal with different situations, operations and procedures in order to enforce the Forest Laws and Regulations effectively;
- ✓ The trainer will be equipped with the information to transfer skills and knowledge to community level honorary forest officers.

Honorary Forest Officers Training Course Outline

The Introduction to Forest Law Enforcement Training for HFOs covers a period of 5 days covering the following topics:

Day one – Introduction to forest law enforcement & role of Honorary Forest Officers

- Session 1. Training Objectives, Expectations, Norms for the training
- Session 2. Overview of law enforcement, summary processes & procedures
- Session 3. Introduction of relevant Laws of Zambia
- Session 4. Introduction to Forest Laws & Offences
- Session 5. Appointment of HFOs, Roles & Condition of service
- Session 6. Reflection on learning Day One & confirmation/ Overview Day Two

Day two – Control: dealing with illegal Activities

- Session 7 Check in - Reflection on Day One & key learning
- Session 8. Regulating Forest Produce
- Session 9. Enforcement: offences and penalties
- Session 10 Powers of an authorised officer & rights of the offender
- Session 11. Scenarios for statutory forest law enforcement
- Session 12. Reflection on learning Day Two & confirmation/ Overview Day Three

Day three – Conducting law enforcement operations

- Session 13. Check in - Reflection on Day Two & key learning
- Session 14. Admission of guilt
- Session 15. Practical scenarios & operations,
- Session 16. Processing offenses Practical's – Filling of relevant documents
- Session 17. Preparation of court hearing
- Session 18. Reflection on learning Day Three & confirmation/ Overview Day Four
- Session 19. Practical – night patrol

Day four – Community forest law enforcement

- Session 20. Check in - Reflection on Day Three
- Session 21. Concept of Jurisdiction and where the offense has taken place
- Session 22. Dealing with contravention of local rules and regulations specified in the Community Forest Management
- Session 23. Scenarios for community forest law enforcement
- Session 24. Conflict resolution

- Session 25. Abuse of powers, fraud, penalties and how to report
- Session 26. Reflection on learning Day Four & confirmation/ Overview Day Five

Day five – Law enforcement scenarios & reporting

- Session 27. Check in - Reflection on Day four
- Session 28. Risk assessment, personal safety and safeguards
- Session 29. Communication, reporting according to Terms & Conditions
- Session 30. Course assessment - Real scenario practical's
- Session 31. Next steps and actions
- Session 32. Course evaluation
- Session 33. Graduation

Close of Training

Forest officers and other facilitators using this training manual require awareness and understanding of the following legal reference material:

- i. The Laws of Zambia, the Constitution of Zambia (Amendment) Act, 2016;
- ii. The Laws of Zambia, Chapter 287, the Chiefs Act;
- iii. The Laws of Zambia, The Lands Act, Chapter 184, Act No. 29 of 1995; 20 of 1996;
- iv. The Laws of Zambia, the Forests Act, 2015.
- v. In exercise of powers contained in section 105 of the Forests Act, the following relevant Regulations are made:
 - a. The Forests (Community Forest Management) Regulations, (Statutory Instrument #11 of 2018);
 - b. The Forest (Carbon Stock Management) Regulations, 2021 (Statutory Instrument #66 of 2021);

Reference should also be made to the **National Guidelines for Community Forestry in Zambia**. These are available on the following website:

www.ziflp.org.zm/cfm

Map through the document

For easy reference, the following symbols are used to guide users of this manual to key sections of the document. These include plans for each of the sessions, notes for the facilitator to support preparation for the training as well as handout for participants. These are located at the rear of the manual to facilitate easy copying in preparation for training. Each session is supported by a powerpoint presentation to assist the delivery of the session and communicating key information including through the use of images to reinforce messages.

Session plans:



Notes for facilitators:



Handouts for participants:



Time required:



Powerpoint presentations for key sessions are available on the following website:

<https://ziflp.org.zm/community-forest/>



Day One – Introduction to forest law enforcement & the role of Honorary Forest Officers

Session 1: Training Objectives, Expectations, Norms for the Training



Objective:

To ensure the course participants are aware of the course outline and the methods of delivery of new knowledge and skills to become an effective HFO.

At the end of the session, participants will:

Have a shared understanding of the five-day programme and their expectations and know each other better;



Time: 40 minutes

Powerpoint: HFO Session 1 Day 1 CF Workshop opening admin



Materials: markers, flip charts, stickers, course programme (handout #1)

Method: **Interactive discussion**

Step 1. Before the session starts place in a suitable location 3 flipcharts with the headings – **Expectation, Fears, Contribution**, one per chart. In addition one sheet as a **Parking Lot** for issues raised.

COVID 19 Protocols

The facilitation team should apply the prevailing guidance from the Ministry of Health relating to the COVID 19 pandemic. Suitable materials and precautions as directed should be observed.



- Step 2.** Following registration, course opening protocols, the facilitator opens with personal introduction and stating the Objectives of the Course (this should be displayed clearly on a flipchart) in addition to the Powerpoint presentation.
- Step 3.** **Introductions** – The facilitator requests the participants to introduce themselves, which community they represent Participants/ facilitators introduce each other, their background and reason for attending the five-day course. “I am here because.....”
- Step 4.** Ask the participants to consider their attendance at the training covering:
- **Expectations:** What they expect to get out of the training?
 - **Fears:** What they hope will not happen, or they fear may happen. Encourage the participants to share their fears openly.
 - **Contributions:** Each person brings some special experience, certain skills (e.g.) and aptitudes (e.g., willingness to learn and change). Encourage everyone to identify their own contribution to the process of law enforcement. Ask them to write a short statement, word or phrase on coloured paper (one per paper), their reason for volunteering to be an HFO. Once completed, place on the appropriate chart. (Note: can be in local language).
- Step 5.** Go through the expectations and explain any which may not be met, and why in each case. Indicate the use of a **Parking Lot** flipchart for issues to be ‘parked’ and covered later in the training.
- Step 6.** Highlight the outline of the 5-day training programme.
Explain the programme for Day one in detail and Days 2-5 in outline, including meals (if appropriate) and breaks.
- Step 7.** Agree the ‘**norms**’ for the sessions and place on the wall the list in a visible place to refer time after time if needed.
- Step 8.** Link any expectations to particular sessions in the five-day agenda;
- Step 9.** Highlight the processes the training programme will be delivered through a **mix of:**
- Presentations
 - Group work
 - Group plenary feedback
 - Open discussion
 - Practical exercises
 - Daily reflection and recap
 - Private consultations

Step 10. Admin tasks – explain that there are a number of administrative tasks to ensure the course runs efficiently. Therefore, request for volunteers for participants responsible for the following: timekeeper, energiser, recorder, COVID 19 monitor (as required).

Step 11. Highlight knowledge they are expected to have learned by the end of the 5-day training.

This covers:

1. Understanding of the Training Objectives, Expectations, Norms for the training;
2. Basic understanding of forest law enforcement, summary processes & procedures;
3. Basic awareness of the relevant Laws of Zambia, Forest Laws and regulation of forest produce;
4. Basic introduction to Forest Offences;
5. Understanding of Appointment, Roles & Condition of service of HFOs.

Core will be practical sessions to promote understanding and learning Criminal Procedure and the Legal Process relating to forestry issues through conducting Patrols, Roadblocks/ Checkpoints, Searches and Raids, Collecting and managing evidence resulting in Criminal hearings and other legal processes.



Distribute handout 1 among the participants (see Annex A.)

Annex A Course Programme for 5 days



Notes for facilitators:

Prior to the start of the training prepare and display in easily visible place:

The **overall objectives** of the 5-day course (see manual objective);
The training programme for each day;
3 flipcharts with 'expectation', 'fear', 'contribution'.
Flipchart with '**norms**' for the sessions, i.e.

- Everyone has the right to speak and not be interrupted;
- Every question is a good one and will be answered;
- Everyone will help each other;
- Everyone will respect time and return from breaks;
- Personal phones will be switched off or placed on silent/ vibrate

- Etc (ask for contributions)

Come on time for all sessions

- **Time cards** will be used to keep us on track, we will be covering a lot in a short period of time.
- **'Parking lot'** for circular discussions or issues that are discussed for too long. Issues to be dealt with later.
- **Language**, can volunteers step up to summarise presentations in local language. In group work and in group work presentations we would like local languages used as a priority.
- **Put mobile phones on silent.** If someone's phone rings during a session or they come late for a session, give them a round of applause.

The **welcome, introduction and getting to know each other** phase is useful at the beginning. Participants are welcomed to the training course, personal, technical and thematic introductions are made. This period overlaps with a concerted **group-building/sharing experiences phase**, essential in laying the foundations for integration, trust and genuine participation. Group building is also the first step in recognizing, valuing and working with the differences and resources present in the group.

Participants' needs and expectations: The needs, motivations and expectations of the participants for the training course give you important information for measuring the relevance of the training for the people taking part in it. Needs and expectations can be identified before or at the beginning of the training, but allow for the possibility of them changing during the activity.

Recognition of the participants' prior knowledge: Keep in mind that participants come with a training history and range of experiences. Create spaces where all participants have the opportunity to share their experiences. Participants with relevant knowledge or skills might contribute in specific ways, for instance by giving inputs or assisting practical eg where HFOs are also community scouts trained by DNPW.

Remember that training covers the **transfer and sharing of knowledge**, it is about informing, influencing, empowering, and changing behaviour. It is also importantly, a **two-way exchange of information and learning**.

Ensure sufficient copies of the handout 1 are available, one per participant – see Annex A.

Session 2. Overview of law enforcement, summary processes & procedures



Objective:

To highlight the key steps and processes in forest law enforcement in order to understand their role and contribution as an introduction to the course.

At the end of the session, participants will understand the basic concepts and important processes and procedures in forest law enforcement



Time: 40 minutes

Powerpoint: HFO Session 2 Day 1 overview of law enforcement

Materials: flipcharts, marker pens (different colours)

Method: **Interactive discussion, brainstorming**

Step 1. Introduce the topic

Highlight that society has rules, norms and laws to ensure that people live in peace and security. Secondly, that there are processes that are followed when rules and laws are contravened.

Highlight:

- Definition of law
- Types of criminal offences
- Purpose of law enforcement
- Law enforcement procedures
- Production of evidence

Using a relevant example that can be understood by participants, talk through the processes that are followed when rules and laws are not followed.

Use the example of theft of property or poaching of wild animals from the point of the offence being committed to court judgement and sentencing

Step 2. Draw on any experience in the class i.e. from those currently patrolling or training as community scouts by DNPW. Ask the participant to describe and write down the process followed on a flipchart.

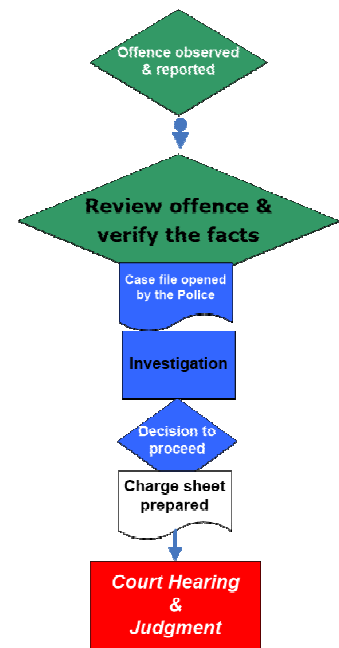
Step 3. **Discuss and ask questions.**



Step 4. Build the Forest Law Enforcement flow diagram

The aim is to build up the Forest Law Enforcement Processes and Procedures diagram as a basis for connecting the various parts of the training so that participants understand their role and importance in the chain of law enforcement

- Offence observed and reported
- Review of the offence and verification of the facts
- Case file opened by the Police
- Investigation & decision to proceed
- Charge sheet completed
- Court hearing & Judgement



Highlight from the example /case study the process followed from Forest Law Enforcement activities such as patrolling or conduct of a roadblock search to final court hearing and sentencing as indicated in the hand out.

Once constructed discuss and then provide the handout diagram, no2.

Step 5. Highlight the steps as they relate to the 5-day training programme so that participants understand the process and contribution of one to the other. i.e., seizure certificate to evidence in a court hearing, accurate recording of the offence and the offender. Highlight those there may be different roles and responsibilities. Highlight the need for accuracy and quality recording of information

Highlight that participants will practice the various parts of the process and procedures during the training.

Step 6. Question and answer session



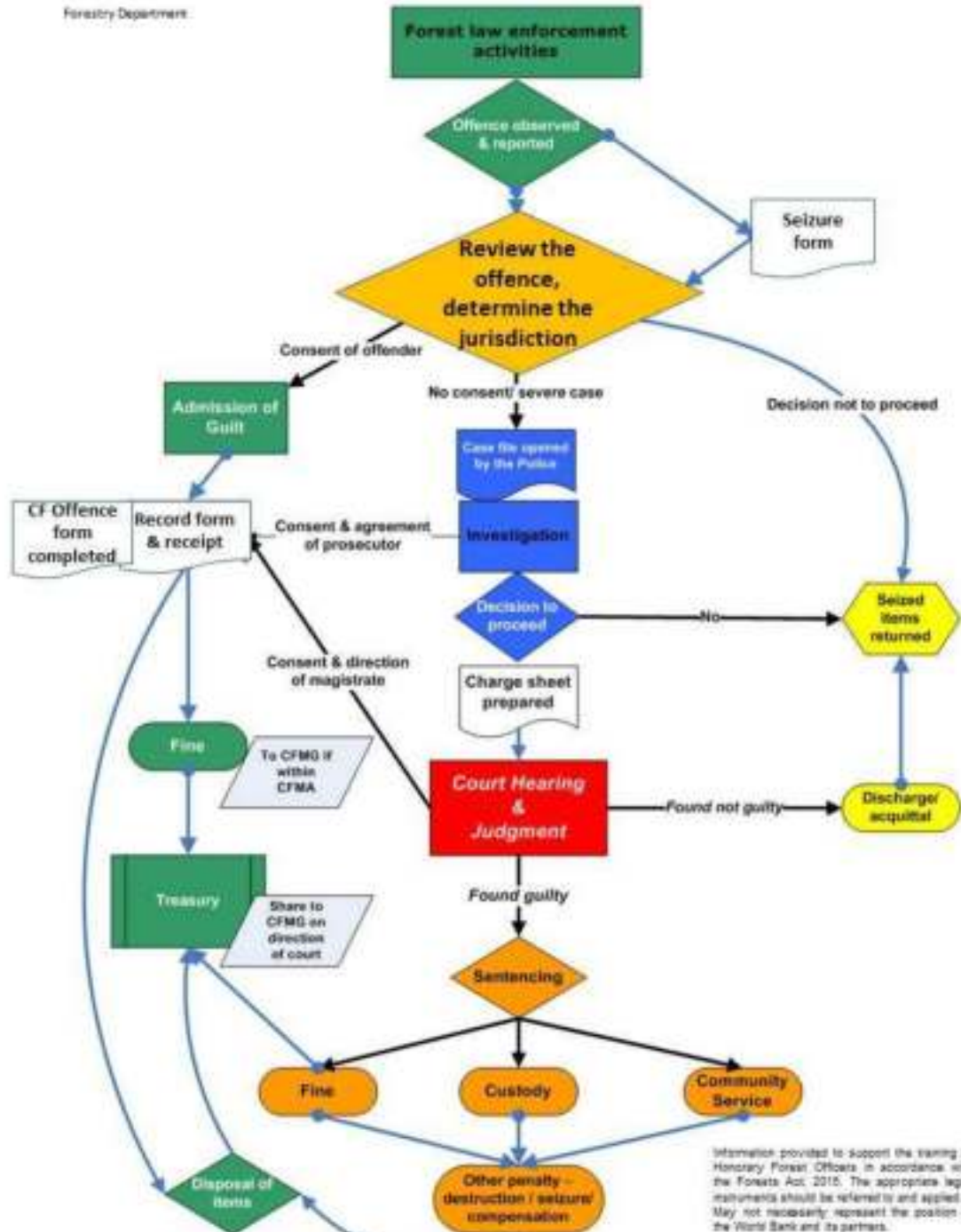
Distribute handout 2 among the participants

Forest Law Enforcement Processes and Procedures diagram



Forestry Department

Forest Law Enforcement: Processes & Procedures



Poster produced by the Zambia Integrated Forest Landscape Project, Ministry of Green Economy & Environment, a collaboration between the Government of Zambia, the World Bank & Partners





**Notes for
facilitators:**

Building the Forest Law Enforcement Processes and procedures diagram is critical to the participant's understanding of the legal process to ensure a positive outcome and conviction if appropriate.

Discuss also if there are gaps in the process what might be the consequences.

Highlight also that there may be different responsibilities during the process with on official taking over from another official and therefore need for accuracy and recording is essential.

Ensure sufficient copies of the handout 2 are available, one per participant – see Annex A.

Session 3: Introduction of relevant Laws of Zambia



Objectives: To introduce the key legal instruments that apply to Forest Law Enforcement as a basis for applying the new powers conferred by the Minister.

At the end of the session, participants will: Be familiar with the key legal instruments that apply to Forest Law Enforcement



Time: 40 minutes

Powerpoint: HFO Session 3 Day 1 Intro to relevant laws

Material: Cards with messages, markers, flipcharts, handouts

Method: Presentation & Interactive discussion,

Step1. Introduce the topic for discussion, the importance of understanding the laws and regulations that apply to Forest Law Enforcement, their powers conferred by the Minister and how they apply to the law enforcement process just covered in the previous session.

Step2. Introduce the key legal instruments:

Highlight that Zambian laws compliment each other. Zambia has a number of pieces of legislation which were established with the view of regulating unlawful activities in the society, hence bring about behaviour change accepted by all rightful citizens.

Highlight that supremacy of the Constitution:

	PART I SUPREMACY OF CONSTITUTION
Supremacy of Constitution	<p>1. (1) This Constitution is the supreme law of the Republic of Zambia and any other written law, customary law and customary practice that is inconsistent with its provisions is void to the extent of the inconsistency.</p> <p>(2) An act or omission that contravenes this Constitution is illegal.</p> <p>(3) This Constitution shall bind all persons in Zambia, State organs and State institutions.</p> <p>(4) The validity or legality of this Constitution is not subject to challenge by or before a State organ or other forum.</p> <p>(5) A matter relating to this Constitution shall be heard by the Constitutional Court.</p>



Highlight that the Constitution sets out National Values, Principles and Economic Policies, Judicial Authority, and the system of Courts and justice without discrimination:

PART VIII	
JUDICIARY	
Judicial Authority, System of Courts and Independence	
118. (1) The judicial authority of the Republic derives from the people of Zambia and shall be exercised in a just manner and such exercise shall promote accountability.	Principles of judicial authority
(2) In exercising judicial authority, the courts shall be guided by the following principles:	
(a) justice shall be done to all, without discrimination;	
(b) justice shall not be delayed;	
(c) adequate compensation shall be awarded, where payable;	
(d) alternative forms of dispute resolution, including traditional dispute resolution mechanisms, shall be promoted, subject to clause (3);	

In particular, highlight the Constitution and natural resources:

Environment and Natural Resources	
255. The management and development of Zambia's environment and natural resources shall be governed by the following principles:	Principles of environmental and natural resources management and development
(a) natural resources have an environmental, economic, social and cultural value and this shall be reflected in their use;	
(b) the person responsible for polluting or degrading the environment is responsible for paying for the damage done to the environment;	
(c) where there are threats of serious or irreversible damage to the environment, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;	
(d) the conservation and protection of ecologically sensitive areas, habitats, species and other environment shall be done in a sustainable manner;	
(e) respect for the integrity of natural processes and ecological communities;	
(f) benefits accruing from the exploitation and utilisation of the environment and natural resources shall be shared equitably amongst the people of Zambia;	

Highlight that this is enacted through specific legislation including:

- **The Wildlife Act, 2015**
- **The Forests Act, 2015**

Discuss the key points from section 255 of the Constitution relating to:

- Use of forests
- Polluter pays approach
- Sustainable management
- Benefit sharing from use and exploitation

Step3. Highlight The Penal Code, that it covers aspects of:

- Ignorance of the Law
- Use of force
- False claims
- Abuse of authority of office
- False certificates

Discuss the key points providing examples as they relate to functions of HFOs.

Step4. Cited pieces of legislation; The Criminal Procedure code

Highlight that this legislation covers aspects of:

The Laws of Zambia

Arrest, Escape and Retaking Arrest Generally

18. Arrest, how made
19. Search of place entered by person sought to be arrested
20. Power to break out of any house for purposes of liberation
21. No unnecessary restraint
22. Search of arrested persons
23. Power of police officer to detain and search vehicles and persons in certain circumstances
24. Mode of searching women
25. Power to seize offensive weapons

Step5. Highlight that the basis of their role as HFOs is covered under the laws of Zambia and that therefor there are issue of responsibilities and accountability in performing their role as HFOs. Ask if there are any questions at this stage.

Question and answer session.



Session 4: Introduction to Forest Offences



Objectives:

At the end of the session, participants will: be aware of key forestry offences as they relate to the Forests Act, 2015.



Time: 60 minutes

Powerpoint: HFO Session 4 Day 1 Intro to Forest offences

Material: Cards, markers, flipcharts

Method: Presentation & Interactive discussion



Step1. Introduce the session by highlighting:

- Need for controls and rules governing public life, how we interact as a community, as society and what is expected as norms. This includes the clearance of forests, the harvesting of forest products and the movement of the same products to markets. At each stage there are need for control and checks to reduce illegalities.
- Also relate to the earlier concept of principles of environmental and natural resources management as defined in the Constitution, section 3.

Step 2. Environmental management requires clearly defined responsibilities and control.

Take the participants through the following sections of the Forests Act, 2015

Section 3: Ownership of trees and forest produce

Ownership
of trees and
forest
produce

3. The ownership of all trees standing on, and all forest produce derived from, customary areas, National Forests, Local Forests, State Land, botanical reserves and open areas is vested in the President, on behalf of the Republic, until lawfully transferred or assigned under this Act or any other written law.

Discuss

- Discuss the implications of this?
- Discuss what constitutes '**lawfully transferred or assigned**' under the Forests Act.

Explain the definitions

“major forest produce” means a tree, part of a tree or derivative product such as timber, charcoal and carbon, other than leaves, flowers, fruits and seeds;

“minor forest produce” means non-wood forest produce which is part of a tree or found in the forest;

“timber” means the part of any felled or fallen tree which has been cut off or can be cut off to provide wood whether sawn, split, hewn, sliced, veneered or otherwise fashioned, which is sound and reasonably straight, and which is one point two metres or longer and thirty centimetres or more in minimum diameter under bark;

“trees” includes bushes, climbers, coppice, palms, re-shoots, saplings, seedlings and shrubs of all ages and of all kinds and any part thereof;

Tip: draw a diagram of a tree on a flipchart to explain

Step3. Indicate the definition of the word **Offence**: a violation or breach of a law, custom or rule.

Ask the participants what they think might be the type of forestry offences?

List on a flipchart

Discuss

Step4. Present the following sections of the Forest Act, 2015:

Take the participants through the following sections of the Forests Act, 2015:

Part X: Offences and Penalties,

PART X OFFENCES AND PENALTIES

Offences by
authorised
officers

85. An authorised officer who willfully or negligently permits the removal of unmarked produce from a coupe commits an offence.

Prohibition
of removal,
felling,
cutting,
collecting,
etc. of major
forest
produce
without
licence or
permit

86. (1) A person shall not, without a licence or permit—

(a) fell, cut or work any major forest produce;

(b) fell, cut, work, take, collect or remove any major forest produce in or from any State Land, customary area or open area; or

(c) sell, offer for sale, barter or otherwise deal in any major forest produce from any State Land, customary area or open area.

(2) A person who contravenes subsection (1) or (2) commits an offence.

(3) This section does not apply to a person who within any State Land, customary area or open area—

(a) is the owner of the land and is in possession of a valid licence or permit authorising the licensee or permit holder to do any of the prohibited acts;

(b) has obtained the permission of the owner to do so and is in possession of a valid licence or permit authorising that person to do the prohibited act; or

(c) is an authorised officer acting under instructions in performing the authorised officer's functions under this Act.

Discuss

- Discuss the implications of this?
- Discuss what constitutes an offence under this Act'

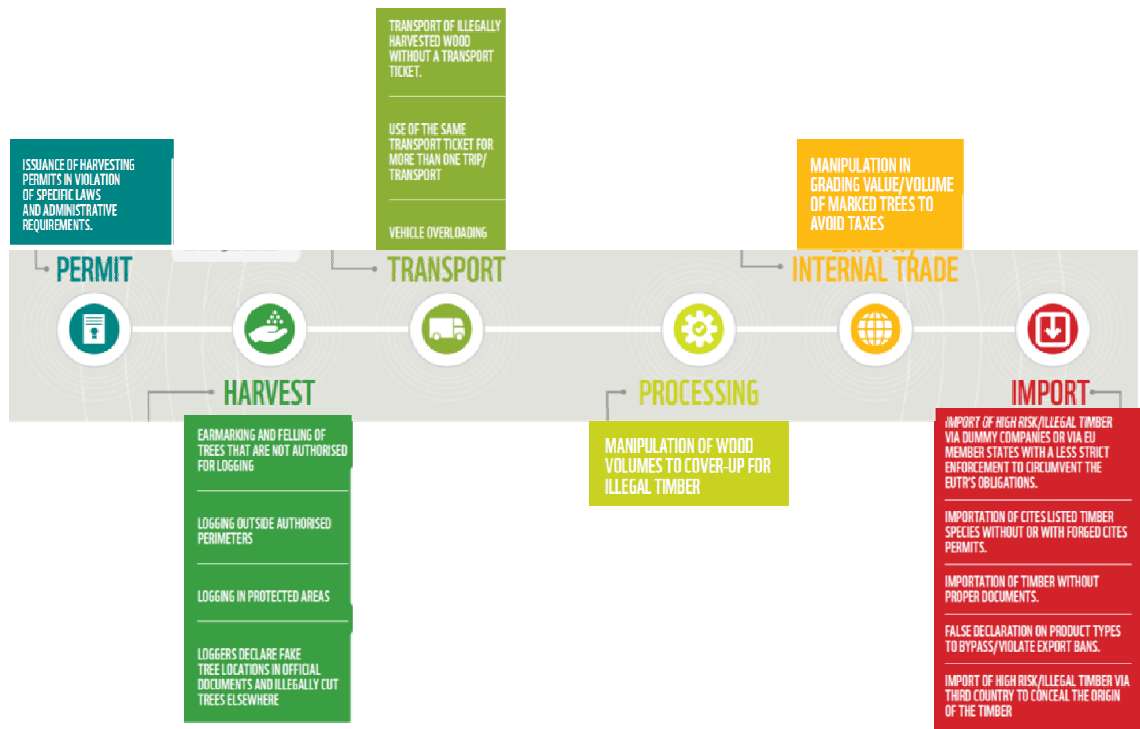
Step 3. Invite every participant to think for a few moments and select one event or experience of an example of one of the listed offences. *If required give an example from your experience.*

Ask the group to present examples

Step 4. After the Q& A summarise key types of offences listed on the flipchart.

Step 5. Highlight that there are other categories of land such as National and Local Forests which have their own particular restrictions. Highlight that these and the offences discussed will be covered in more detail during day two: Control: dealing with illegal activities.

Step 6. Highlight that offences can take place in multiple locations. Display the following graphic, or draw out on a flipchart and highlight that offences can take place as forest produce is moved from the forest to final consumer.



Ask if there are any questions at this stage.

Step 7. Question and answer session.



Distribute handout 3 among the participants (see Annex A.)

Refer to copies of the Forests Act, 2015.

	<p>Notes for facilitators:</p>
--	---------------------------------------

To start the session, be ready to give your own example from your personal experience to stimulate others to think through and give their examples etc.

Use the summary of the participant's learning experience to draw the key aspects of offences in the relevant sections of the Forests Act, 2015:

Session 5: Appointment of HFOs, Roles & Condition of Service



Objective: To highlight the Process of appointment of HFOs and the published Conditions of Service applicable

At the end of the session, participants will be familiar with the process of appointment, the powers conferred and the Conditions of Service provided for the the public notice.



Time: 60 minutes

Powerpoint: HFO Session 5 Day 1 HFO appoint conditions of service

Materials Colour papers, flip chart, marker pens, Projector and screen, Copies of the Government Gazette which appoints Honorary Forest Officers



Method: Presentation, Interactive discussion

Step 1. The facilitator should introduce the session, briefly highlight the application process – application form

Step 2. Project on the screen Section 6 of the Forests Act, 2015 the text on appointment of HFO by the Minister highlighting it is a legal requirement and that there are terms and conditions with each appointment,

Highlight that the appointment may be general or limited to a specific geographic area Section 6 (2).

Highlight that within the terms of appointment, the HFO shall exercise the functions and perform the duties of an authorised officer.:

Explain these terms as they relate to an authorised officer.

Step 3. Project the Government Gazette on the screen a talk through the text and meaning. Highlight the term (3 years), the unique number.

Indicate that each Gazette Notice has a different date of appointment and this should be taken note of for their appointment.

REPUBLIC OF ZAMBIA

GOVERNMENT GAZETTE

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Lusaka, Friday, 12th February, 2021

[Vol. LVII, No. 17]

Statutory Notice No. 108 of 2021

[15/01/21]

The Forest Act
(Cap No. 4 of 2015)

Appointment of Honorary Forest Officers

I, **John Nkhosho**, Governor of the Republic of Zambia, do hereby appoint the persons named in the Schedule to be Honorary Forest Officers under the Terms and Conditions contained in the Schedule for the period of three years from the date of this notice.

20th August 2020

J. Nkhosho, Gov.

(Governor)

(Member of Lusaka and National Revenue)

List of Candidates for Governing as Honorary Forest Officers

Sl. No.	Name	ID No.	Category	Type	Education	Address
1.	Joshua Banda	000000000	SA	Forest Officer	Master's	Lusaka District
2.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
3.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
4.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
5.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
6.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
7.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
8.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
9.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
10.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
11.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
12.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
13.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District
14.	Edmore Phiri	000000000	SA	Forest Officer	Master's	Lusaka District

Step 4. Project the Terms and Conditions of service in the Government gazette. Go through line by line and take questions over the meaning of any of the conditions.

Highlight the following:

- Reporting requirements
- Voluntary nature of the appointment
- Support to operations outside their recognised area of operations
- Identification
- Termination

Step 5. The facilitator should invite any questions over the Appointment and Terms and Conditions.



Distribute handout among the participants (see Annex A.)

Terms and conditions from the latest Government Gazette Notice

Session 6: Reflection on learning Day One & Overview Day Two



Objectives of the session:

At the end of the session, participants will be able to evaluate their understanding and learning of the first day of Training;



Time: 40 minutes

Materials **Flip chart, marker pens, evaluation sheet**

Method: **Interactive discussion, individual reflection**

Step 1 Ask the participants to reflect on the sessions covered in day 1. After a pause, ask participants to give one or more points they learned from the previous day.

Write the learning points on a flipchart that all can see.

Step 2 Reflect on results and process with participants;
From the Previous day's sessions, check against the list of topics covered to check if key topics have been included.

Pick out key issues that will input to the current day's training.

Discuss any important concerns raised during the session. Place any in the 'parking lot' if they need to be dealt with later.



Distribute handout 6 among the participants (see Annex A.)



**Notes for
facilitators:**

The evaluation session should be conducted as an additional reflection session on the key learning points of the day. Hand out copies of handout number 5: FLE Day One Sessions – Self assessment/evaluation form.

Session	Before	Now	Comment
Session 1. Training Objectives, Expectations, Norms for the training			
Session 2. Overview of law enforcement, summary processes & procedures			
Session 3. Introduction of relevant Laws of Zambia,			
Session 4. Introduction to Forest Laws & Offences			
Session 5. Appointment of HFOs, Roles & Condition of service			

Ask the participants to reflect on the issues and topics of the day and considers the facilitation skills listed.

Ask them to score their level of awareness/knowledge/understanding before the training, at the end of today, and their target for the future with the following scoring:

1. **Poor**
2. **Little knowledge**
3. **Some knowledge**
4. **Capable**
5. **Highly capable**

Encourage the participants to complete and hand-in their responses if they wish. Do reinforce that this is for their own reflection and learning.

Day two: Control – dealing with illegal Activities

Session 7: Check in - Reflection on Day One



Objective:

At the end of the session, participants will:

- ✓ Be refreshed with key issues from previous learning
- ✓ To provide feedback on specific participatory methods or session
- ✓ To learn how to express feelings and make creative suggestions



Time: 40 minutes

Materials: Flip chart paper, marker pens

Method: **Interactive discussion**

Procedure:

Step 1: Welcome the participants to the second day of the programme.

Step 2: Ask the participants to reflect on the sessions covered in day 1. After a pause, ask participants to give one or more points they learned from the previous day.

Write the learning points on a flipchart that all can see.

Step 2 Reflect on results and process with participants;

From the Previous day's sessions, check against the list of topics covered to check if key topics have been included.

Session 1.	Training Objectives, Expectations, Norms for the training
Session 2.	Overview of law enforcement, summary processes & procedures
Session 3.	Introduction of relevant Laws of Zambia
Session 4.	Introduction to Forest Laws & Offences
Session 5.	Appointment of HFOs, Roles & Condition of service
Session 6.	Reflection on learning Day One & confirmation/ Overview Day Two

Pick out key issues that will input to the current day's training.

Discuss any important concerns raised during the session. Place any in the 'parking lot' if they need to be dealt with later.

Step 3: The facilitator presents the programme of the second day.

Day two – Control – dealing with illegal Activities

Session 7	Check in - Reflection on Day One & key learning
Session 8.	Regulating Forest Produce
Session 9.	Enforcement: offences and penalties
Session 10	Powers of an authorised officer & rights of the offender
Session 11.	Scenarios for statutory forest law enforcement Practical - search, seize and arrest
Session 12.	Reflection on learning Day Two & confirmation/ Overview Day Three

Following outlining the sessions for Day 2, highlight that these are critical sessions where it is important to understand the offences and penalties, the powers that an HFO has as well as the limitations and responsibilities in terms of safeguards and provisions under the Constitution of Zambia.

	<i>Notes for facilitators:</i>
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Check in

The aim of this session is to quickly reflect on the learning from the previous days sessions.

- It allows you as the facilitator to assess understanding before proceeding with new work. It might be that you have to quickly refresh key issues and points necessary for the Day 2 programme.
- It also allows for effective use of time while any late comers arrive and sort themselves out for the day.
- By asking for views around the room it brings participants focus back into the training session.
- It allows the participants to reflect on the learning from the first day and to consider the agenda and prepare themselves for the second day

Session 8: Regulating Forest Produce



Objective:

To ensure the course participants are aware of the method of controlling and managing major forest produce on State land and customary areas.

At the end of the session, participants will:

Have a shared understanding of the ownership of trees and the legal basis for controlling the exploitation and movement of major forest produce.



Time: 60 minutes

Powerpoint: HFO session 8 Day 2 Regulating Forest Produce

Materials: markers, flip charts,

Method: **Presentation / Interactive discussion**



Step 1 Introduce the topic that the session will cover the Regulation of Forest produce.

Highlight: The ownership of trees in Zambia according to section 3 of the Forests Act, 2015, until lawfully transferred or assigned

Step 2: Refer participants to the Forests Act, 2015, specifically Part VI REGULATION OF FOREST PRODUCE

On the screen refer to Section 49: Purpose of conserving trees on State Land and customary areas

49. (1) Major forest produce on State Land and customary areas shall be conserved for the use and benefit of the local community in those areas, except that— (a) trees may be felled and land cleared by or for the local community for the purpose of agricultural and other developments;

Highlight to the participants the last sentence a).

Step 3: Highlight section 50

Project the Slide:

Control and
management
of major
forest
produce on
State
Land and
customary
areas

50. (1) Subject to the other provisions of this Act, the control and management of the licenced felling, cutting, taking and removal of major forest produce on State Land, land under leasehold tenure vested in any person and customary areas shall vest in the Director.

(2) A person who intends to fell, cut, work or remove any major forest produce from any State Land, land under leasehold tenure vested in any person or customary area or sell, offer for sale, barter or deal in any major forest produce shall apply for a licence or permit under this Part.

Step 4: Highlight control is through Licences and permits

Work through the powerpoint image slides with sections from the Forest Act

- ✓ Highlight that every licence or permit has conditions attached to it
- ✓ Highlight that permits cannot be issued for the same area or if a community forest management agreement has been entered into by the Director for specific area.
- ✓ Highlight that after harvesting that under section 58 Removal of forest produce from an area requires:

58. A person shall not remove from a forest area any forest produce cut or taken under a licence or permit until—

- (a) a forest officer endorses on the licence or permit;
- (b) the forest produce is measured or checked by the forest officer; and
- (c) the forest produce is marked by the forest officer with the imprint of the timber marking hammer or instrument or any other mark of the Department.

Removal of
forest
produce
from
forest area

Under section 61 a licence or permit shall not be transferred or assigned. This is important for checks such as on roadblocks

61. A licence or permit or any rights conferred under the licence or permit shall not be transferred or assigned by the licensee or permit holder to any other person.

Transfer of
licence or
permit

Step 5: Recap: Ownership & legal transfer

Remind the participants of Forests Act, 2015, Section 3: Ownership of trees and forest produce includes for **Lawful transfer or assignment**.

This transfer or assignment may include:

- eg Community Forest Management, private forests, concessions, licences & permits
- Designation of the land important, ie Protected area / National Park
- Restriction on movement and trade – permit required

Emphasise that enforcement requires recognition and understanding of permits and the information contained within a **permit**.

Step 6: Understanding Permits

Take the participants through the following based on the slide of the permit or using printed hard copies provided to participants as a handout:

Permit features:

- ✓ Date of issue
- ✓ Name and NRC
- ✓ Date of validity
- ✓ Quantities
- ✓ Place Production
- ✓ Place of where its being conveyed to
- ✓ Species name/name of forest product
- ✓ Date stamp (official)



- Date of issue
- Name and NRC
- Date of validity
- Quantities
- Place
Production
- Place of where
its being
conveyed to
- Species
name/name of
forest product
- Date stamp
(official)

Take the participants through the following based on the slide of the permit or using printed hard copies provided to participants as a handout:

Step 7: General receipt as proof of payment

Explain the purpose of a **receipt** that it is a **separate document to the Permit** as it provides **evidence of payment** and that it should **match the permit** in terms of who the payment was received from and for what purpose.

Receipt features:

- Date of issue
- Name
- Amount (in figures and words)
- Details & references (forest product)
- Date stamp (official)

Take the participants through the part of the General Receipt based on the slide of the permit or using printed hard copies provided to participants as a handout. Key points to note include:

- ✓ **Name:**
- ✓ **Amount:**
- ✓ **Details of the payment:** note this should indicate the details of the permit it relates to and include the unique reference number of the permit.
- ✓ The receipt requires an **official stamp with dates** and details of the **official** receiving the payment.

Step 8: Movement of major produce requires a permit

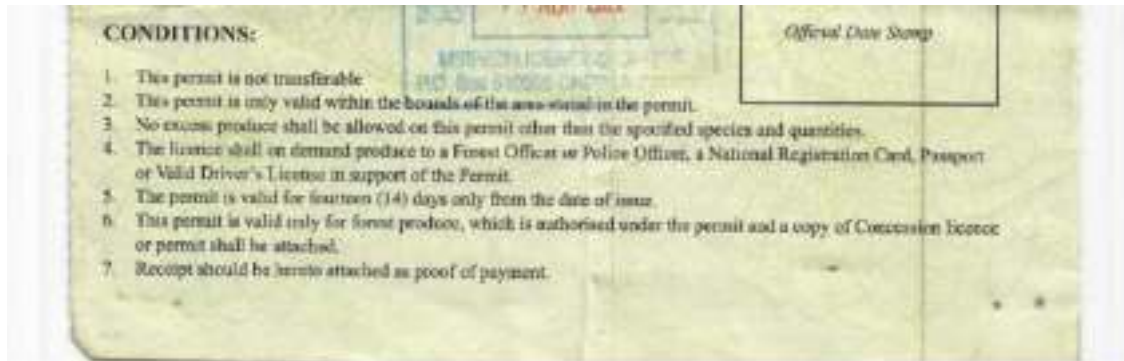
Take the participants through the following based on the slide of the permit or using printed hard copies provided to participants as a handout:

Permit features

- Land category
- Name and NRC
- Address
- Name of forest product
- Species name/
- Quantities
- Place
- Production
- Place of where its being conveyed to
- Date of validity (see conditions)
- Date stamp (official) Date of issue

With conditions:

Take the participants through the conditions based on the slide of the permit or using printed hard copies provided to participants as a handout:



Discuss with the participants through the conditions based on the slide of the permit or using printed hard copies provided to participants as a handout specifically focusing on issues that should be examined during operations such as roadblocks

Key points include:

- ✓ Named person – not transferable
- ✓ Validity in terms of place and duration (14 days)
- ✓ Produce it refers to in terms of type and quantity and licence needs to be attached.

Discuss key points of interest for checking the validity such as on roadblocks.

Step 8: Awareness of fees charged on forest produce

Highlight the importance of understanding the charges that are levied on forest produce according to the Regulations. This is important to understand if the correct fees have been charged and is one factor in determining penalties if an offence is uncovered and there is an Admission of Guilt. This will be discussed later under Section 100.

Fees that are paid for major produce as set out in a Statutory Instrument

APPENDIX
(Regulation 2)

FIRST SCHEDULE
(Regulation 2)

PART 1

FEES AND PRICES FOR INDIGENOUS FOREST PRODUCTS

Type of produce	Fees per cubic metre
A. Timber	Fee Units
1. <i>Afrasia quanzensis</i> (Mupapa, Mwande)	1150
2. <i>Albizia</i> species (Musase, Mutanga)	1250
3. <i>Baikiaea</i> species (Mukosi)	1250
4. <i>Brachystegia</i> species (Miombo)	900
5. <i>Daniellia alsteeniana</i> (Mukulabushiku)	975
6. <i>Entandrophragma</i> species (Mofu, Mofwe, Mipumema)	975
7. <i>Erythrophleum africanum</i> (Kayimbi, Mukoso, Muboko)	1000
8. <i>Faurea Saligna</i> (Saminga, Mushokoso)	1050
9. <i>Guibourtia coleosperma</i> (Muzauli, Mushibi)	1250
10. <i>Khaya anthotheca</i> (Mululu, Mbewa)	825

Convert to ZMW using: 30 Ngwee. This is based currently on the SI #41 of 2015

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 41 OF 2015

The Fees and Fines Act
(Laws, Volume 3, Cap. 45)

The Fees and Fines (Fee and Penalty Unit Value)
(Amendment) Regulations, 2015

IN EXERCISE of the powers contained in section nine of the Fees and Fines Act, the following Regulations are made:

- | | |
|---|---------------------------------|
| 1. These Regulations may be cited as the Fees and Fines (Fee and Penalty Unit Value) (Amendment) Regulations, 2015, and shall be read as one with the Fees and Fines (Fee and Penalty Unit Value) Regulations, 2014, in these Regulations referred to as the principal Regulations. | Title
S. I. No. 8
of 2014 |
| 2. Regulation 2 of the principal Regulations is amended by the deletion of the words "twenty ngwee" and the substitution thereof of the words "thirty ngwee". | Amendment
of regulation
2 |
| 3. Regulation 3 of the principal Regulations is amended by the deletion of the words "twenty ngwee" and the substitution thereof of the words "thirty ngwee". | Amendment
of regulation
3 |

LUSAKA
19th June, 2015
[MPR.101/11/2]

A. B. CHIKWANDA,
Minister of Finance

	50 per kg
PART II	
Fees and Prices for Forest Plantation Produce	
A. PINE TIMBER	
39. Final Felling (Mature crop)	600 per m ³
40. Thinning (Immature crop)	360 m ³
B. EUCALYPTUS TIMBER	
41. Final Felling (Mature crop)	450 per m ³
42. Thinning (Immature crop)	300 per m ³
C. POLES OF ALL PLANTATION SPECIES FOR SALE	
43. Poles less than 10 cm top diameter	15 per metre
44. Poles between 10 and 14 cm top diameter	22.5 per metre
45. Poles between 15 and 19 cm top diameter	27 per metre
46. Poles between 20 and 24 cm top diameter	30 per metre
47. Poles between 25 and 29 cm top diameter	37.5 per metre

Step 9: Exercise on Understanding permits

Provide examples of permits.

Test knowledge on interpreting the permit, receipt and conveyance to check understanding.

- ✓ Agree time allowed for this exercise
- ✓ Determine if individual or in groups
- ✓ Allow time for plenary presentation & discussion
- ✓ Ensure there is a reflection on the importance and relevance of this exercise, how the participants will find themselves checking paperwork for accuracy.
- ✓ Emphasise again that all paperwork must be originals and that copies are not acceptable.

Session 9: Enforcement – offences and penalties



Objective:

To ensure the course participants are aware of the key forest offences in terms of the Laws of Zambia, the Forests Act, 2015 in particular **Part X Offences and Penalties**

At the end of the session, participants will have a shared understanding of forest offences as set out in the Forests Act, 2015



Time: 60 minutes

Presentation: HFO session 9 Day 2 Offences & Penalties

Materials: markers, flip charts, stickers, course programme

Method: **Presentation & Interactive discussion**



Step 1 Introduce the topic

In terms of Law Enforcement, the 3 major areas to be aware of are as follows:

- ✓ The Forest Offences in accordance with Legislation;
- ✓ The penalties incurred when an offence is committed
- ✓ The Powers of a forest officer in conduct of law enforcement operations, identifying and processing offences in terms of the offender and produce, equipment and other materials used in the conduct of an offence.

Step 2: Recap on Offences and penalties

Remind the participants of the key offences in the Forests Act, 2015 covered on the first day. Ask the participants to state what are the key forest offences:

- Prohibition of removal, felling, cutting, collecting, etc. of major forest produce without licence or permit, Refer to Part X of the Forests Act, 2015.

Step 3 Presentation of the relevant sections of the Forests Act, 2015 using the powerpoint presentation on the same topic.

PART X OFFENCES AND PENALTIES

Offences by authorised officers	85. An authorised officer who willfully or negligently permits the removal of unmarked produce from a coupe commits an offence.
Prohibition of removal, felling, cutting, collecting, etc. of major forest produce without licence or permit	86. (1) A person shall not, without a licence or permit— <ul style="list-style-type: none"> (a) fell, cut or work any major forest produce; (b) fell, cut, work, take, collect or remove any major forest produce in or from any State Land, customary area or open area; or (c) sell, offer for sale, barter or otherwise deal in any major forest produce from any State Land, customary area or open area. <p>(2) A person who contravenes subsection (1) or (2) commits an offence.</p>

The offence relates to the absence of a 'permit' (permission) in the stated activities, in relation to movement and trade.

- **Restrictions on the manufacture of charcoal**

87. (1) Subject to the other provisions of this Act, a person who, not being a holder of a licence or permit under this Act, manufactures wood into charcoal or offers for sale, sells or removes charcoal in or from any State Land or customary area commits an offence.	Restrictions on manufacture of charcoal
<p>(2) This section does not apply to a person who, within the State land, customary area or open area—</p> <ul style="list-style-type: none"> (a) is in possession of a valid licence or permit authorising the licensee or permit holder to do the act or to manufacture charcoal; (b) has obtained the permission of the owner of the land to do so and is in possession of a valid licence or permit authorising that person to manufacture charcoal and do any such act; or (c) is an authorised officer acting under instructions in performance of that officer's functions under this Act. 	

Other key offences relate to:

- ✓ Destruction of major forest produce (section 88)
- ✓ Illegal possession of major forest produce (section 89)
- ✓ Import/ export of major forest produce (section 90/91)
- ✓ Mixed marking of major forest produce (section 92)
- ✓ Removal, damage, etc, of boundary mark (section 94)

- ✓ Failure to assist with extinguishing fire in forest area (section 96)

Penalties

- General penalty (section 99)

General
penalty

99. A person who commits an offence under this Act for which a penalty is not provided is liable, upon conviction—

- (a) if the offence was committed within, or in connection with, a forest area, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both; and
- (b) in all other cases, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

Discuss the difference between (a) and (b)

Restrictions in a National Forest (section16) and Local Forest (section23)

Highlight to the participants that there are specific restrictions on activities in Local Forests. These are covered under sections 16 & 23. Go through and discuss.

Restrictions
in National
Forest

16. (1) Subject to subsection (2), a person shall not enter any National Forest without a licence or permit.

(2) Subsection (1) does not apply to a person who is a traveller on a public road in, or footpath frequently used by residents within or adjacent to a National Forest.

(3) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

23. (1) A person shall not do any of the following acts in a Local Forest without a licence or permit:

Restrictions
in Local
Forest

- (a) fell, cut, fashion, burn, injure, take, collect or remove any forest product;
- (b) squat, camp, reside, build or excavate, construct or use any enclosure, re-open or use any road other than a public road, or erect or operate any plant, machinery or equipment;
- (c) set fire to any tree, undergrowth, grass or forest produce, assist in lighting any fire, or allow any fire to be lit by any person or allow the employee or agent of any person to enter a Local Forest;
- (d) graze domestic animals or allow domestic animals to trespass;
- (e) clear, cultivate or break up land for cultivation or other purposes, or grow crops;
- (f) enter or be found in or upon any Local Forest or for any purpose contrary to an order made by the Director, unless the person is a traveller on a public road;
- (g) collect any bees, comb-honey or beeswax, or hang or place on any tree or elsewhere any beehive or other receptacle for the purpose of obtaining any bees, comb-honey or beeswax, or be found in, or upon, any Local Forest for the purpose of collecting any bees, comb-honey or beeswax;
- (h) remove or damage any boundary mark, beacon, notice, fence or gate, or remove or damage any mark placed on any tree by, or on, the authority of a forest officer; or
- (i) deposit or negligently allow the disposal of any refuse or debris in, or on, any Local Forest.

Note the restrictions are different for a Local Forest and the penalty unit are more than the General Penalty as follows:


Section 23 (2)

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Charge Sheet

Offences are detailed in a charge sheet. This sets out the particulars of:

- ✓ The offender
- ✓ The offences committed (Forests Act, 2015)
- ✓ The particulars of the Offence
- ✓ Place of the offence
- ✓ Date of the Offence
- ✓ Statement of understanding of the offence by the offender
- ✓ The arresting officers details


Republic of Zambia
FORESTRY DEPARTMENT
CHARGE SHEET
(The Forests Act, 2015, Part X: Offences and Penalties)

Name:.....	Tribe:.....
Village:.....	NRC:.....
Chief:.....	Age:.....
District:.....	Sex:.....
Occupation:.....	

CHARGE (1st Count):
(If space insufficient, continue overleaf)

Statement of Offence (Forests Act, 2015):

.....

Particulars of the offence:

Place of the Offence:..... Date of the offence:.....

.....

Do you understand the charge? (Yes/No):..... Signature / Thumb print:.....

Do you admit or deny the charge? (Yes/No):..... Signature / Thumb print:.....

Arresting Officers Name:..... Date:.....

Arresting Officers Designation:..... Place:.....

Arresting Officers Signature:..... Time:.....

Notice letters Section 23 (b)

Notice letters may be issued to an offender in the case of encroachment and construction in a protected forest area. These offences in terms of processing the offence, disposal of items including the destruction of illegal structures may require a **court order** and therefore formal notification of the offence in order to initiate proceedings. These must be properly prepared, documented and filed.

An example of a Notice Letter is provided as a handout.

Session 10: Powers of an Authorised Officer & Rights of the Offender



Objective:

To ensure the course participants are aware of the Powers an Honorary Forest Officers have through appointment by the Minister under section 6 of the Forests Act, 2015, and the powers that this provides for under the legislation.

At the end of the session, participants will:

Have a shared understanding of Powers of an Authorised Officer, Powers of an Honorary Forest Officer including limitations and safeguards.



Time: 90 minutes

Presentation: HFO Session 10 Day 2 Powers search seize arrest

Materials Coloured papers, flip chart, markers,

Method exercise **Presentation** **Interactive** **discussion,**

Step 1. The facilitator presents the objective of the session and explains the need to closely understand the powers provided to an appointed Honorary Forest Officer

Remind the participants that the key aspect of forest offences and penalties (covered already) relates to a person having a 'permit' to fell, cut, work, transport and sell. That this element is core to forest law enforcement. Once they are aware of the offences then they can act when an offence is committed, observed or there is probable cause an offence has been committed.

Project the relevant section from the Forest Act, 2015, section 6 (3) for the functions and duties:

(3) Subject to the provisions of this Act and the terms of the instrument of appointment, an honorary forest officer shall, within the terms of appointment, exercise the functions and perform the duties of an authorised officer.



Step 2. Enforcement: Powers of an Authorised Officer

Project the relevant section from the Forests Act, 2015, Part IX Enforcement, section 74. Onwards. Project the slides (or refer participants to the relevant sections of the Forests Act provided as a handout):

PART IX

ENFORCEMENT

74. Powers of authorised officer

75. Power to carry out tests and take statistics

76. Arrest without warrant

77. Obstruction of authorised officer

78. Demanding production of licence or permit

79. Prevention of offences

80. Search with warrant

81. Prosecution by officers

82. Seizure of property

83. Forfeiture and restoration of property

84. Assistance in extinguishing fire

Working through the sections on enforcement (using the powerpoint slides) highlight key points from each of the sections of the Act (Part IX) on **Enforcement.**

Explain and highlight through examples the powers to:

- ✓ Stop/ Inspect
- ✓ Demand a licence or permit
- ✓ Question
- ✓ Search – persons, containers, vehicles
- ✓ Seize
- ✓ Charge with an offence
- ✓ Arrest
- ✓ Explain what is meant by Reasonable grounds
- ✓ Emphasise working with Police Officers

Key sections include:

Powers of authorised officer

74. (b) demand from any person the production of a licence or permit for an act done or committed by that person in a forest area or in relation to any forest produce for which a licence is required under this Act;

74. (c) require any person found within a forest area who has in that person's possession any forest produce to give an account of the manner in which the person came in possession of the forest produce and where the account given is not satisfactory, arrest and take that person before a court;

74. (j) seize any forest produce, major forest produce, protected flora, appliance, equipment, device or material in connection with which an offence appears to have been committed;

74. (5) Where an authorised officer detains, disposes of or destroys any forest produce, major forest produce or protected flora under subsection (1) or (4), the authorised officer shall, as soon as is practicable, **notify, in writing**, the owner of the forest produce, major forest produce or protected flora of the steps taken and the reasons therefor. – **Use of the seizure form**

74. (8) A person who contravenes an order made pursuant to this section **commits an offence** and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

Arrest without warrant

76. (1) An authorised officer may arrest a person, without warrant, where the authorised officer has reasonable grounds to believe that the person—

(a) has committed an offence under this Act;

(b) is about to commit an offence under this Act and there is no other way to prevent the commission of the offence;

or

(c) is wilfully obstructing the authorised officer in the execution of the officer's duties.

(2) An authorised officer who makes an arrest under subsection (1) shall, **without undue delay**, have the person arrested brought to **a police station**.

Obstruction of authorised officer

77. A person who—

(a) willfully delays or obstructs an authorised officer in the carrying out of the officer's duties under this Act;

(b) knowingly or negligently gives an authorised officer false or misleading information; or

(c) impersonates or falsely represents oneself to be a forest officer or to be a person acting under an authorised officer's orders;

commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

Demanding production of licence or permit

78. An authorised officer may demand from any person engaged in doing or causing to be done anything for which a licence or permit is required under this Act to produce the licence or permit, and if that person fails to produce the licence or permit, restrain that person and the employees and agents of that person from doing such thing until the licence or permit is produced.

Seizure of property

82. Where there is reason to believe that an offence has been committed, any major forest produce felled, cut, collected or removed contrary to the provisions of this Act and any tools, instruments, plants, machinery, equipment, vehicles and other property suspected of having been used in the commission of the offence may be seized by an authorised officer and detained until an order of the court is made regarding the disposal thereof.

Discuss

Following presenting the key information of the Forests Act, 2015, Part IX Enforcement, sections 74 to 84, ask the participants to list the main powers of an authorised officer and provide examples how they may be applied.

List these on a flipchart, review and discuss with the group.

Step 3. Law enforcement processes - Conducting Forest Law Enforcement Operations involves:

Introduce to the participants the need to plan and understand fully key processes in conducting forest law enforcement operations. This can cover:

1. Planning for the Patrol and organisation of the Patrol team members
2. Conduct and approach of the patrol team to the scene of the offence
3. Conduct of questioning and ascertaining the facts of the offence and the offender

4. Assess the situation, the information collected and whether an offence has been committed.
5. Processing the offence & completing paperwork:
 - a. Completion of a charge sheet (The list and completeness of the description of the offences - list of counts in the charge sheet and particulars of each of the offences).
 - b. Completion of a seizure form
 - c. Processing and reporting the offence

5. Teamwork, risk assessment & safety of HFOs & offenders

Discuss.

Step 4. Steps Followed When Effecting an Arrest by an Authorised Officer

The Act provides the powers of stop, search, seize and arrest when a forest offence is being committed or suspected. The exact process will be determined by the circumstances of discovering a forest offence, but can be guided by the following:

- ❑ Before an authorised officer effects any arrest, the following procedures should be followed;
 - ✓ Identify yourself as an authorised officer preferably with an ID;
 - ✓ Demand for a licence or permit;
 - ✓ Assess the situation and determine if an offence has been committed;
 - ✓ Inform the offender that you believe an offence has been committed in terms of the provisions of the Forests Act, 2015;
 - ✓ Formally charge and arrest the suspect(s);
 - ✓ Inform the offender the right that s/he has during arrest;
 - ✓ Seize all equipment used in the commission of the forest offence and all illegal forest products/produce, document on a seizure form;
 - ✓ Write an offence report;
 - ✓ Submit to the District Forest Officer for onward submission to a public prosecutor.

Confirm this process through a role play in the class – using one of the forest offences as an example.

Explain each step and how it is conducted

Refer to the particular provisions of the Forests Act in terms of:

- ✓ Stop
- ✓ Inquire
- ✓ Search
- ✓ Seize
- ✓ Caution
- ✓ Charge with an offence

Note limitations:

These include searching private dwellings without the presence of an adult member of the household

Discuss

- ✓ Processing and reporting the offence
- ✓ Treatment of seized items prior to Court hearings
- ✓ Treatment of persons arrested in terms of process and the Law. This includes gender awareness and treatment.

Step 4. Invite every participant to think for a few moments and select one event or experience of an example of one of the listed offences. *If required give an example from your experience.*

Ask the group to present examples and how they were dealt with.

Step 5. After the Q& A summarise key types of offences listed on the flipchart.

Step 6. Highlight that there are other categories of land such as National and Local Forests which have their own particular restrictions. Highlight that these and the offences discussed will be covered in more detail during days three and four:

Note: **When an Authorised Officer May Make an Arrest**

There are only a very limited number of circumstances in which an Authorised officer may make an arrest:

- ✓ The Authorised Officer personally observed a forestry offence being committed;
- ✓ The Authorised Officer has probable cause to believe that person arrested committed a forestry offence;
- ✓ The Authorised Officer has an arrest warrant issued by a judge.

An Authorised Officer cannot arrest someone just because s/he feels like it or has a hunch that someone might be a criminal. Officers have to be able to justify the arrest usually by showing some tangible evidence that led them to probable cause.

Discuss

Step 7: Seizure of property

Highlight the requirement in the Forests Act, section 82, the process involved and the documentation to complete and process for further action and records. Remind the participants for the need for accuracy, this includes quantities of items recovered and seized from an offence.

Seizure of property

82. Where there is reason to believe that an offence has been committed, any major forest produce felled, cut, collected or removed contrary to the provisions of this Act and any tools, instruments, plants, machinery, equipment, vehicles and other property suspected of having been used in the commission of the offence may be seized by an authorised officer and detained until an order of the court is made regarding the disposal thereof.

Forfeiture and restoration of property

83. (1) The Director shall, where any person from whom any forest produce or other property has been seized under section eighty-two is found not guilty or the proceedings against that person are withdrawn—

- (a) without unnecessary delay, restore the forest produce or property to that person; or
- (b) where the Director is satisfied that the person cannot be found or is unwilling to receive back the forest produce or property, apply to the court for an order of forfeiture of the forest produce or property.

The form is titled 'SEIZURE OF PROPERTY' and includes the following fields:

- SEIZURE OF PROPERTY
- DATE
- TIME
- LOCATION
- OFFICER
- NAME
- DATE
- TIME
- LOCATION
- OFFICER
- NAME
- DATE
- TIME
- LOCATION
- OFFICER
- NAME

Refer to their copy of the Forests Act, 2015, sections 74 - 84

Step 8: Rights of an offender

In the process of law enforcement operations, particularly during the process of stop, search, questioning and arrest including the subsequent detaining and processing to the Police and subsequently to the Court, the offender has certain rights under the Constitution.

Highlight some of the Rights of the Offender:

- ✓ Offender has the right to life, therefore minimum force should be applied;
- ✓ The offender has the right to appeal for wrongful detention therefore a speedy procedure for detention be done and presented in court within 48hrs of being arrested;
- ✓ Mode of searching a woman: whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency;
- ✓ No unnecessary restraint: the person arrested shall not be subjected to more restraint than is necessary to prevent his escape.
- ✓ The offender has the right to be cautioned and the offence fully explained to them including the reason for their detention and seizure of items, tools and other property involved in the offence.
- ✓ They should be made aware of their right to remain silent as anything said will be used against the offender in the court of law. This is sometimes referred to as 'Miranda rights'. In Zambia this is a requirement of the Criminal Procedure Code. This process can be recorded by way of using a Warn and Caution Statement Form. This records details of the offender, the Offence, and provides the statement that they have been advised of their rights and are asked to confirm that they have been made aware of their rights. The details of the arresting officer are also recorded.



The image shows a 'Warn and Caution Statement' form from the Ministry of Justice, Republic of Zambia. The form is titled 'WARN AND CAUTION STATEMENT' and includes a section for 'Your Criminal Procedure Code'. It contains fields for 'Name', 'Date', 'Place of the offence', and 'Date of the offence'. There is a section for 'Explain to you the rights you have' and a section for 'Explain to you the rights you have'.

Step 9: Discuss

Ask the participants if there are issues needing clarified or other questions on the powers of an authorised officer including an HFO once approved by the Minister and name published in the Government Gazette.



**Notes for
facilitators:**

Additional information on Arrests

III. How to Utilize Handcuffs.

- A. In order to insure the maximum benefit from your handcuffs, there are proper methods to use.
- B. All prisoners should be handcuffed with their hands behind their back.
 - 1. The handcuffs should be placed on the subject as soon as you have completed your search.
 - 2. Handcuffs can be applied even before searching as in the case where the prisoner is violent or extremely dangerous.
 - 3. Assuming that you have completed your search, you order the prisoner to support himself with his left arm and bring the right arm back. You then place the handcuff on the right wrist through the prisoner's belt. Order him to place the top of his head against the wall of the building and support his weight with his head and bring the left hand back securing the left wrist in the free side of the handcuff.
 - (a) When only one wrist, the right wrist, is secured the most hazardous time is faced, for if the prisoner can gain the advantage, he can strike the officer with the handcuffs, using them as a weapon.
 - (b) The belt provides additional protection in that it eliminates the possibility of the prisoner stepping through his arms and having his hands in front of him.
 - (c) When you have completed this procedure, the prisoner's hands should be restrained in such a position that the backs of the hands are together and the palms face the sides.
- A. Take time to size things up; look the situation over.
- B. Do not abuse or threaten.
- C. Avoid unnecessary excitement.
- D. Don't let him get you excited or overly emotional.
- E. Don't lie to him.

Notes for facilitator

The constitutional law of Zambia provides the following basic defendant's rights:

- Zambia Constitution indicates that every person who has been charged with a criminal offence “shall be presumed innocent until he is proved or has pleaded guilty.” – article n. 18, 2, “a” of the Constitution of Zambia.
- Zambia Constitution prohibits trying and convicting a person for a criminal offence unless that crime is defined and the penalty prescribed in a written law - article n. 12, 1 of the Constitution of Zambia.
- Zambia Constitution offers protection against arbitrary or unlawful arrest by requiring that “a person shall not be deprived of his personal liberty except as may be authorized by law” - article n. 13, 1 of the Constitution of Zambia.
- Zambia Constitution prohibits that any person be subjected to torture or inhumane. – article n. 15 of the Constitution of Zambia.
- Zambia Constitution requires that “any person who is arrested or detained shall be informed as soon as reasonably practicable, in a language he understands, of the reasons for his arrest or detention” - article n. 18, 2, “b” of the Constitution of Zambia.
- Zambia Constitution protects personal liberty by stating that a person must be released if not tried within a reasonable time - article n. 13, 3 of the Constitution of Zambia.
- Zambia Constitution states that “a person who is tried for a criminal offence shall not be compelled to give evidence at trial” - article n. 18, 7 of the Constitution of Zambia.
- Zambia Constitution states that “any person who is unlawfully arrested or detained by any other person shall be entitled to compensation thereof from that other person”. - article n. 13, 4 of the Constitution of Zambia.
- Zambia Constitution indicates that every person charged with a criminal offence “shall unless legal aid is granted to him in accordance with the law enacted by parliament for such purpose be permitted to defend himself before Court in person, or at his own expense, by a legal representative of his choice.” - article n. 18, 2, “d” of the Constitution of Zambia.

Session 11: Practical law enforcement exercises



Objective:

To provide real scenarios that will be faced and examples of how the Forest Laws are applied and offences dealt with.

At the end of the session, participants will have experienced and be familiar with dealing with common forest offences.



Time: 90 minutes

Powerpoint: HFO Session 11 Day 2 Practical exercises

Materials Equipment that can be used to make the scenarios more real, such as axes, hoes, locally available bags of charcoal.



Preparation: The materials should be sourced and the role play participants briefed and prepared for each of the planned scenarios.

Method **Interactive discussion, exercise, brainstorming**

Step 1. The facilitator presents the goal of the session and explains the objective of the session.

Recap: Conducting Operations involves:

1. Planning and organisation of the Patrol team members
2. Conduct and approach of the patrol team to the scene of the offence
3. Conduct of questioning and ascertaining the facts of the offence and the offender
4. Processing the offence & completing paperwork:
 - a. Completion of a charge sheet (The list and completeness of the description of the offenses - list of counts in the charge sheet and particulars of each of the offences).
 - b. Completion of a seizure form
5. Teamwork, risk assessment & safety of HFOs & offenders

How to deal with the following scenarios taking place in the forest area

Indicate to the participants the key questions that should be asked

- ✓ What offence is committed?
- ✓ Where did the offence take place?
- ✓ Which rule / law applies?
- ✓ Which authority deals with the offender?
- ✓ What process should be followed?
- ✓ What paperwork is required?

Step 2: Set up and put the participants through the following Scenarios

Depending on the class size, arrange for one patrol team to prepare, execute a patrol which comes across the scenarios which have been set up for role play practical. Request those not directly involved in the actual patrol team to be observers. Request this group to watch and take notes for the debrief of each scenario.

1. Charcoal production



- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?

2. Charcoal trafficking

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?



Step 3: Conducting a debrief of the scenarios in groups or plenary:

For each scenario, firstly request the patrol team to describe the incident they came across during their patrol. Ask them to indicate

1. the forest offences that were committed;
2. how the offence was processed; and
3. the documentation that was completed.

Once this has been done, request the participants who were observing to comment on the same points.

Highlight the following:

- The Planning and organisation of the Patrol team members
- The Conduct and approach of the patrol team to the scene of the offence
- The Conduct of questioning and ascertaining the facts of the offence and the offender
- The Processing the offence & completing paperwork:
- Completion of a charge sheet (The list and completeness of the description of the offences - list of counts in the charge sheet and particulars of each of the offences).
- Completion of a seizure form
- An assessment of teamwork, risk assessment & safety of HFOs & offenders

Facilitator notes:



Notes for facilitators:

The scenarios are a key method to transfer knowledge and skills to the community representatives.

Preparation is important to set up the scenarios, make them as realistic as possible and brief the characters as 'offenders' to role play the scenario. This can be run through twice, the first with a passive apologetic approach, the second with a more aggressive style to put the HFOs on the back foot.

Through the question and answer sessions earlier in the day and on the first day, it should be possible to select some HFOs with some experience to lead the practise patrol.

At the end of each role play, the approach and process should be critiqued, phases explained and requesting for reflection on how the patrol approach and conduct of questioning and dealing with the offence be improved.

Materials Equipment that can be used to make the scenarios more real, such as axes, hoes, locally available bags of charcoal.

Preparation: The materials should be sourced and the role play participants briefed and prepared for each of the planned scenarios.

Session 12: Reflection on learning Day Two & Overview Day Three



Objectives of the session:

At the end of the session, participants will be able to evaluate their understanding and learning of the second day of Training;



Time: 40 minutes

Materials Flip chart, marker pens, evaluation sheet

Method: Interactive discussion, individual reflection

Step 1 Ask the participants to reflect on the sessions covered in day 2. After a pause, ask participants to give one or more points they learned from the day.

Write the learning points on a flipchart that all can see.

Step 2 Reflect on results and process with participants;
From the day's sessions, check against the list of topics covered to check if key topics have been included.

Pick out key issues that will input to the current day's training.

Discuss any important concerns raised during the session. Place any in the 'parking lot' if they need to be dealt with later.



*Distribute handout 6 among the participants (see Annex A.) **Daily reflection form***

**Notes for
facilitators:**

The evaluation session should be conducted as an additional reflection session on the key learning points of the day. Hand out copies of handout number 5: FLE Daily Self assessment/ evaluation form.

Session	Before	Now	Comment
7			
8			
9			
10			
11			
12			

Ask the participants to reflect on the issues and topics of the day and considers the key lessons learned in each session.

Ask them to score their level of awareness/knowledge/understanding before the training, at the end of today, and their target for the future with the following scoring:

- 1. Poor**
- 2. Little knowledge**
- 3. Some knowledge**
- 4. Capable**
- 5. Highly capable**

Encourage the participants to complete and hand-in their responses if they wish. Do reinforce that this is for their own reflection and learning.

Day three: Conducting law enforcement operations



Session 13: Check in - Reflection on Day 2

Objective:

At the end of the session, participants will:

- ✓ Be refreshed with key issues from previous learning
- ✓ To provide feedback on specific participatory methods or session
- ✓ To learn how to express feelings and make creative suggestions



Time: 40 minutes

Materials: Flip chart paper, marker pens

Method: **Interactive discussion**

Procedure:

Step 1: Welcome the participants to the third day of the programme.

Step 2: Ask the participants to reflect on the sessions covered in day 2. After a pause, ask participants to give one or more points they learned from the previous day.

Write the learning points on a flipchart that all can see.

Step 2 Reflect on results and process with participants;

From the Previous day's sessions, check against the list of topics covered to check if key topics have been included.

Day two – Control: dealing with illegal Activities

Session 7 Check in - Reflection on Day One & key learning

Session 8. Regulating Forest Produce

Session 9. Enforcement: offences and penalties

Session 10 Processes & procedures search, seize and arrest

Session 11. Scenarios for statutory forest law enforcement

Practical - search, seize and arrest

Session 12. Reflection on learning Day Two & confirmation/ Overview Day Three

Pick out key issues that will input to the current day's training.

Discuss any important concerns raised during the session. Place any in the 'parking lot' if they need to be dealt with later.

Step 3: The facilitator presents the programme of the third day.

Day three – Conducting law enforcement operations

Session 13. Check in - Reflection on Day Two & key learning
Session 14. Admission of guilt
Session 15. Practical exercises operations, road blocks & searches
Session 16. Processing offences Practical's – Filling of relevant documents
Session 17. Preparation of court hearing
Session 18. Reflection on learning Day Three & confirmation/ Overview Day Four
Session 19. Practical - patrol



***Notes for
facilitators:***

Check in

The aim of this session is to quickly reflect on the learning from the previous days sessions.

- It allows you as the facilitator to assess understanding before proceeding with new work. It might be that you have to quickly refresh key issues and points necessary for the Day 3 programme.
- It also allows for effective use of time while any late comers arrive and sort themselves out for the day.
- By asking for views around the room it brings participants focus back into the training session.
- It allows the participants to reflect on the learning from the first day and to consider the agenda and prepare themselves for the second day

Session 14: Admission of Guilt



Objective:

To communicate that offences can be dealt with through a process of 'Admission of Guilt' in the Law which provides for payment of a fine without appearing in Court.

At the end of the session, participants will understand section 100 of the Forests Act, 2015, know when it can be applied in terms of the severity of an offence.



Time: 90 minutes

Presentation: HFO Session 14 Day 3 Admission of Guilt

Materials: Coloured papers, flip chart, markers,

Method **Interactive discussion, exercise**

Step 1. The facilitator presents the objective of the session and explains the expectation of understanding at the end of the session.

Step 2. The facilitator should explain that the Forests Act, 2015, provides for offences can be dealt with through a process of 'Admission of Guilt' in the Law which provides for payment of a fine without appearing in Court.

Admission of Guilt is used under a number of Laws in Zambia, examples being paying fines for traffic offences without appearing in Court.

Step 3. Emphasise that processing Admission of Guilt requires understanding of:

- ✓ Forestry Offences and Penalties
- ✓ The Powers of an authorised officer/ HFO
- ✓ Assessment of the severity of the case
- ✓ Payment of a Fine Without Appearing In Court

Use the slides in the session powerpoint, or refer to the relevant sections of the Forests Act in their handout.



100. (1) An authorised officer may, where satisfied that a person has committed an offence for which the penalty does not exceed one hundred thousand penalty units or where a person has admitted the commission of an offence under this Act for which the penalty does not exceed one hundred thousand penalty units, summarily demand from the person the payment of a fine not exceeding fifty thousand penalty units in respect of the offence.

Payment of
fine without
appearing in
court.

(2) An authorised officer shall, where the authorised officer demands a payment under subsection (1), inform the person against whom the demand is made of the right to admit or dispute the liability.

(3) A person from whom payment of a fine has been demanded under subsection (1) may elect to admit liability and pay the fine or dispute liability.

(4) The payment of a fine shall operate as a bar to any further criminal proceedings against the person making the payment in respect of the offence concerned.

(5) An authorised officer who receives payment of a fine shall give a receipt to the person making the payment in such form as may be prescribed.

Highlight again the conversion of penalty units, that offences should be under the **100,000** penalty units. Ask the participants what this translates to currently in Kwacha.

Discuss

General
penalty

99. A person who commits an offence under this Act for which a penalty is not provided is liable, upon conviction—

(a) if the offence was committed within, or in connection with, a forest area, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both; and

(b) in all other cases, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

Highlight again the offences within a local forest is dealt with under section 16 (1-3) '*Restrictions in a National Forest*'. Where the maximum fine is **200,000** penalty units as well as section 23 (2) '*Restrictions in a Local Forest*'. Where the maximum fine is **200,000** penalty units.

Further, under section 74, Powers of an authorised officer, sub-section (8) the maximum fine following a conviction is **300,000** penalty units.

Discuss

Conversion of penalty units to Kwacha (at current rate – SI# 41 of 2015)

Penalty units		ZMW
Maximum fine		Maximum fine
30,000	=	K9,000
50,000	=	K15,000
100,000	=	K30,000
200,000	=	K60,000
300,000	=	K90,000

Step 4. Determining the fine to be paid for different offences

The levels of fines paid for various offences under the Forests Act, 2015, are only set in general and maximum terms. Differentiation for the severity of the case is in broad terms left to the discretion of the arresting officer. Some matrices have been developed to guide new authorised officers.

The HFO will be guided by the District Forest Officer on the level of fines to be paid for different offences, the severity of the offence in the case where the offender admits guilt and elects to pay a fine instead of appearing in Court.

It should be noted that there are instances where the case should proceed to Court, such as where the fine level exceeds one hundred thousand penalty units (currently K30,000), in case where there was obstruction and violence threatened to the Authorised Officer (Section 74 (8) may

apply), the scale of the offence – area cleared, number of trees cut etc exceeds the equivalent penalty units. This may be the case where there are multiple charges applicable to one incident. HFOs will be guided on severe cases.

Further, Courts in their judgements take consideration of the frequency of offending, is it a first offence or a repeat offender. This must therefore be taken into consideration when the level of the fine is determined. HFO will be guided on this aspect.

Discuss

Offences relating to possession or trafficking of forest produce

Common offences cover possession and trafficking charcoal and sawn planks by bicycle, small truck and large truck. The following guidance is provided for when admission based on the market value of the produce being carried:

Schedule of fines through Section 100 (Admission of Guilt)

Carrier	Maximum Penalty	Maximum (fine)	1 st offence (50%)	2 nd offence (75%)	3 rd offence (100%)	4 th & subsequent offences for prosecution & court Case
Bicycle	15,000	K4,500	K2,250	K3,375	K4,500	Request disposal forest produce 101(a) and seizure of carrier 101(d)
Small truck < 3 tonne	50,000	K15,000	K7,500	K11,250	K15,000	Request disposal forest produce 101(a) and seizure of carrier Sect 101(d)
Large truck > 3 tonne	100,000	K30,000	K15,000	K22,500	K30,000	Request disposal forest produce 101(d) and seizure of carrier Sect (101)

Note: the above fines only cover the offence of trafficking without a valid (conveyance) permit or licence. A second offence can be charged of possession of forest products without a valid production licence or permit.

HFOs will be guided by their District Forest Officers on the application of Section 100 under different situations and according to the severity of the offence and the conduct of the offender.

Step 5. Section 86 relating to (a) fells, cuts, takes, destroy, removes, collects, uproots any indigenous tree or forest property in a forest reserve or protected area:

Common offences include Illegal cutting of trees in a forest reserve or protected area. Differentiation has been made over the number of trees involved and whether these are protected species. While this clearly relates to indigenous trees, illegal cutting or destruction of exotic trees in plantations, or excessive damage to non timber forest products, should be referred to a "forest property" in legal terms.

Schedule of fines through Admission of Guilt

Fells, cuts, takes, destroys, removes, collects, uproots	Penalty Units	Maximum fine	1 st offence (50%)	2 nd offence (75%)	3 rd offence (100%)	4 th & subsequent offences Case for prosecution & court
<10 trees	10,000	K3,000	K1,500	K2,250	K3,000	Request compensation Sect 101(a),(b)
<10 trees (protected species)	15,000	K4,500	K2,250	K3,375	K4,500	Request compensation Sect 101(a),(b)
>10 trees	50,000	K15,000	K7,500	K11,250	K15,000	Request compensation Sect 101(a),(b)
>10 trees (protected species)	100,000	K30,000	K15,000	K22,500	K30,000	Request compensation Sect 101(a),(b)

HFOs will be guided by their District Forest Officers on the application of Section 100 under different situations and according to the severity of the offence and the conduct of the offender.

Restrictions in a Local Forest

Section 23 (b) relates to offences of squats, camp, resides, builds, constructs or uses any enclosure or any structure in a Local Forest.

Common encroachment offences cover opening gardens, construction of illegal structures and settlements within a forest reserve or protected area. The following guidance is provided for settlement through Admission of Guilt:

Schedule of fines through Admission of Guilt – National and Local Forests

Category	Units	Maximum fine	1 st offence (50%)	2 nd offence (75%)	3 rd offence (100%)	4 th & subsequent offences Case for prosecution & court
Squats/resides	50,000	K15,000	K7,500	K11,250	K15,000	
Erects livestock enclosure	50,000	K15,000	K7,500	K11,250	K15,000	Request demolition & removal Sect 101(c)
Erects a hut (thatch & mud)	100,000	K30,000	K15,000	K22,500	K30,000	Request demolition & removal Sect 101(c)
Erects a building (brick)	200,000	K60,000	K30,000	K45,500	K30,000	Request demolition & removal Sect 101(c)

Note, for offences greater than 50,000 penalty units, these exceed the threshold for Admission of Guilt (section 100), therefore have to be processed with a charge sheet.

As demolition by the Forestry Department can only be executed with a Court Order, in cases where there is admission of guilt, the offender may be given a limited time period to recover items of value eg door and window frames (or other construction material brought in from outside of the protected area). Ideally all structures should be removed and the forest restored.

If no admission of guilt is received, the case cannot be dealt with locally and proceedings should be initiated with the prosecutor to include court order for demolition & removal under Sect 101(c) of the Forests Act, 2015.

A Notice of contravention of the Forests Act, 2015 is provided. Explain its use in relation to Court proceedings.


 REPUBLIC OF SAMOA
 MINISTRY OF GREEN ECONOMY AND ENVIRONMENT
 FORESTRY DEPARTMENT

No. _____
 Date _____

RE: NOTICE OF CONTRAVENTION OF THE LAWS OF SAMOA UNDER THE FORESTS ACT, NO.4 OF 2013, SECTIONS 16 & 23: RESTRICTIONS IN A LOCAL AND NATIONAL FOREST

It is noted that you have engaged in activities within Forest Reserves which is contrary to provisions of the Laws of Samoa under the Forests Act No. 4 of 2013 Sections 23(1)(b) and 23(1)(c) which state that a person shall not open, camp, reside, build or construct, install or use any structure, ropeway or use any road other than a public road, or erect or operate any plant, machinery or equipment in a Local Forest or reserve a National Forest (10) without a license or permit.

In the absence of such official license or permit issued under the same Forests Act, 2013, you are hereby **advised** to cease all prohibited activities specified under the provisions of the Forests Act No. 4 of 2013. Failure to comply may result in legal proceedings and the Court exercising under Section 100 of the Forests Act, 2013, the removal or demolition, within such time as the court may determine, of any unauthorized buildings, structures, plant, machinery, equipment, ropes and other works set up or erected by this person, and the restoration, as far as practicable, of all areas and things to their former state; and if the removal, demolition and restoration is not effected within the time fixed by the court, the Director shall cause it to be done and the cost incurred shall be recovered by the Director from the convicted person, or order the conviction or forfeiture of any forest produce in respect of which the offence was committed and of any building, tree, plant, machinery, equipment, structure or other property used in the commission of the offence.

You, through this letter, are provided with written notice of your contravention of the Laws of Samoa.

Director Forest Officer
(Signed)

Particulars of the contravention: square/ camp/ reside/ build or construct/ installed or use any structure/ ropeway or use any road other than a public road/ or erect or operate any plant, machinery or equipment. (state in appropriate)

Description of the contravention: _____

Place of the Offence: _____ **Date of the notification:** _____

Notified by: _____ **Name:** _____ **Position:** _____

RECEIVED BY:

Name: _____ **SIGNATURE, TEST:** _____

Address: _____

Chief: _____ **MOB/ TEL:** _____

Home: _____ **DATE:** _____

For Official Use:

Date:	Action:	Responsible:

In severe cases, consideration should be given to the value of trees removed during the land clearance process. A second charge of under Section 101 sub section (b) relating to fells, cuts, takes, destroy, removes, collects, uproots any indigenous tree or forest property in a forest reserve or protected area, should be included in the prosecution case.

Section 23 Restrictions in Local Forest relating to sub section (e) Clears, cultivates, digs or breaks up land for any road or for any purpose whatsoever and (d) grazes livestock in a Local Forest.

Schedule of fines through Section 100 (Admission of Guilt)

Category	Units	Maximum fine	1 st offence (50%)	2 nd offence (75%)	3 rd offence (100%)	4 th subsequent offences Case for prosecution & court
Clears forest <0.5 ha	10,000	K3,000	K1,500	K2,250	K3,000	Request compensation Sect 101 (b) & (d)
Clears forest >0.5 ha	50,000	K15,000	K7,500	K11,250	K15,000	Request compensation Sect 101 (b) & (d)
Grazes	10,000	K3,000	K1,500	K2,250	K3,000	Request

livestock						compensation Sect 101 (b) & (d)
Cultivates <0.5 ha	15,000	K4,500	K2,250	K3,375	K4,500	Request destruction Sect 101 (b) & (d)
Cultivates >0.5 ha	10,000	K3,000	K1,500	K2,250	K3,000	Request compensation Sect 101 (b) & (d)
Road opening (minor – no formation <5m wide)	100,000	K30,000	K15,000	K22,500	K30,000	Request compensation Sect 101 (b) & (d)
Road opening (major – formation > 5m wide)	200,000	K60,000	K30,000	K45,500	K30,000	Request compensation Sect 101 (b) & (d)

Note the difference between the maximum penalty for offences in a Local Forest in comparison to the maximum in the General Penalty (section 99 of One hundred thousand penalty units – K30,000 to K60,000 in section 23

Discuss

Section on Fires including arson. In case of fires in protected forest areas, the level of damage caused should be assessed and valued accordingly.

Note:

While some offenders may wish to take their chance in court given that the fine set by a magistrate maybe lower, the forestry officials may wish to highlight that a successful prosecution through the courts will mean that a criminal record is established and secondly, the Department as a matter of policy will be seeking seizure of carriers or vehicles and destruction of structures or crops as relevant to the case.

In all admission of guilt offences, fines in excess of **K 15,000** must be paid at the into the GRZ account with the official deposit slip and receipt obtained and matched to the completed Admission of Guilt form for Internal Audit purposes.

In cases where the above guidance is not followed, the charging officer must provide written justification for the deviation which should be filed with the completed Admission of Guilt form.



FORESTRY DEPARTMENT

ADMISSION OF GUILT FORM

(Pursuant to Forestry Act, 2017 Section 100 - Payment of Fine without Appearing in Court)

Details of the offender →

Details of the offence →

Details of the charging officer →


Name: _____		Title: _____	
Village: _____		Date: _____	
Chief: _____		Age: _____	
District: _____		Sex: _____	
Designation: _____			
With reference to the Offence under Forestry Act, 2017 of:			
Place of the offence: _____		Date of the offence: _____	
Including description of protected area			
<p>I hereby admit to being liable for the offence as charged and request that I issue the following penalty under Forestry Act, 2017: _____, referring to the rules of ZMW _____ to be deposited to the following Treasury account 0010012440014 and the Receipt slip to be generated and a General Receipt issued for the same. I understand that payment of the fine shall operate as a bar to any further criminal proceedings in respect to the specific offence as charged.</p>			
Do you understand the charges? (Yes/No): _____		Signature/ Thumbprint: _____	
Do you admit to doing the charges? (Yes/No): _____		Signature/ Thumbprint: _____	
Charging Officer Name: _____		Date: _____	
Charging Officer Designation: _____		Place: _____	
Charging Officer Signature: _____		Team: _____	
General Receipt Number: _____		Date of Receipt: _____	

Admission of Guilt ←

Original to offender, copy to DFO →

Ask the 2 groups to reconvene and present their 2 examples on a flipchart.

Seizure form



REPUBLIC OF ZAMBIA

SECOND SCHEDULE

(REGULATION NO.27)

List of properties seized by: _____

Rank: _____

Identity No/RIC No: _____

Date: _____

List of seized items

Type of property
(Other than animals)

Serial No.	Item	No.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name of offender: _____ Signature: _____ Date: _____

Name of arresting officer: _____ Signature: _____ Date: _____

Cc: Zambia Police

Step 6: Exercise

With the class, display the following slide or read it verbally to the class.
Ask the participants to consider.

1. Distribute the blank Admission of Guilt form and ask each participant or group to complete the form.
2. Announce that they have 10 minutes to complete the exercise.
3. After 10 minutes run through the form with the participants detailing how the case should be dealt with.

Payment of a Fine Without Appearing In Court

Procedure for HFO dealing with offenders who have admitted to the offence (outside of CFMA):

Exercise: completing an admission of guilt form

Mr Konda Gondwe, of Chimfule Village, Mnkhanya Chiefdom, Mfuwe, was found producing charcoal without a permit in Lupande Local Forest. He says that his fields had flooded and he has no alternative source of income and he needs to pay school fees for his 6 children. He admits he was wrong to produce charcoal without a permit.



Assignment: Complete an admission of Guilt form for this offence in groups and be prepared to discuss the process and subsequent reporting

Step 7: Discussion on the Scenario

Reflect on the two forms completed by each group

- ✓ Reflect on the fine that each group have charged the offender

- ✓ Review the completion of the Seizure form (in accordance with items seized in the scenario)
- ✓ Indicate the correct completion and subsequent reporting procedure

Discuss the findings

- ✓ Indicate the correct procedure and fine imposed in the instance of admission of guilt should this not come from the group responses.



Distribute session handouts among the participants (see Annex A).

- ✓ Admission of Guilt Form
- ✓ Seizure Form

	<p>Notes for facilitators:</p>
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Admission of Guilt

This session is important in the course of the training as it provides a good opportunity for a recap of key issues and lessons learnt from the legal process and the Forests Act, 2015. It provides for reinforcing messages and learning for the community participants as follows:

- ✓ Recap: Forestry Offences and Penalties
- ✓ Recap: Powers of an authorised officer/ HFO
- ✓ Payment of a Fine Without Appearing In Court
- ✓ Judging the severity of an offence and determining the appropriate fine that can be defended to higher scrutiny and Internal Audit.

Session 15 Practical scenarios & operations



Objective:

At the end of the session, participants with the practice of forest law enforcement operations:

Be familiar with various offences under the Law and how they are dealt with.



Time: 60 minutes

Presentation: HFO Session 15 Day 3 Practical exercises

Materials Blank forms, pens, flip chart, markers,

Method Interactive discussion, exercise, brainstorming

Step 1. The facilitator presents the goal of the session and explains the scenario exercise.

Recap: Conducting Operations involves:

1. Planning and organisation of the Patrol team members
2. Conduct and approach of the patrol team to the scene of the offence
3. Conduct of questioning and ascertaining the facts of the offence and the offender
4. Processing the offence & completing paperwork:
 - a. Completion of a charge sheet (The list and completeness of the description of the offenses - list of counts in the charge sheet and particulars of each of the offences).
 - b. Completion of a seizure form
5. Teamwork, risk assessment & safety of HFOs & offenders



Step 2. Using the powerpoint presentation, project on a screen the slides each with a different scenario. Describe the scenario for each image and pose the questions

Practical law enforcement exercises
How to deal with the following scenarios taking place in the forest area – see the scenario slide – discuss

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?



Along the Great East Road, Maranja Interprovincial, 30 Sept.

3

Practical law enforcement exercises
How to deal with the following scenarios taking place in the forest area – see following slides – discuss

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?



Along the Great East Road, Mts Príncipe Banda

4

Practical law enforcement exercises
How to deal with the following scenarios taking place in the forest area – see following slides – discuss

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?



Hq local Forest, Mt Bumba

5

Practical law enforcement exercises
How to deal with the following scenarios taking place in the forest area – see following slides – discuss

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?



Local Mt Bumba Forest, Mt Bumba, 01a cultivation

6

Practical law enforcement exercises
How to deal with the following scenarios taking place in the forest area – see following slides – discuss

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?



Local Mt Bumba Forest, Mt Bumba, 2 permanent structures, 01a tobacco

7

- Step 3.** Split the participants into groups. Ask each group to consider each image, the supporting text on the offender and place of offence. Allow time for them to consider each scenario asking each group to write how they dealt with each scenario on a flipchart.
- Step 4.** Ask the groups to reconvene and request each group to explain how they dealt with each scenario.
- Step 5.** Discuss which offences that can be dealt with through Admission of Guilt (Section 100) and those which should go to trial at the Court.
- Step 6.** Request any questions on the scenarios or similar and discuss.

	Notes for facilitators:
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Discuss which offences that can be dealt with through Admission of Guilt (Section 100) and those which should go to trial at the Court.

Session 16 Processing offences Practical's – Filling of relevant documents



Objective:

At the end of the session, participants will be able to document offences and through the process better understand common offences under the Forests Act, 2015 and how they relate in practical situations they may face.



Time: 60 minutes

Presentation: HFO Session 16 Day 3 Processing offences

Materials Blank forms, pens, flip chart, markers,

Method Presentation, interactive discussion, group exercise

Step 1. The facilitator presents the goal of the session and explains to the participants that the critical part of processing an offence to a successful prosecution relates to the completeness and accuracy of the information of the charges relating to the offence. The Police Prosecutor only consider the **Charge Sheet** and the information contained within in consideration of bringing a case to trial. Only the information contained in the **charge sheet and evidence** brought to the court will be considered in the Court. Therefore full information is needed in relation to the offence(s) committed:

This includes:

- ✓ The process to take statements from accused persons as well as witnesses to offences;
- ✓ The understanding of need to fully consider the offence, verify information, including the value of damage caused;
- ✓ The need for accuracy, transparency, accountability, and understanding of the consequences of the misuse of powers;

Split the participants into 2 groups. Ask each group to discuss

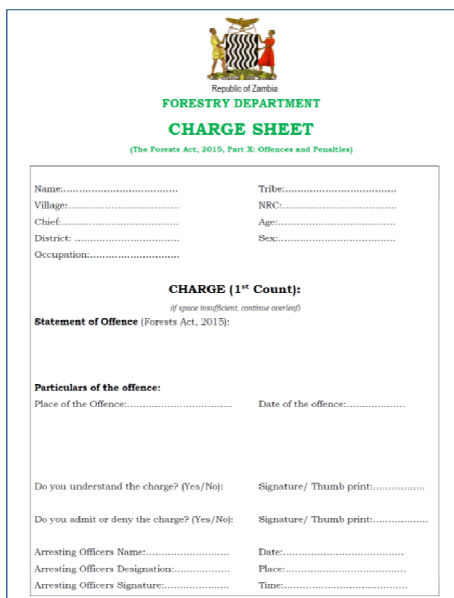


The key information includes:

- ✓ What offence was committed?
- ✓ Where did the offence take place?
- ✓ Which rule / law applies?
- ✓ Which authority deals with the offender?
- ✓ What process should be followed?
- ✓ What paperwork is required?

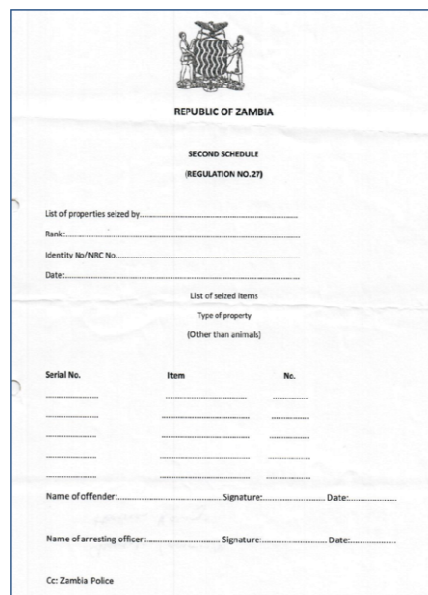
Step 3. Paperwork:

Present the Charge Sheet and explain



The form is titled 'FORESTRY DEPARTMENT CHARGE SHEET' and includes the Republic of Zambia coat of arms. It contains fields for personal details (Name, Village, Chief, District, Occupation, Tribe, NRC, Age, Sex) and a 'CHARGE (1st Count)' section. The 'Statement of Offence' section has a line for '(If space insufficient, continue overleaf)'. The 'Particulars of the offence' section includes 'Place of the Offence' and 'Date of the offence'. There are two signature lines for the offender with 'Yes/No' checkboxes for understanding and admitting/denying the charge. At the bottom, there are fields for 'Arresting Officers Name', 'Designation', 'Signature', 'Date', 'Place', and 'Time'.

Recall the seizure form



The form is titled 'REPUBLIC OF ZAMBIA SECOND SCHEDULE (REGULATION NO.27)'. It includes fields for 'List of properties seized by', 'Rank', 'Identity No./NRC No.', and 'Date'. Below this is a section for 'List of seized items' with a table with columns 'Serial No.', 'Item', and 'No.'. The table has several rows for recording items. At the bottom, there are signature and date lines for the 'Name of offender' and 'Name of arresting officer', and a 'Cc: Zambia Police' line.


Step 4. Using the scenarios discussed in Session 15, ask the groups to complete the relevant paperwork required for each scenario.

Pay particular attention to the list of **charges**

The facilitators should go round each group and support the groups in their analysis and guide them to think through the charges.

Step 5. Ask the groups to reconvene and present their examples on a flipchart.

Step 6. Discuss which offences that can be dealt with through Admission of Guilt (Section 100) and those which should go to trial at the Court.

	Notes for facilitators:
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This is one of the key sessions which captures the level of understanding of the Forests Act, 2015, the offences, the powers of an authorised officer, the processes and procedures required for a successful prosecution.

This session is important in the course of the training as it provides a good opportunity for a recap of key issues and lessons learnt from the legal process and the Forests Act, 2015. It provides for reinforcing messages and learning for the community participants as follows:

- ✓ Recap: Forestry Offences and Penalties
- ✓ Recap: Powers of an authorised officer/ HFO
- ✓ Payment of a Fine Without Appearing In Court - Admission of Guilt
- ✓ Judging the severity of an offence and determining the appropriate fine that can be defended to higher scrutiny and Internal Audit.

Use one or two of the scenarios to use for the demonstration of a court case

This will require volunteers to role play, give statements and witness statements. The aim is to demonstrate the accuracy of information and evidence provided in a case relevant to the charges brought against an accused person.

Use the role play demo to highlight different aspects of sentencing and dealing with evidence and requests for demolition or confiscation/ forfeiture of forest produce, tools and machinery, vehicles or other equipment used in the conduct of the offence. See section 101 (c) & (d).

Session 17 Preparation for a Court Hearing



Objective:

At the end of the session, participants will have gained insight into the workings of a court, how cases will be heard, evidence given, statements used and witnesses cross examined in a court environment.



Time: 90 minutes

Presentation: HFO Session 17 Day 3 Court Hearings

Materials Flip chart, markers,

Method **Presentation, role play, interactive discussion.**

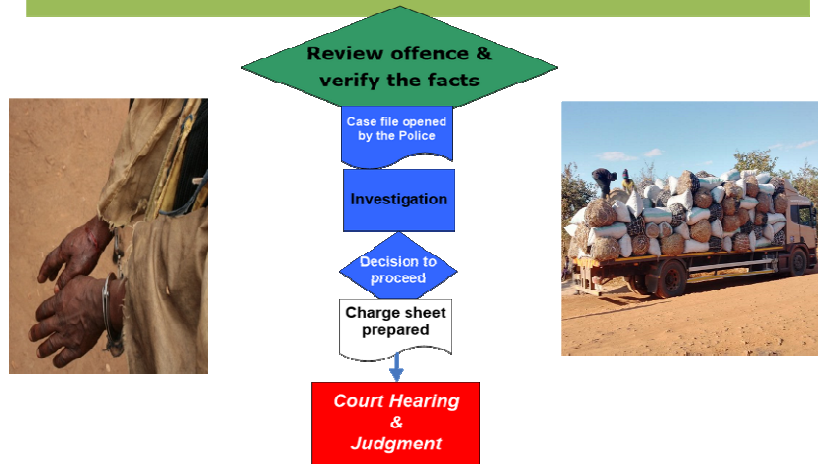
Step 1. The facilitator presents the goal of the session and explains the importance of understanding the legal process, particularly the scrutiny of how they apply the law, the relevance and accuracy of the charges, the adherence to processes and procedures and the quality completion of paperwork and the handling of evidence. Highlight the magistrate can only make a judgement on the information provided to the court. Scrutiny of procedures and being accountable for your actions are core to the legal process.

Rationale

A successful law enforcement process is one in which an initial arrest ultimately culminates in the conviction of an offender in court, consequently reforming the offender or deterring others. However, a successful conviction is dependent, and greatly so, on the availability of sufficient evidence to prove the guilt of the offender. In other words, without evidence a suspect will be acquitted, rendering the initial steps irrelevant, ultimately leading to ineffective law enforcement. It is therefore imperative for every HFO to understand the rules and principles of judicial evidence and also know how to identify, collect, preserve and present relevant evidence necessary to effectively prosecute offenders. This is particularly important because HFO's are normally the first to discover crime in the field and have the responsibility to collect and preserve evidence that will be used in the case. And they can only do this if they have basic training in the subject.



Overview of steps followed when an offender is charged and the case proceeds to court



Step 2. Court Hearing and Judgement process

Explain the court system in Zambia. The criminal system in Zambia is made in three main stages: 1. pre-trial; 2. trial and; 3. post-trial.

1. The pre-trial stage in Zambia is when the police officers conduct their investigations.

This includes review of the case – charge sheet, the offences lists against the Law, the evidence provided, seizure forms, forest charge sheets, witness statements (patrol reports). This may include interviews with the offender(s) and witnesses (including arresting officer and patrol members – HFOs)

Once the investigations are over and all the rules of evidence have already been followed, the case is taken to Court following the Criminal Procedure Code.

2. The basic process of a court hearing (trial): can be divided into five stages:

- 1) The opening of proceedings;
- 2) Examination of evidence, including witness statements;
- 3) questioning of the defendant;
- 4) The closing arguments;
- 5) Judgement.

Using the powerpoint slides, explain what happens during the Court Hearing? This can include;

- The registrar calls the case;
- The Judge requests the defendant (accused) to identify himself/ herself;
- The prosecutor opens his/her case first detailing the case and charges. Calls witness(es) (if any) to give evidence. The defendant or his/her lawyer would cross-examine (question) them;
- Thereafter the defendant (accused) lawyer will open his/her case, give evidence in defence, call his/her witness(es) to give evidence on his/her behalf, and cross-examination (questions) take place;
- The parties will make their final statements;
- The Judge will either now proceed to deliver a judgement or fix a date for judgement

3. Post Trial – Appeal Process

The Criminal Procedure Code may be used as well to ensure that every individual has the access to a fair appeal process. They may appeal:

- Against his conviction on any ground of appeal which involves a question of law alone; ie was the Forests Act applied correctly and due legal process followed?
- Against his conviction on any ground of appeal which involves a question of fact alone, or a question of mixed law and fact; - ie: The seized items were not his, or the carrier was used by someone else
- Against the sentence passed on his conviction, unless the sentence is one fixed by law and shall be so informed by the magistrate at the time when sentence is passed. Ie the sentence does not conform with the penalties in the Forests Act.

Highlight that accuracy in charging offences and documenting process and evidence is critical.

Step 3. Preparing for a court trial on forest offences

Discuss with the participants the process of a court case and how this relates to the issues encountered during forest law enforcement operations, particularly the importance of the key FLE questions:

- ✓ What offence is committed?
- ✓ Where did the offence take place?
- ✓ Which rule / law applies?
- ✓ Which authority deals with the offender?
- ✓ What process should be followed?
- ✓ What paperwork is required?

This reinforces the need for proper procedures to be followed and proper documentation that will withstand scrutiny in a court of law.

Step 3. Court process role play based on one or more previous scenarios used in the practical assignments

Practical role play of a Court Case to one or more of the practical scenarios to draw out lessons of accuracy

- ✓ Appropriate charges
- ✓ Processing of evidence
- ✓ Taking of witness statements
- ✓ Cross examination of an arresting officer by defence counsel

Role play & reflect on proceedings and contribution of accuracy of offences and documentation by HFOs for a court hearing

Step 4. Ask the participants to reflect on process and outcome, what are the key learning moments

Ask what they feel the role of an HFO would be in the cases presented.



Distribute session handouts among the participants (see Annex A).

Blank forms for statements?



	Notes for facilitators:
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Use a practical role play of a Court Case to one or more of the practical scenarios to draw out lessons of accuracy in order to check understanding of the need for proper procedures to be followed and proper documentation that will withstand scrutiny in a court of law. Role play & reflect on proceedings and contribution of accuracy of offences and documentation by HFOs for a court hearing

- ✓ Appropriate charges
- ✓ Processing of evidence
- ✓ Taking of witness statements
- ✓ Cross examination of an arresting officer by defence counsel

Be prepared to cover the following Topics in relation to court proceedings as these may come up in the discussion sessions on the topic:

- Functions of the court
- Definition and importance of evidence
- The sources of evidence law
- General divisions, types and classes of evidence
- Facts, admissibility and relevance
- Chain of custody of evidence/exhibits
- Exhibits in court (physical objects)
- Presumption of innocence
- Burden and standard of proof
- Facts requiring no proof - Judicial notice and presumptions
- Alibi
- Competence, compellability and privilege
- Corroboration (transfer to criminal law)
- Confessions
- Hearsay
- Documentary evidence
- Expert and opinion evidence
- Oaths and affirmation
- Illegally obtained evidence
- Examination of witnesses and types of witnesses
- Procedure for obtaining certain evidence – search warrant and subpoena
- Care and custody of physical evidence

Additional information may cover tips on appearance in Court:

RULES TO REMEMBER

(Appearance in Court)

DO:

1. Put your testimony together in a clear and easily understood manner.
2. Present the chain of events to the jury in the order in which they occurred.
3. Refresh your memory from your notes occasionally if necessary.
4. Give the truth even if it is favorable to the defendant.
5. Give the facts, not your own opinion.
6. Present an unprejudiced attitude toward the defendant.
7. Listen carefully to the questions by counsel.
8. Speak in a distinct, clear voice so everyone can hear you.
9. Be calm and courteous at all times.

DON'T:

1. Volunteer information.
2. Try to memorize your report or notes.
3. Refer to your notes too often.
4. Make any jokes or wisecracks on the witness stand.
5. Try to guess or make up a detail you cannot remember -- simply say that you do not remember.

Session 18 Reflection on learning Day Three & Overview Day Four



Objectives of the session:

At the end of the session, participants will be able to evaluate their understanding and learning of the third day of Training;



Time: 40 minutes

Materials **Flip chart, marker pens, evaluation sheet**

Method: **Interactive discussion, individual reflection**

Step 1 Ask the participants to reflect on the sessions covered in day 3. After a pause, ask participants to give one or more points they learned from the day.

Write the learning points on a flipchart that all can see.

Step 2 Reflect on results and process with participants;
From the day's sessions, check against the list of topics covered to check if key topics have been included.

Pick out key issues that will input to the current day's training.

Discuss any important concerns raised during the session. Place any in the 'parking lot' if they need to be dealt with later.



Distribute session handout among the participants (see Annex A.) Daily reflection form



**Notes for
facilitators:**

The evaluation session should be conducted as an additional reflection session on the key learning points of the day. Hand out copies of handout number 5: FLE Daily Self assessment/ evaluation form.

Session	Before	Now	Comment
14			
15			
16			
17			

Ask the participants to reflect on the issues and topics of the day and considers the key lessons learned in each session.

Ask them to score their level of awareness/knowledge/understanding before the training, at the end of today, and their target for the future with the following scoring:

1. **Poor**
2. **Little knowledge**
3. **Some knowledge**
4. **Capable**
5. **Highly capable**

Encourage the participants to complete and hand-in their responses consulted.

Session 19: Practical - Night Patrol



Objective:

At the end of the session, participants will have prepared for, planned and executed a night patrol:

Be familiar with the planning, organisation and procedures for conducting a successful night patrol.

Safeguards

Note to Facilitators: This exercise should only be conducted if proper planning, preparation and equipping the participants has taken place. A thorough risk assessment should be undertaken of the location for any night patrol exercise. This includes operating on public roads and ensuring the proper authorities are notified and that proper equipment is available including hi-visibility jackets, lights and other essential equipment.

If roadblock is to be practised, then advise to check with Police and join a nearby static roadblock/barrier.

Proper control is required for the facilitators and other training personnel know the whereabouts of all participants and a clear 'lost' and 'injury' procedure is made clear in advance of the exercise.



Time: 60 minutes

Materials Coloured papers, flip chart, markers, hi-visibility jackets, lights and other essential equipment including cones and lights in the case of roadblocks.


Method **Interactive discussion, exercise, brainstorming**

Step 1. The facilitator presents the goal of the session and explains the

Step 2. Split the participants into 2 groups. Ask each group to discuss

Step 3. Ask the 2 groups to reconvene and present their 2 examples on a flipchart.

Step 4. Ask the participants what they feel the role of a facilitator would be in the cases presented.

	Notes for facilitators:
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While a valuable lesson learning exercise, a night patrol should only be undertaken if properly planned and executed using the appropriate equipment and authorisations. Close control is needed to ensure the safety of participants, facilitators and the general public.

Day four – Community forest law enforcement

Session 20

Check in - Reflection on Day 3



Objective:

At the end of the session, participants will:

- ✓ Be refreshed with key issues from previous learning
- ✓ To provide feedback on specific participatory methods or session
- ✓ To learn how to express feelings and make creative suggestions



Time: 30 minutes

Materials: Flip chart paper, marker pens

Method: **Interactive discussion**

Procedure:

Step 1: Welcome the participants to the fourth day of the programme.

Step 2: Ask the participants to reflect on the sessions covered in day 3. After a pause, ask participants to give one or more points they learned from the previous day.

Write the learning points on a flipchart that all can see.

Step 2 Reflect on results and process with participants;

From the Previous day's sessions, check against the list of topics covered to check if key topics have been included.

Day three – Conducting law enforcement operations

Session 13. Check in - Reflection on Day Two & key learning

Session 14. Admission of guilt

Session 15. Practical exercises operations, road blocks & searches

Session 16. Processing offenses Practical's – Filling of relevant documents

Session 17. Preparation for a court hearing

Session 18. Reflection on learning Day Three & confirmation/ Overview Day Four

Session 19. Practical - patrol

Pick out key issues that will input to the current day's training.

Discuss any important concerns raised during the session. Place any in the 'parking lot' if they need to be dealt with later.

Step 3: The facilitator presents the programme of the fourth day.

Day four – Community forest law enforcement

Session 20. Check in - Reflection on Day Three
Session 21. Concept of Jurisdiction and where the offense has taken place
Session 22. Dealing with contravention of local rules and regulations specified in the Community Forest Management
Session 23. Scenarios for community forest law enforcement
Session 24. Conflict resolution
Session 25. Abuse of powers, fraud, penalties and how to report
Session 26. Reflection on learning Day Four & confirmation/ Overview Day Five

	Notes for facilitators:
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Check in

The aim of this session is to quickly reflect on the learning from the previous days sessions.

- It allows you as the facilitator to assess understanding before proceeding with new work. It might be that you have to quickly refresh key issues and points necessary for the Day 4 programme.
- It also allows for effective use of time while any late comers arrive and sort themselves out for the day.
- By asking for views around the room it brings participants focus back into the training session.
- It allows the participants to reflect on the learning from the first day and to consider the agenda and prepare themselves for the fourth day



Session 21: Concept of Jurisdiction and where the offence has taken place



Objective of the session:

To ensure the course participants are aware of the concept in which laws or rules are applied in different locations and circumstances

At the end of the session, participants will:

Have a shared understanding of the concept of Jurisdiction, understanding of overlapping powers and responsibilities and how an offence should be treated and reported.



Time: 50 minutes

Presentation: HFO Session 21 Day 4 Concept of Jurisdiction

Materials: markers, flip charts, stickers, course programme



Method: Presentation / Interactive discussion

Step 1 Introduce the topic and the objective of the session.

Present the power point presentation on Jurisdiction: **HFO Session 21 Day 4 Concept of Jurisdiction**

Recap: the Forests Act, 2015 - Section 3: Ownership of trees and forest produce:

Explain that Lawful transfer or assignment includes:

- Community Forest Management

Ownership & legal transfer

Forests [No. 4 of 2015 81]	
THE FORESTS ACT, 2015	
ARRANGEMENT OF SECTIONS	
PART I	
Preliminary	
Section	
1.	Short title
2.	Interpretation
3.	Ownership of trees and forest produce
PART II	
Forestry Department	
4.	Director of Forestry and other staff
5.	Functions of Department
6.	Honorary forest officers
7.	Immunity
8.	General principles of forest development and management
9.	Criteria for determination of sustainable forest management
PART III	
FOREST MANAGEMENT AND DEVELOPMENT	
Ownership of trees and forest produce	3. The ownership of all trees standing on, and all forest produce derived from, customary areas, National Forests, Local Forests, State Land, botanical reserves and open areas is vested in the President, on behalf of the Republic, until lawfully transferred or assigned under this Act or any other written law.

Recap:
Forests Act, 2015

- Section 3: Ownership of trees and forest produce

Lawful transfer or assignment

- Community Forest Management

Step 2: In terms of community forest management (CFM)

Explain legal transfer of rights to forest resources through a community forest management agreement signed between the Director of Forestry and a recognised community group with consent of their Chief.



Highlight some of the obligations the community have entered into with the Director of Forestry through Form IV, the Community Forest Management Agreement. Such as:

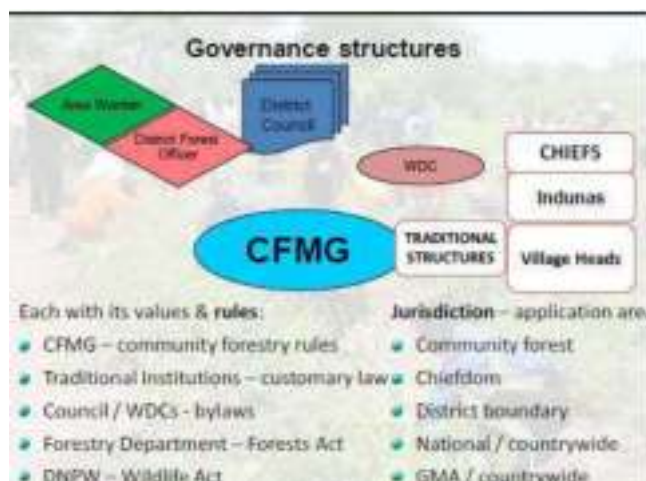
e) The CFMG shall coordinate with the traditional leaders to propose and enforce rules governing access, use and protection of the designated forest area in conformity with customary laws and existing regulations and local sanctions as set out in the annex 2.

(k) Shall seek support from the Traditional Authority in the control of illegal activities, enforcement of local regulations, hearing cases and ensuring sanction in accordance with accepted customary law.

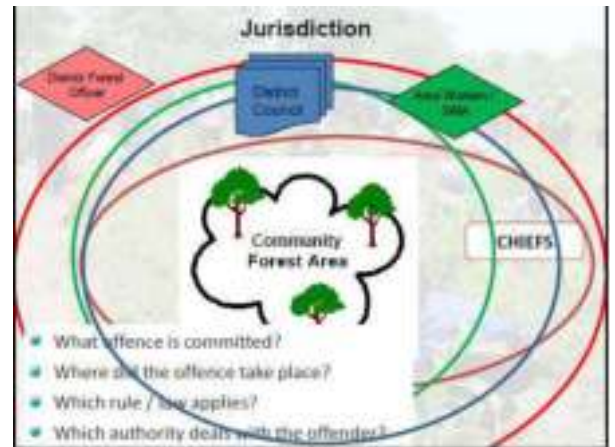
(m) To seek support from the Traditional Authority with the mediation of resource use disputes when necessary, and liaise with the District Forest Officer, Local Authority and Director of Forestry as appropriate.

Step 3: Explain that there are different institutions who have their own values and rules backed by legislation and regulation.

Explain the following slide.



Explain that the different rules apply in different areas – each institution has its area of authority where it rules apply.



Step 4: Discuss the concept of exclusive jurisdiction and concurrent jurisdiction

Therefore it is important to examine:

- **What offence is committed?**
- **Where did the offence take place?**
- **Which rule / law applies?**
- **Which authority deals with the offender?**

Step 5: Highlight that incentives have been put in place to support local level law enforcement within the jurisdiction of the community forest area

(d) The right to retain the revenues from fines or disposal of confiscated goods as a result of apprehensions of person(s) committing illegal acts within the community forest area based on the agreed community agreed rules and measures specified in Annex 2.

Highlight that these local rules specified in Annex 2 of the Agreement signed with the Director therefore have a legal basis under the Forests Act, 2015. This will be covered in the next session.

Step 6 Request for questions and clarification and discuss



Handouts:

Distribute the handout of the slide of overlapping Jurisdictions



Notes for facilitators:

Facilitator notes:

This topic of jurisdiction will be relevant to a most of the subsequent sessions and therefore reinforce the issues of where the offence has been committed in order to understand which rule applies, which authority deals with the case and the offender.

Session 22: Dealing with contravention of local rules & regulations specified in Community Forest Management



Objective:

To ensure the course participants are aware of devolved powers and authority to recognised community groups to control access and use of their designated forest area and the relationship with customary and statutory laws.

At the end of the session, participants will:

- Have a shared understanding of Community Forestry Policy intention
- The right and obligations of CFMGs in the CFMA;
- An understanding of local resource use rules, the permit and penalty system;
- The rights of communities to retain revenue from fines and disposal of confiscated goods from illegal activities within their designated forest area;
- The process for CFMGs to seek permission for the return of confiscated goods or proceeds resulting from a case reported to the Director and the involvement of the court.



Time: 50 minutes

Presentation: HFO Session 22 Day 4 Contravention local rules

Materials: markers, flip charts, course programme

Method: **Presentation / Interactive discussion**

Step 1 Introduce the topic and the objective of the session.

Request participants to indicate if:

- They are a member of a recognised CFMG
- If their CFMG has entered into a CFM Agreement with the Director of Forestry
- If they have local resource use rules, penalties and sanctions
- If they have collected fines or disposed of confiscated goods



Step 2 Present the power point presentation on **Control in Community Forestry**

Recap that there is a transfer of powers to the community through the CFM Agreement (Form IV).

Step 3: Briefly run through the key text of the Community Forest Management Agreement (Form IV) that relate to law enforcement (highlighted in the powerpoint presentation).

- ✓ Highlight the core rights transferred to communities with an Agreement with the Director of Forestry
- ✓ Refer to section (ii) (d) on community rules and measures, penalties and fines including retaining revenue from fines.

- (u) In accordance with section 32 (2) (k) of the Forests Act, 2015, the Director of Forestry confers on the community forest management group all of the following other benefits in the community forest concerned:
- (a) Subsistence use rights over forest products from within the community forest in accordance with sustainable forest management principles and management activities laid out in the approved management plan and local regulations.
 - (b) The right to issue community permits and collect revenue for those products and uses provided for in this Agreement.
 - (c) The right to mark such products with a marking instrument.
 - (d) The right to retain the revenues from fines or disposal of confiscated goods as a result of apprehensions of person(s) committing illegal acts within the community forest area based on the agreed community agreed rules and measures specified in Annex 1.

Discuss what this means in terms of forest law enforcement

- ✓ Highlight that the obligation to delineate boundaries are one way of defining the Jurisdiction of the devolved powers.
- ✓ Highlight again some of the obligations the community have entered into with the Director of Forestry through Form IV, the Community Forest Management Agreement. Such as:

*(c) protect sacred groves and **protected trees** in the community forest;*

(d) assist the Director in enforcing the provisions of the Forests Act, 2015, in relation to illegal harvesting of forest produce;

(e) The CFMG shall coordinate with the traditional leaders to propose and enforce rules governing access, use and protection of the designated forest area in conformity with customary laws and existing regulations and local sanctions as set out in the annex 2.

(k) Shall seek support from the Traditional Authority in the control of illegal activities, enforcement of local regulations, hearing cases and ensuring sanction in accordance with accepted customary law.

(m) To seek support from the Traditional Authority with the mediation of

resource use disputes when necessary, and liaise with the District Forest Officer, Local Authority and Director of Forestry as appropriate.

Highlight one of the Government obligations:

(a) Not issue any licences or permits for the area identified in the Community Forest Map signed by local stakeholders in Annex 1;

(b) Assign a marking instrument, issue conveyance permits in sufficient number and on a regular basis and within 30 days of request to the CFMG;

(c) Return to the CFMG, the confiscated goods or proceeds from the disposal of such confiscated goods that resulted from a case reported to the Director or an authorised representative by the CFMG at the discretion of the court, section 101, (2);

Discuss how these apply in terms of forest law enforcement.

Step4: Present an example of a set of local community forestry rules.

Community forestry & Law enforcement

MANAGEMENT RULES:

1. No person shall be allowed to start a fire without permission from the Bani community forest executive.
2. There shall be no one who shall be allowed to do hunting in the Bani CF.
3. No any form of Animal Grazing shall be allowed.
4. No person without permission shall be allowed to collect stones in Bani CF.
5. No person shall be allowed to collect mushroom without permission from the CFMG executive.
6. No honey hunting shall be allowed in Bani CF without permission.
7. No person shall be allowed to enter the CF without permission to cut trees.
8. No one shall be allowed to enter the CF to do bark hive without permission.

PENALTIES.

- Any one who breaks rule No 1 shall be made to pay 500 or be taken to the Chiefs Court.
- Any one who breaks rule No 2 shall be made to pay K500 or be taken to the Chiefs Court.
- Any one who breaks rule No 3 shall be made to pay K200 or be taken to the Chiefs Court.
- Any one who breaks rule No 4 shall be made to pay K1,000 or be taken to the Chiefs Court.
- Any one who breaks rule No 5 shall be made to pay K20 or be taken to the Chiefs Court.
- Any one who breaks rule No 6 shall be made to pay K100 or be taken to the Chiefs Court.
- Any one who breaks rule No 7 shall be made to pay 500 or be taken to the Chiefs Court.
- Any one who breaks rule No 8 shall be made to pay 500 or be taken to the Chiefs Court.

Discuss

Step 5: Present the 'Notice of Contravention of Forest Rules' form for community forestry. Explain this provides a record also of offences committed in the CFM area (Jurisdiction).

Remind the participants of the roles and powers of an authorised HFO and the roles and powers of CFMG members inside their CFM Area

Community Forest Management Group
Community Forest
NOTICE OF CONTRAVENTION OF FOREST RULES

In accordance with Section 15 (1) of the Forest Act, 2003 (Act No. 6 of 2003) the Director of Forestry has entered into an Agreement dated 17 January 2003 with the CFMG to control, conserve and manage the Community Forest Area. In accordance with section 15 (1) of the Forest Act, the Director of Forestry requests the CFMG, to protect the Community Forest Area from destruction for their parks, (a) planting, seedling and other such forms of forestry, or other activities involving forestry, or other forms of the designated forest area in conformity with customary laws and local regulations and customs established by the CFMG and the Forest Department. Breach of the Community Forest Rules constitutes an offence and the penalties of the offence and the offender will be reported to the CFMG for further action.

On (date) _____ Place of the Offence _____

Description of the offence:
(Illegal) cutting of trees / clearing land / illegal settlement / illegal cropping / lighting of fire - burning / grazing animals / honey gathering
.....without a permit from the CFMG, (tick as appropriate) Breach of the Rules constitutes an offence and the penalties of the offence and the offender will be reported to the CFMG

Residence of the Offender (name) _____ Village _____
HFD/ Tel. (if available) _____ Telephone (if available) _____

House of Offender is adjacent to _____ which the offender (tick as appropriate) is committing the above offence of _____

Reported in the presence of _____ Name of CFMG representative _____

Witness (if available) _____ Name - position _____

Instruction issued / Action: Stop the illegal activity / Remove out of the Community Forest Area / report to the CFMG Office / Report to the Police (tick as appropriate) by the date of _____

APPROVED BY: HFD/LOCAL FORESMAN

Highlight

Within a CFA, through the authority of the CFMG, a Community member will have the powers to:

- ❖ Stop
- ❖ Inspect/ Search
- ❖ Seize
- ❖ Fine (according to local rules)
- ❖ Report offence to CFMG

However, outside of the designated Community Forest Area, powers conferred to **HFO and Forest Officers** are required.

Community Forestry & Law enforcement

- Within a CFA, through the authority of the CFMG, a Community member will have the powers to:

- Stop
- Inspect/ Search
- Seize
- Fine (according to local rules)
- Report offence to CFMG



Outside of the designated Community Forest Area, powers conferred to HFD and Forest Officers are required.



Distribute handouts among the participants (see Annex A.)

Handouts:

- Community Forest Management Agreement Form IV
- A set of Resource use rules, Permits & licences table, penalties and sanctions table (example to be determined)
- 'Notice of Contravention of Forest Rules' form for community forestry.



	<i>Notes for facilitators:</i>
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Facilitator notes:

Facilitators should be familiar and be able to speak directly relating to the following documents

- The Forests (Community Forest Management) Regulations, (Statutory Instrument #11 of 2018);
- Form IV the CFM Agreement
- The form Notice of Contravention of Forest Rules' form for community forestry.
- Provide a set of Resource use rules, Permits & licences table, penalties and sanctions table that can be referred to in the practical exercise where forms should be completed and appropriate actions taken in accordance with the rules.

Session 23: Scenarios for Community Forest Law Enforcement



Objective:

To ensure the course participants are aware of real life situations where they have to deal with different types of offences and different offenders.

At the end of the session, participants will understand the process of assessing situations and dealing with different types of offences and offenders.



Time: 60 minutes

Presentation: HFO Session 23 Day 4 Practical scenarios

Materials: markers, flip charts, stickers, scenarios

Method: **Presentation / Interactive discussion**



Step 1 Following explaining the objective of the sessions, highlight that while the laws are clear on the types of offences under the Forests Act, 2015 and also in community forestry local rules, the nature of offences and offenders differs. These are the challenges that will be faced by a Forest law Enforcement Officer.

There are processes to follow:

- ✓ Assess the situation
- ✓ Assess the nature of the offence
- ✓ Assess the status of the offender
- ✓ Assess the jurisdiction: exclusive or concurrent
- ✓ Assess which Law or Rule will apply

Ensure evidence and documentation

Discuss with the group

Step 2 **Introduce and explain the group session**

Present the 4 scenarios on the screen, verbally and if possible with printed handouts of the 4 scenarios.

Scenario 2. CFMG members and the honorary forest officer find a member of a neighbouring community has entered your Community Forest to harvest poles which he says he will sell. He has harvested 10 poles. He says that he has always harvested poles from this forest and has not been stopped before and that harvesting and selling poles is an important part of his livelihood. He says he was not aware of Community Forestry, is apologetic and did not mean to break any rules, but he does need to sell poles to support his family.

1. Identify what action steps will be taken.
2. Identify what rules at which level you will use to deal with the contravention.
3. Identify who should be involved and how.
4. What penalties will be incurred, what happens to the produce.

Scenario 4. CFMG members and the honorary forest officer come across a group of 4 charcoal makers who have cut 15 trees, 5 from inside the Community Forest and 10 from a Local Forest beside the community forest. They have made two kilns which are lit and smoking and also have sawn 10 planks. They have axes and a saw. They wave what looks like a license in your face and claim they have permission from the Forestry Department to produce charcoal. They become aggressive when you try to escort them to the village, saying you have no authority to arrest them and one threatens you with an axe when you try to pick up their saw.

1. Identify what action steps will be taken.
2. Identify what rules at which level you will use to deal with the contravention.
3. Identify who should be involved and how.
4. What penalties will be incurred what will happen to the produce and equipment.

Scenario 1. The honorary forest officer finds a poor female member of the community debarking a tree in a destructive way to get fibre to help repair the roof of the damaged hut she lives in. She has harvested enough fibre to repair her roof she says and will not harvest any more. She does not have permission from the CFMG, although she heard of Community Forestry, she wasn't informed about the rules. She says she has no money and relies on the forest for many of her subsistence needs and 'couldn't survive' without accessing forest produce.

1. Identify what action steps will be taken.
2. Identify what rules at which level you will use to deal with the contravention.
3. Identify who should be involved and how.
4. What penalties will be incurred, what happens to produce?

Scenario 3. CFMG members and the honorary forest officer come across a group of strangers in the Community Forest felling trees with axes to harvest caterpillars, they have filled several baskets with caterpillars. They say they were hired by a merchant in town and were not aware that this was a community forest. They say they are only hired labour, their boss in town is responsible for sending them to this specific forest and that their boss claims to have full permission from traditional authorities to enter that forest to harvest caterpillars.

1. Identify what action steps will be taken.
2. Identify what rules at which level you will use to deal with the contravention.
3. Identify who should be involved and how.
4. What penalties will be incurred, what happens to the produce?

Split the participants into 3-4 groups. Ask each group to consider the 4 scenarios and discuss and agree and write on a flipchart the following:

1. Identify what action steps will be taken.
2. Identify what rules at which level you will use to deal with the contravention.
3. Identify who should be involved and how.
4. What penalties will be incurred, what happens to produce?

Step 3 Group discussion of scenarios

Time: 40 minutes. Provide suitable space, flipchart paper and pen. Ask the groups to assign a chair, rapporteur and presenter.

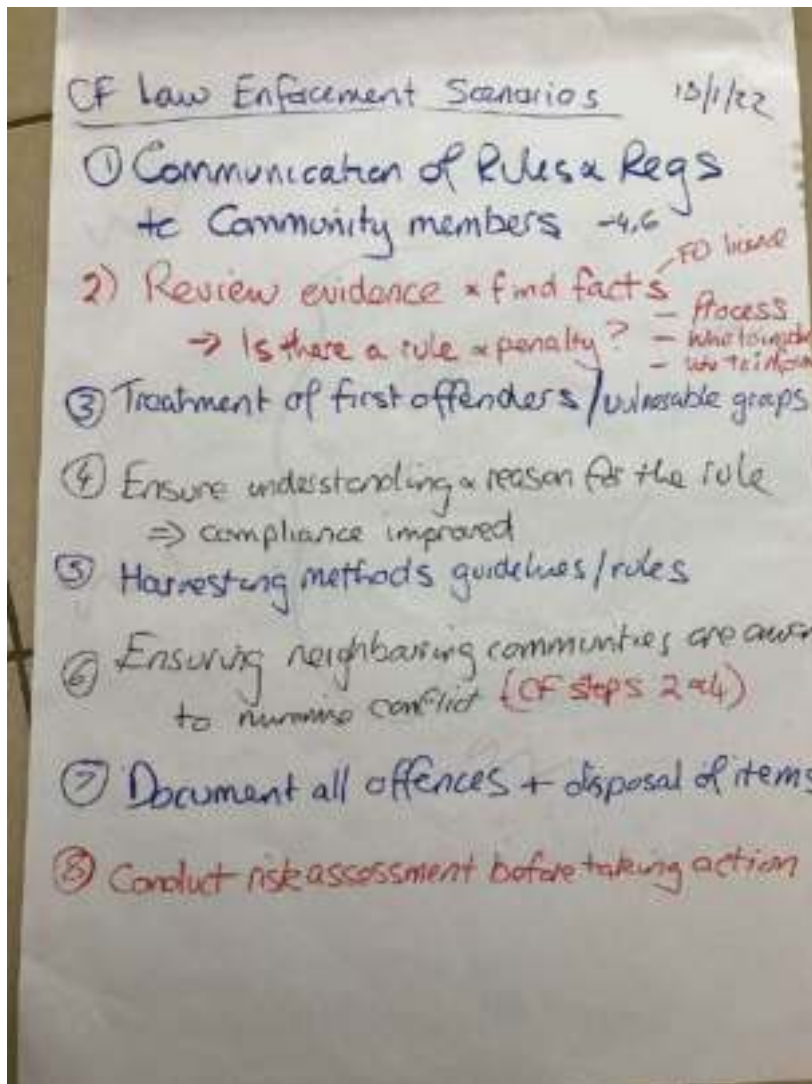
Provide the set of local rules and the CFM notice of contravention of forest rules forms.

Step 4 Group feedback on scenarios & plenary discussion

Process:

- Taking one scenario at a time Request one group to present how they would deal with the scenario based on the 4 questions:
- Discuss each scenario after all the groups have presented their interpretation and course of action.
- Discuss learning from each scenario (photo from CFM step 6 training)
- Discuss next steps including documentation and reporting each instance

Summarise the group learning as follows:



	Notes for facilitators:
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The review of scenarios is important as it brings issues of how rules and laws apply in different circumstances.

Draw out key points and issues for discussion from the group presentations on how they would deal with the various offences in the scenarios.

Discuss the role of HFOs and CFMGs and the District officers in these scenarios

Session 24 Conflict resolution



Objective:

To ensure that the participants understand how conflicts arise and how to manage conflicts in the community relating to access and use of forest resources.



Time: 60 minutes

Presentation: HFO session 24 Day 4 Conflict resolution

Materials: Coloured papers, flip chart, markers,

Method: Presentation / Interactive discussion

Step 1. The facilitator presents the objective of the session and defines the words: Conflict; Resolution

Step 2. Presentations on power point:

What is a conflict, the background to conflicts, how they may arise

How the steps can be followed towards resolution, and how can you use it to settle disputes?

Discuss with examples the steps in managing conflicts

Highlight process to solve problems and come up with 'win - win' solutions



Steps in Managing conflicts

Step 1: Treat the person with respect

- ✓ Address the behaviour, not the person.
- ✓ Use appropriate language. Don't swear.
- ✓ Don't dismiss their concerns.

Step 2: Listen until you experience the other side

- ✓ The goal is to understand the other person's thoughts and ideas.
- ✓ Understand content.
- ✓ What meaning do you think it has for them?
- ✓ What feelings do you think they are experiencing?

Step 3: State your feelings, needs and views briefly

- ✓ State your point of view.
- ✓ Avoid loaded questions.
- ✓ Say what you mean and mean what you say.
- ✓ Disclose your feelings.

Step 4: Move on to problem solving if required

- ✓ Listen to Others, and Resolve Conflicts.

Step 3. Split the participants into 2 groups. Ask each group to discuss ;

1. List common conflicts in the community over use of the forest

2. How to settle disputes at community level?

3. Using the key guiding questions

slide – request the groups to reflect on a conflict experience and present the case to the plenary.

Ask the 2 groups to reconvene and make presentation on a flip chart

Step 4. Ask the participants what they think the role of a DFO or other officials might be in conflict resolution.

Facilitator summarises on how to manage conflict at work through conflict resolution.

KEY GUIDING QUESTIONS IN RESOLVING CONFLICT

- What were the causes of the conflict?
- What were the outcomes of the conflict?
- What was the role of the local people in the conflict?
- What was the role of the CFMG in the conflict?
- What conflict resolution mechanisms were used?
- How can we do things differently now that we have learnt from this situation.

Session 25 Abuse of powers, fraud, penalties and how to report



Objective: To raise awareness to the consequences to the abuse of the power and how these can be reported.

At the end of the session, participants will be familiar with that abuse of power is a form of corruption, the types of corruption in forestry and how to report incidences of corruption.



Time: 30 minutes

Presentation: HFO Session 25 Day 4 Abuse of power



Materials: Coloured papers, flip chart, markers,

Method: Presentation / Interactive discussion

Step 1. Introduce the topic and explain the objective of the session

Step 2. Following the Power point presentation

Define abuse of power as corruption

- Corruption is generally understood to be the giving, receiving, offering or promising to give of a gratification (bribe) in exchange for a favour;
- It is also understood to include the abuse of public office for private or personal gain;
- It encompasses the illegal acquisition of resources/ property beyond your past and or present income /salary



Outline the types of corruption in forestry covering:

- ❖ Bribery
- ❖ Embezzlement
- ❖ Fraud
- ❖ Extortion
- ❖ Payments in kind
- ❖ Percentage of contracts
- ❖ Political corruption

Examples in Forest Law Enforcement:

- **Bribery:** receiving unofficial payments and benefits to access resources; not paying fines or requesting a lesser amount from the offender;
- **Embezzlement:** Taking items for home use instead of declaring/paying, eg Charcoal, planks etc. Possessing fines instead of issuing an official receipt;
- **Fraud:** altering documents, items, licence books, receipts, declaring lesser quantities (trees, plants, logs) for permits and permits. Use of same permit for re-applications;
- **Extortion:** Taking money and benefits in return for access to forest resources through threats;
- **Payments in Kind:** includes obtaining sexual favours in order to do something or allow other access to the forest or avoid paying a fine;
- **A fixed sum or percentage of a contract:** a timber concession holder paying to win a contract tender;
- **Political Corruption:** avoiding collecting payments and fines during election periods. Awarding concessionary permits to political allies.

Outline where they might occur along the timber supply chain.



The offences and penalties relating to relevant sections of the Forests Act, 2015 and discussions

PART X OFFENCES AND PENALTIES

85. An authorised officer who willfully or negligently permits the removal of unmarked produce from a coupe commits an offence.

See Forests Act, 2015



100 (6) An authorised officer who receives a payment under this section and—
 (a) fails to issue a receipt to the person making the payment as required under subsection (5);
 (b) fails to account for any payment made under this section;
 or
 (c) in any manner, misuses or puts to personal use any payment made under this section;

commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

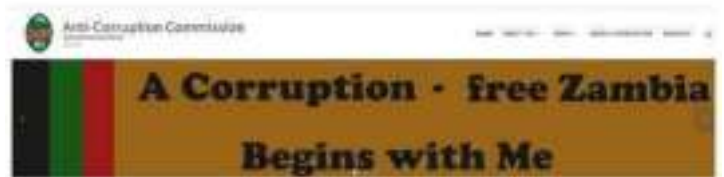
Discuss

How to tackle corruption?

And How to report corruption?

How to report Corruption?

- Using the HFO reporting and communication system
- Using the ZIFLP Grievance mechanism
- Using the Anti-Corruption Commission



Step 3: Discuss the issues with the participants, ask for real examples that they are aware of and discuss how they should/ might have been dealt with.

Session 26 Reflection on learning Day four & Overview Day five



Objectives of the session is to check participant understanding from the daily sessions

At the end of the session, participants will be able to evaluate their understanding and learning of the fourth day of Training;



Time: 40 minutes

Materials **Flip chart, marker pens, evaluation sheet**

Method: **Interactive discussion, individual reflection**

Step 1 Ask the participants to reflect on the sessions covered in day 4. After a pause, ask participants to give one or more points they learned from the previous day.

Write the learning points on a flipchart that all can see.

Step 2 Reflect on results and process with participants;

From the Previous day's sessions, check against the list of topics covered to check if key topics have been included.

Pick out key issues that will input to the current day's training.

Discuss any important concerns raised during the session. Place any in the 'parking lot' if they need to be dealt with later.



Distribute handout among the participants



**Notes for
facilitators:**

The evaluation session should be conducted as an additional reflection session on the key learning points of the day. Hand out copies of handout number 5: FLE Daily Self assessment/ evaluation form.

Course Name: Introduction to Forest Law Enforcement for HFOs **Date:** _____

Participant name: _____ **Chiefdom:** _____

Session	Before	Now	Comment
20			
21			
22			
23			
24			
25			
26			

Ask the participants to reflect on the issues and topics of the day and considers the facilitation skills listed.

Ask them to score their level of awareness/knowledge/understanding before the training, at the end of today, and their target for the future with the following scoring:

- 1. Poor**
- 2. Little knowledge**
- 3. Some knowledge**
- 4. Capable**
- 5. Highly capable**

Encourage the participants to complete and hand-in their responses if they wish. Do reinforce that this is for their own reflection and learning.

Day five – Law enforcement scenarios



Session 27 Check in - Reflection on Day 4

Objective:

At the end of the session, participants will:

- ✓ Be refreshed with key issues from previous learning
- ✓ To provide feedback on specific participatory methods or session
- ✓ To learn how to express feelings and make creative suggestions



Time: 30 minutes

Materials: Flip chart paper, marker pens

Method: **Interactive discussion**

Procedure:

Step 1: Welcome the participants to the final day of the programme.

Step 2: Ask the participants to reflect on the sessions covered in day 4. After a pause, ask participants to give one or more points they learned from the previous day.

Write the learning points on a flipchart that all can see.

Step 2 Reflect on results and process with participants;

From the Previous day's sessions, check against the list of topics covered to check if key topics have been included.

Day four – Community forest law enforcement

Session 20. Check in -

Session 21. Concept of Jurisdiction and where the offense has taken place

Session 22. Dealing with contravention of local rules and regulations specified in the Community Forest Management

Session 23. Scenarios for community forest law enforcement

Session 24. Conflict resolution

Session 25. Abuse of powers, fraud, penalties and how to report

Session 26. Reflection on learning Day Four & confirmation/ Overview Day Five

Pick out key issues that will input to the current day's training.

Discuss any important concerns raised during the session. Place any in the 'parking lot' if they need to be dealt with later.

Step 3: The facilitator presents the programme of the fifth and final day.

Day five – Law enforcement scenarios & reporting

Session 27. Check in - Reflection on Day four
Session 28. Risk assessment, personal safety and safeguards
Session 29. Communication, reporting according to Terms & Conditions
Session 30. Course assessment - Real scenario practical's
Session 31. Next steps and actions
Session 32. Course evaluation
Session 33. Graduation



***Notes for
facilitators:***

Check in

The aim of this session is to quickly reflect on the learning from the previous days sessions.

- It allows you as the facilitator to assess understanding before proceeding with new work. It might be that you have to quickly refresh key issues and points necessary for the Day 5 programme.
- It also allows for effective use of time while any late comers arrive and sort themselves out for the day.
- By asking for views around the room it brings participants focus back into the training session.
- It allows the participants to reflect on the learning from the first day and to consider the agenda and prepare themselves for the final day of training

Session 28 Risk assessment, personal safety, and safeguards



Objective:

To ensure that the participants are aware of risk assessment, personal safety and relevant safeguards when conducting forest law enforcement operations.



Time: 60 minutes

Presentation: HFO Session 28 Day 5 Risk Assessment

Materials: Coloured papers, flip chart, markers,

Method: Presentation / Interactive discussion

Step 1. The facilitator presents the goal of the session

Step 2. Power point presentation on Risk assessment, Personal safety and safeguards.



Outline why risk assessment is essential in forest law enforcement operations. This should involve awareness of situations that expose the officer to danger and hazards that can cause harm.



Highlight the basic rules for ensuring personal safety of the individual officer and that of the team.

Basic Rules for personal safety;

- Stay alert and be aware of your surroundings
- Give the impression that you are calm, confident and know where you are going
- Trust your instincts. *If it doesn't look or feel right, it might not be.*
- Be vigilant and prepared for anything
- Avoid anything that does not feel safe

Discuss

Step 3. SAFEGUARDS IN LAW ENFORCEMENT

Using the slides discuss the meaning of safeguards in Law Enforcement:

- Means to keep secure from danger or against attack
- A law, rule, or something that is done to protect someone or something from harm or damage
- Technical measures to prevent problems
- Protection of Human rights in accordance with the Constitution including rights of the offender

Step 4. Outline that there are procedures where there are complaints against the officers conducting forest law enforcement operations

Highlight that there is Grievance Mechanism

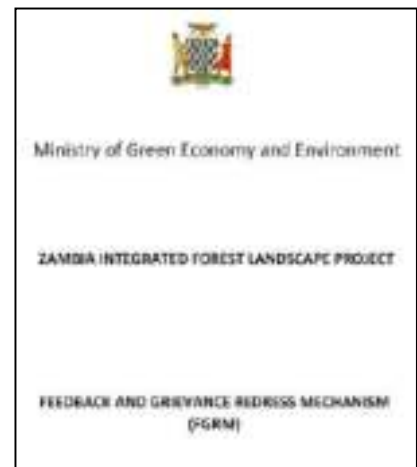
7.2 GRIEVANCE REDRESS MECHANISM

Despite best efforts with regard to the public consultations and community relations, there will be times when the programme sponsor and stakeholders can disagree. All programme affected persons will be informed of their rights to raise grievances pertaining to the ZIFLP.

Mechanisms will be put in place to ensure that grievances are recorded and considered fairly and appropriately. These include:

- A register of grievances which will be handled by the Community Liaison Officer or any other appointed person by the DCCNR.
- Receipt of grievances will be acknowledged as soon as possible, by letter or verbal means.
- The grievances will be reviewed by the Compensation Committee and appropriate action will be taken. The preferred course of action will be discussed with the person bringing the

1. **Take stock of Grievances** (We need to know from the Forestry Side how many grievances and are they documented)
2. **Use of Grievance Register** (The registers that we have are we making use of them?)
3. **Grievance Reporting Line** **0767756129**
4. **Redressing of Grievance** and Escalating. Are we tracking what we have resolved and how many have we escalated for redress.
5. **Need to have the type of grievances known in your District and number of grievance committees in place**



Step 5. Ask any volunteers among the participants to share their real-life experiences on risk assessment, personal safety and safeguards.

Step 6 Notification of Contravention of the Forest Rules

There may be occasions where HFOs are not in a position to arrest or seize items when an offence has been considered as taking place. The unfortunate reality is that certain persons, often in positions of power or influence, consider themselves to be above the law and therefore may intimidate the HFO to not fulfil their duties to enforce the law.

Should the HFO find themselves in a situation where they are not able to arrest or seize items and personal safety or consequences are threatened, then the HFO is advised to issue a 'Notification of Contravention of the Forest Rules' form. This is designed to record the particulars of the incident such that later follow up can take place by the District Forest Officer or others. Further, documenting the incident could be useful in a Court of Law to demonstrate persistent offenders or transport that is used in multiple offences to be taken under consideration by the Court in its rulings and judgement.

The basis of the notice is to provide a statement:

It is noted that you have engaged in restricted acts contrary to provisions of the Laws of Zambia under the Forests Act No. 4 of 2015 without being in possession of a valid licence or permit. In the absence of a valid official licence or permit issued under the same Forests Act, 2015, you are hereby ordered to cease all restricted activities specified under the provisions of the Forests Act No. 4 of 2015. Failure to comply may result in legal proceedings and possible conviction. Further, the Court directing under Section 101 of the Forests Act, 2015, may order the destruction, confiscation or forfeiture of any forest produce in respect of which the offence was committed and of any livestock, tools, plant, machinery, equipment, vehicles or other property used in the commission of the offence. Through this notice, you are provided with written notice of

your contravention of the Laws of Zambia. Further action may be taken by the Director, their representative, or other law enforcement officer.

The particulars of the offence are then recorded:

Particulars of the contravention:

- To fell, cut or work or remove, sell, offer for sale, barter or otherwise deal in any major forest produce. Includes manufacture of charcoal (✓ mark as appropriate).
- Failure to assist with extinguishing a fire in a forest area;
- To squat/ camp/ reside/ build or excavate/ construct or use any enclosure/ re-open or use any road other than a public road/ or erect or operate any plant, machinery or equipment.(✓ mark as appropriate).

A specific description is given to accurately capture the detail of the offence:

Description of the contravention:

.....

Place of the Offence:

Date of the notification:

Items recorded:

Carrier/ vehicle plate no:

Notified by (Name):

Position:

The details of person(s) and or carrier are recorded:

NOTICE RECEIVED BY (Offender):

Witness:

Name:

Signature / print:

Village:

Chief:

District:

NRC No:

Date:

And an instruction issued on what to do next:

Instruction issued / Action:

Stop the illegal activity /move out of the Forest Area /report to the District Office /Report to the Police (tick as appropriate) place_____by the date of _____.

Ask any questions and discuss the situations where use of this form may be necessary.



Distribute handout among the participants



FORESTRY DEPARTMENT

NOTICE OF CONTRAVENTION OF THE LAWS OF ZAMBIA **THE FORESTS ACT, NO.4 OF 2015**

It is noted that you have engaged in restricted acts contrary to provisions of the Laws of Zambia under the Forests Act No. 4 of 2015 without being in possession of a valid licence or permit. In the absence of a valid official licence or permit issued under the same Forests Act, 2015, you are hereby **ordered** to cease all restricted activities specified under the provisions of the Forests Act No. 4 of 2015. Failure to comply may result in legal proceedings and possible conviction. Further, the Court directing under Section 101 of the Forests Act, 2015, may *order the destruction, confiscation or forfeiture of any forest produce in respect of which the offence was committed and of any livestock, tools, plant, machinery, equipment, vehicles or other property used in the commission of the offence.* Through this notice, you are provided with written notice of your contravention of the Laws of Zambia. Further action may be taken by the Director, their representative, or other law enforcement officer.

Particulars of the contravention:

- To fell, cut or work or remove, sell, offer for sale, barter or otherwise deal in any major forest produce. Includes manufacture of charcoal (✓ mark as appropriate).
- Failure to assist with extinguishing a fire in a forest area;
- To squat/ camp/ reside/ build or excavate/ construct or use any enclosure/ re-open or use any road other than a public road/ or erect or operate any plant, machinery or equipment.(✓ mark as appropriate).

Description of the contravention:

.....

Place of the Offence: **Date of the notification:**

Items recorded: **Carrier/ vehicle plate no:**

Notified by (Name): **Position:**

NOTICE RECEIVED BY (Offender): **Witness:**

Name: **Signature / print:**

Villager: **Chief:**

District: **NRC No:**

Date:

Instruction issued / Action:

Stop the illegal activity / move out of the Forest Area /report to the District Office
/Report to the Police (tick as appropriate) place _____ by the date of _____.

For Official Use:

Date:	Action:	Responsible:

Seizure form issued (yes/no) details of items recorded:

Notes (as relevant):

Witness statement:



Notes for facilitators:

Notes on ;

- i. Risk assessment
- ii. Personal safety
- iii. Safeguards

The following reference material can be helpful in explaining danger and caution in FLE operations:

When a person is arrested it represents an act which deprives an individual of his liberty. This can and does cause a violent reaction on the part of some individuals. As we cannot look into the future, we are unable to determine, in advance, who will react with violence and who will not. Therefore, it is necessary that the utmost caution be exercised in each and every arrest situation. There is always danger in every arrest, whether it be a local drunk or a murderer. Failure to be alert and to use caution may result in tragedy with you on the receiving end.

I. Alertness

- A. There is an element of danger in every arrest.
- B. There are no exceptions to this rule.
- C. Because you cannot predict what every individual will do, you must be alert during arrest situations.
- D. Years of service do not remove the elements of danger.
- E. Don't allow yourself to have a false sense of security because you have never had trouble before.

II. Caution

- A. Police work by its very nature demands courage, but not foolhardiness.
- B. Do not confuse taking chances with courage.
- C. Remember that you are not on stage attempting to impress anyone with your actions; you have a job to do; do it correctly!
- D. Use opportunities when they present themselves so that the element of surprise is in your favor, but don't allow surprise to work against you.
- E. Be cautious in every step in an arrest situation because a lack of caution can cost you or a fellow officer his life.

III. Plan and Preparation for the Arrest

- A. On many occasions, you will have time to plan your approach and what the duties of other officers will be.
- B. Fellow officers assigned to assist in the arrest situation must thoroughly understand the details of the arrest.
 - 1. If the arrest will occur at a residence, business, shopping center, etc., the officers must understand the geography of the area including possible escape routes.

IV. Utilization of Additional Manpower

- A. Never hesitate to call for assistance in an arrest situation.
- B. Do not attempt to "go it alone" because of the danger in an arrest situation and the increased chance of suspects to escape.
- C. With additional manpower, the chances for a successful arrest are increased tremendously.
- D. The mere presence of additional officers may many times deter a criminal from a violent reaction.
A criminal may feel that he can take you in a one-to-one ratio, but will certainly consider his chances when faced with a superior force and superiority or weapons.
- E. Not every arrest situation will allow for the calling of additional manpower, but when it does allow time, use it to obtain help. Never hesitate because a fellow officer may mean the difference between a fight or death for you.

V. Control of the Arrest

- A. You, as the arresting officer, must never lose control of the arrest situation.
- B. You must have complete command of the arrest situation every step of the way.
- C. One way you can utilize command is through your voice.
 - 1. Your voice can speak with authority and confidence or it can infer a lack of confidence in your position and authority.
- 2. Give firm concise commands.
- 3. Never use profanity or slang.
- 4. Overemphasis can give the impression that you are nervous or inexperienced.
- 5. Give commands and directions in a clear voice that is loud enough to be heard by the person arrested but not so loud so as to draw attention a block away.
- D. Never act belligerent in an arrest situation.
 - 1. You should be an impartial and impersonal individual who is doing a job that must be done.
 - 2. Be alert and business-like in your approach.
 - 3. You should be prepared for a fight in any arrest situation but never approach an arrest looking for a fight because you will surely find one somewhere along the line.
 - 4. If you act belligerent in an arrest situation, it may cause the individual to react violently or attempt to escape.
 - 5. You must inform the person you are arresting that he is under arrest.

RULES TO REMEMBER

1. You have a responsibility to preserve your own life.
2. Act with caution and alertness in any arrest situation.
3. You must exercise caution to insure the safety of innocent bystanders.
4. Use firm commands that are distinct and clear.
5. Be definite and firm in your actions but always act with safety.
6. Never fail to call for assistance when possible.
7. Always have complete control in the arrest situation.
8. Remember that there is danger in every arrest.
9. Be prepared and plan your arrest approach.

"THERE ARE NO ROUTINE ARRESTS."

Session 29 Communication, reporting according to Terms & Conditions



Objective:

To enhance participants communication and reporting skills. At the end of the session participants will be able to communicate and report effectively.



Time: 60 minutes

Presentation: HFO Session 29 Day 5
Communication

Materials: Coloured papers, flip chart, markers,

Method: **Presentation / Interactive discussion**

Step 1. The facilitator presents the objective of the session and defines communication, reporting. Stressing that good communication, coordination, reporting and feedback are critical to forest law enforcement operations within your district

Step 2. Power point presentation on official communication systems and importance of communication

Making reference to the HFP terms and conditions (covered on the day one sessions, highlight the reporting arrangements within the district.

1. The Honorary Forestry Officer shall report to the District Forestry Officer and Community Forestry Management Group (CFMG) as appropriate.

3. The Honorary Forestry Officer shall support the activities of the Forestry Department in the area of responsibility and take such measures to enforce the Forests Act No 4 of 2015 and report forest offences to the District Forestry Officer.

5. The Honorary Forestry Officer shall receive thorough instructions and awareness raising from the Forestry Department to enable them to perform their agreed functions as provided for in the Forests Act No 4 of 2015.



6. The Honorary Forestry Officer shall attend meetings for planning, strategizing and reviewing operations in their area of jurisdiction when requested to do so by the Forestry Department. These will be organized and facilitated by the District Forest Officer. This will include reporting on activities, permits issued, offences observed, revenue and fines collected where applicable;

Cover:

- ☐ Reporting process
- ☐ Reporting template
- ☐ Supply of forms

Step 3. Highlight the coordination of activities after the training following the slide in the presentation covering:.

- All trained HFOs will report to DFO
- DFOs will supervise and coordinate duties to all HFOs (outside of CFMAs)
- Communication system to be established by the DFO
- HFOs Work/patrol plans will be drawn together with DFO
- Traditional leaders must be made aware on the functions of HFOs to avoid conflicts
- Other law enforcement agencies within districts should be informed (DJOC).
- Quarterly meetings shall be held to review on various issues encountered during the quarter.
- HFOs shall follow local rules when executing their work in CFMAs

POST TRAINING COORDINATION

- ☐ All trained HFOs will report to DFO
- ☐ DFOs will supervise and coordinate duties to all HFOs (outside of CFMAs)
- ☐ Communication system to be established by the DFO
- ☐ HFOs Work/patrol plans will be drawn together with DFO
- ☐ Traditional leaders must be made aware on the functions of HFOs to avoid conflicts
- ☐ Other law enforcement agencies within districts should be informed (DJOC).
- ☐ Quarterly meetings shall be held to review on various issues encountered during the quarter.
- ☐ HFOs shall follow local rules when executing their work in CFMAs

Step 3. Participants ask Questions on communication and reporting presentation

Step 4. Ask participants to give a brief report after carrying out a field patrol (Report to be done on session 31)



Distribute handout among the participants



**Notes for
facilitators:**

Notes on;

- i. Official communication
- ii. Importance of communication



Session 30 Course assessment - Real scenario practical's



Objective: To assess the knowledge and skills of the participants in the processes of forest law enforcement

At the end of the session, participants will have been assessed through a series of practical scenarios in a team environment.



Time: 90 minutes

Presentation: HFO Session 30 Day 5 Course assessment practical exercises.

Materials: Marking papers, scenario props (axes, hoes, bags of charcoal, etc), paperwork, charge sheets, admission of guilt forms, seizure certificates etc.



Method Presentation / pre-prepared scenarios with suitable props with resource persons pre-briefed and suitably positioned.

Step 1. The facilitator presents the objective of the session and explains financial management and administration.

The course practical assessment will cover the trainees working in groups through a number of scenarios. The assessment will include:

3 scenarios should be arranged covering:

- Illegal Cutting of trees for timber
- Illegal Charcoal Production
- Encroachment in a protected area

The assessment will cover the following aspects:

1. The Planning and organisation of the Patrol team members
2. The Conduct and approach of the patrol team to the scene of the offence
3. The Conduct of questioning and ascertaining the facts of the offence and the offender
4. The Processing the offence & completing paperwork:
 - a. Completion of a charge sheet (The list and completeness of the description of the offences - list of counts in the charge sheet and particulars of each of the offences).

b. Completion of a seizure form

5. An assessment of teamwork, risk assessment & safety of HFOs & offenders

The course practical assessment will cover elements of the conduct of operations, comment on how the groups approached and tackled the situation and processed the offence. Learning feedback will be provided.

Practical assessment form

Assessment	Criteria	Observation	Comment for learning	Score
1 Planning				/10
2 Conduct approach	Approach			/ 10
	Positioning of team members			
3 Conduct questioning	Identification			/20
4 Processing offence	Charges/ counts			/20
	Completeness of doc			/10
	Seizure form			/ 20
5 Teamwork	Participation of all members			/ 10
	Total			/ 100

Step 2. After the briefing, split the class into 3 groups, request them to form themselves into patrol teams. This can be random using the technique 1,2,3, 1, 2,3, etc, or deliberate by grouping HFOs together by geographic area, or be earlier facilitator assessment of capacity to mix stronger and weaker participants for enhanced learning in these final sessions.

Step 3. Procedure of rotation:

At each scenario site, the lead resource person will brief the group on the scenario they will encounter. This should stress the location of the offense to test understanding of jurisdiction and therefore procedure. The group should have the appropriate paperwork and forms and notebooks at their disposal. They will request the group to now organise themselves into a patrol group with tasks. This process should be observed by the lead resource person tasked with marking the assessment of the group using the Practical Assessment Form.

Once the scenario team is ready, the lead resource person shall request the patrol group to commence their patrol approach to the scene of the scenario.

The conduct of the patrol team should be observed by the lead resource person tasked with marking the assessment of the group using the Practical Assessment Form assessing the 5 criteria:

1. The Planning and organisation of the Patrol team members
2. The Conduct and approach of the patrol team to the scene of the offence
3. The Conduct of questioning and ascertaining the facts of the offence and the offender
4. The Processing the offence & completing paperwork:
 - a. Completion of a charge sheet (The list and completeness of the description of the offenses - list of counts in the charge sheet and particulars of each of the offences).
 - b. Completion of a seizure form
5. An assessment of teamwork, risk assessment & safety of HFOs & offenders

Step 4. At a suitable point, the lead resource person shall request the patrol group to stop, assemble together and the debrief of the scenario will take place.


The first question is to ask the group how they felt they achieved their patrol objective, the offence that they observed and how they processed the offence and the offender.

Step 5. The lead resource person should then provide feedback to the patrol group based on the evaluation points noted in the Practical Assessment Form. At the end of the scenario debrief session, the group should be asked if they have any questions or clarifications.

Step 6. The rotation of the groups to the next scenario to repeat the process described in steps 3 to 5.

Step 7. After all the groups have been through the scenarios, the class should be brought together in plenary and any key points of learning raised with the groups as a wrap up to processes and learning from the entire course.

Step 8. Questions and Answer session

	Notes for facilitators:
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Final practical assessment

- i. This is one of the most important sessions in the training. This is where all the information transferred in terms of core forest law enforcement operations are brought together.
- ii. Thorough preparation is required to make the scenarios as real as possible. This includes working as a team with other resource persons to make the assessment through practical scenarios effective. Suitable props, equipment, bags of charcoal, ensuring all forms are available and the resource team fully briefed on the process and importantly the changeover between scenarios.
- iii. It is important to highlight Law enforcement relating to jurisdiction in each scenario - which rules and roles to enforce in which designation area
- iv. As appropriate testing with compliant and non compliant offenders can test their approach and organisation when faced with difficult situations.
- v. Clear and concise instructions, good preparation and organisation with effective coordination during the session can make this a successful session.
- vi. Assessment forms and group participants should be retained and recorded in final reporting and record keeping from the overall training as a measure of transfer of skills and knowledge.

Session 31 Next steps and actions



Objective:

To agree the next actions to be taken post training involving both HFOs and the District Forest Teams.

At the end of the session, each district should have agreed a timebound action plan of activities with responsibilities:



Time: 60 minutes

Materials Coloured papers, flip chart, markers,

Method Interactive discussion

Step 1. The facilitator explains the objective of the session to agree the next actions to be taken post training involving both HFOs and the District Forest Teams.

The participants should form into their respective district teams combined with a forest officer from that district and agree a district action plan based on the following:

Action #	Activity:	Target group:	Responsibility:	Date/ by when:

This should be populated following the list developed in Session 29.

- ❖ All trained HFOs will report to DFO
- ❖ DFOs will supervise and coordinate duties to all HFOs (outside of CFMAs)
- ❖ Communication system to be established by the DFO
- ❖ HFOs Work/patrol plans will be drawn together with DFO
- ❖ Traditional leaders must be made aware on the functions of HFOs to avoid conflicts
- ❖ Other law enforcement agencies within districts should be informed (DJOC).
- ❖ Quarterly meetings shall be held to review on various issues encountered during the quarter.
- ❖ HFOs shall follow local rules when executing their work in CFMAs

Step 2. In plenary, District groups present their individual action plan and receive comment and feedback from the facilitators and other participants

Step 3. A record should be taken of individual district action plans

Step 4. Facilitator to summarise the session.

	Notes for facilitators:
---	--------------------------------

Facilitators Notes;

This session is important to agree while everyone is together the follow up actions after the training.

It is an opportunity to emphasise the need to build and strengthen teams and the importance of communication, coordination and reporting. Further the importance for communicating the role of HFOs to other key stakeholders such as the traditional leadership, the District Administration and other important district stakeholders in order to make the HFO strategy of the Department a success.



Session 32 Course evaluation



Objectives: To seek feedback on the conduct of the training course to assist improvement of service delivery and effectiveness of training.

At the end of the session, participants will have provided feedback and scoring on the contents and methods by training session.



Time: 40 minutes

Presentation: HFO session 32 course evaluation

Materials: Handouts, flipcharts, markers, Colour paper, Tape,

Method:

Step 1 The facilitator introduces the objective of the session, ask participants to reflect on the 5 days of training:

1. **Ask** the participants to reflect on the course outline and content:
2. **Draw a diagram** of 5 overlaid circles, sub-divide like a cake in sections covering the 4 thematic areas of the course
 - 1 Introduction to Forest laws
 - 2 Role of the Honorary Forest officer
 - 3 Conducting law enforcement operations
 - 4 Processing offences and paperwork

Reflect that these are the core areas of the course in terms of introduction to Forest Law Enforcement

– understanding the laws, understanding their role, understanding how these are enforced and how offences are dealt with.

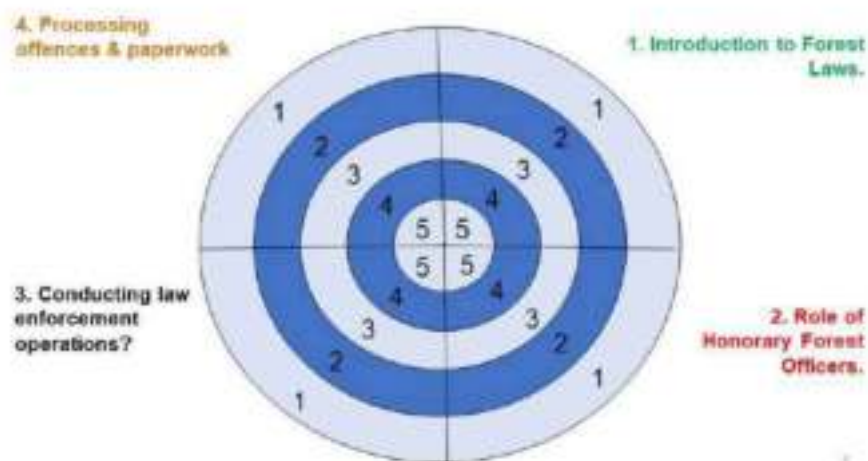
Therefore ask them to reflect on these aspects of the course and now their understanding and being equipped with new knowledge and skills to fulfil their function in safeguarding forest resources in their areas.

Ask the participants to mark on the sheet/place stickers – middle most liked (score 5), outer least liked (score 1).



HFO Training evaluation

Each person place one 'x' per section to reflect how they assess the performance of the workshop against the objectives.
 Score: 5= Excellent 4 = Good 3 = Moderate 2= Poor 1 = Very poor.



Step 2 Participants and facilitators give feedback on the evaluation done and discuss

Step 3 The facilitators collect handout 14 from the participants and close the course with encouragement to all.



Distribute handout among the participants

Evaluation of the training:								
Give your marks on the questions below. 5 is best – 1 is lowest						Score n=		
No		5	4	3	2	1	Sum	Average
1	Was the information given on beforehand good?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
2	Were the topics for the teaching clear for you on beforehand?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
3	Was it easy to understand the explanations given?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
4	Were the teachers well prepared?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
5	Was the equipment good and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>

	sufficient?						
6	Were the documents provided useful for you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Were the topics covered interesting for you?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Were the topics covered useful for your job?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	How easy could you teach these topics alone to other foresters after this course?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall average						<input type="checkbox"/>	<input type="checkbox"/>
1 Which topics were missing in this course in your opinion?							
2 What could have been better for you in this course? Explain in few words.							



Notes for facilitators:

Key questions and answers for evaluation

Why is evaluation done?

Evaluation is a useful tool for informing the review process for facilitators and learners, and helps planning for future training events.

It provides a process to assess in broad terms the confidence of the participants in terms of their:

- understanding the laws, understanding their role, understanding how these are enforced and how offences are dealt with. These are the core areas of the course in terms of introduction to Forest Law Enforcement

What will be evaluated?

Requesting participants to score the 4 thematic areas of the course:

- 1 Introduction to Forest laws
- 2 Role of the Honorary Forest officer
- 3 Conducting law enforcement operations
- 4 Processing offences and paperwork

How will evaluation be done?

1 Draw a diagram of 5 overlaid circles, sub-divide like a cake in sections covering content, methods, facilitation.

Ask the participants to mark on the sheet– centre most liked, outer least liked.

2 Evaluation sheets,

Distribute the evaluation sheet for training.

Session 34 Graduation & dispersal



Objective:

At the end of the session, participants will have received the course certificate of attendance :



Time: 60 minutes

Materials: Course certificates pre printed and completed with names,



Notes for facilitators:

Make prior arrangements to hold a course completion ceremony. Arrange with suitable guest to make a speech, distribute course certificates and formally close the training.



Annexes Participant Handouts for Sessions

Forest Law Enforcement: Honorary Forest Officer Introduction Training– Course Outline

The HFO Training covers a period of 5 days covering the following topics:

Day one – Introduction to forest law enforcement & role of Honorary Forest Officers

- Session 1. Training Objectives, Expectations, Norms for the training
- Session 2. Overview of law enforcement, summary processes & procedures
- Session 3. Introduction of relevant Laws of Zambia
- Session 4. Introduction to Forest Laws & Offences
- Session 5. Appointment of HFOs, Roles & Condition of service
- Session 6. Reflection on learning Day One & confirmation/ Overview Day Two

Day two – Control: dealing with illegal Activities

- Session 7 Check in - Reflection on Day One & key learning
- Session 8. Regulating Forest Produce
- Session 9. Enforcement: offences and penalties
- Session 10 Processes & procedures search, seize and arrest
- Session 11. Scenarios for statutory forest law enforcement
Practical - search, seize and arrest
- Session 12. Reflection on learning Day Two & confirmation/ Overview Day Three

Day three – Conducting law enforcement operations

- Session 13. Check in - Reflection on Day Two & key learning
- Session 14. Admission of guilt & rights of the offender
- Session 15. Practical exercises operations, road blocks & searches
- Session 16. Processing offenses Practical's – Filling of relevant documents
- Session 17. Preparation of court hearing
- Session 18. Reflection on learning Day Three & confirmation/ Overview Day Four
- Session 19. Practical - patrol

Day four – Community forest law enforcement

- Session 20. Check in - Reflection on Day Three
- Session 21. Concept of Jurisdiction and where the offense has taken place
- Session 22. Dealing with contravention of local rules and regulations specified in the Community Forest Management
- Session 23. Scenarios for community forest law enforcement
- Session 24. Conflict resolution
- Session 25. Abuse of powers, fraud, penalties and how to report
- Session 26. Reflection on learning Day Four & confirmation/ Overview Day Five

Day five – Law enforcement scenarios & reporting

- Session 27. Check in - Reflection on Day four
- Session 28. Risk assessment, personal safety and safeguards
- Session 29. Communication, reporting according to Terms & Conditions
- Session 30. Course assessment - Real scenario practical's
- Session 31. Next steps and actions
- Session 32. Course evaluation
- Session 33. Graduation

Close of Training



HFO Training Preparation Checklist

Item	Tick if done
Did you do training needs assessment?	
Did you set the training objectives?	
Did you decide on the overall contents of the training?	
Did you decide on the participants? How many	
The participants (who will actually participate and do you know them?)	
Did you organise who writes the report?	
Did you organise the venue (room)?	
Training Workshop time-table (also for facilitators) on the notice board.	
Facilitator's training guide	
Other training materials ready	
Participants' handouts	
Pens & paper	
Flip-charts, markers, tape	
Black-board/white-board, chalk & duster/markers & duster	
Leaflets	
Scenario props: axes, hoes, bags of charcoal, traffic cones, tape, lights	

THE VENUE (ROOM)

	Is the venue in order?	
	Enough chairs and tables	
	Lighting	
	Ventilation for COVID 19 measures	
	Temperature	
	Position of chairs and tables	
	Space for facilitators	
	Facilitator's table/chair	
	Doors can be closed to minimize the disturbing from outside, telephones can be answered from another room.	

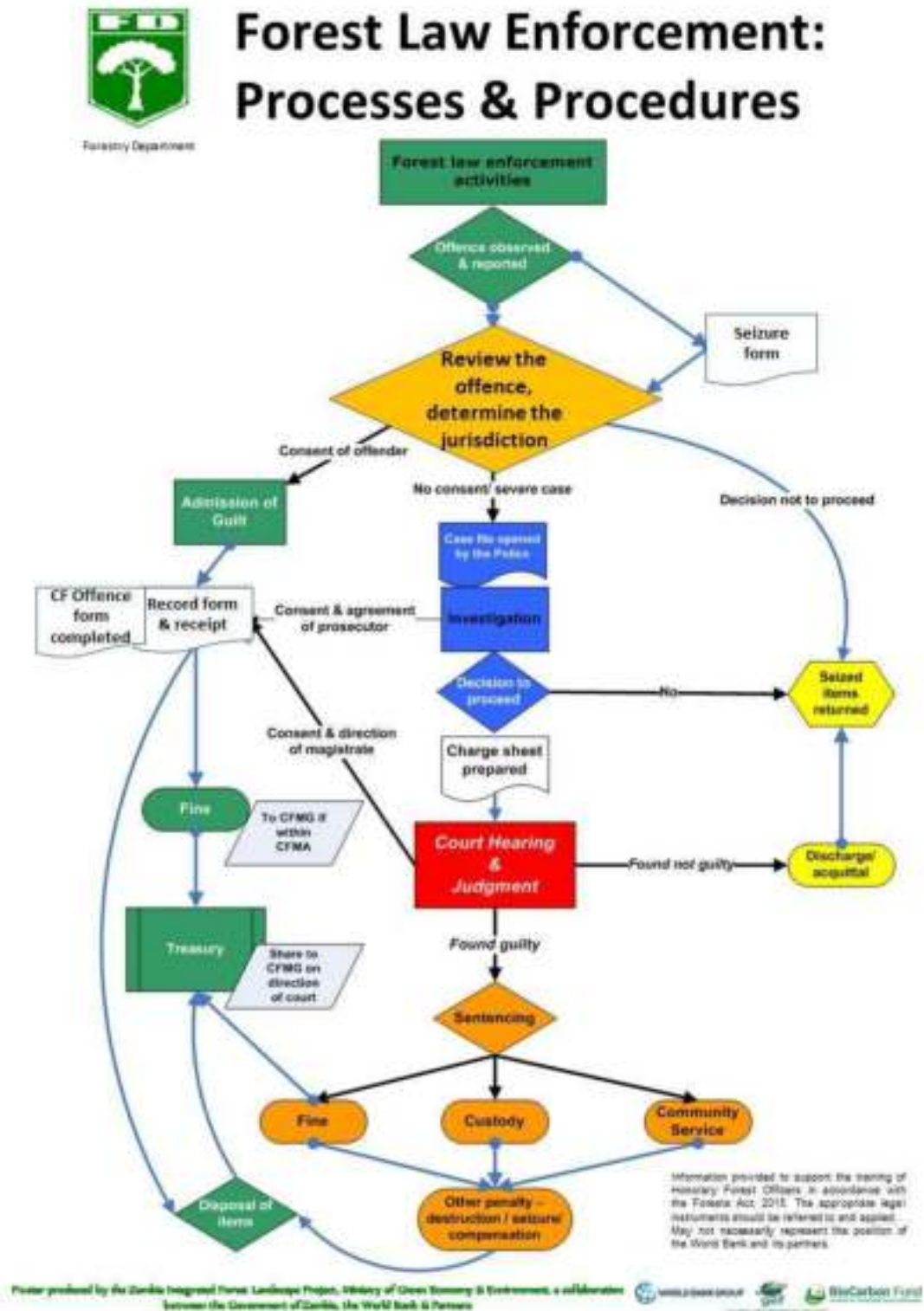
SUPPORT SERVICES

	Water & refreshments	
	Food (if required)	



HFO Training - Handout Session 2

Forest Law Enforcement Processes Diagram





Session Handout 4. Forests Act, 2015 (ensure copies are printed and made available)

<https://zambialii.org/akn/zm/act/2015/4/eng@2015-08-14>

Forests

[No. 4 of 2015 81]

THE FORESTS ACT, 2015

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation
3. Ownership of trees and forest produce

PART II

FORESTRY DEPARTMENT

4. Director of Forestry and other staff
5. Functions of Department
6. Honorary forest officers
7. Immunity
8. General principles of forest development and management
9. Criteria for determination of sustainable forest management

PART III

FOREST MANAGEMENT AND DEVELOPMENT

National Forest

10. Establishment of National Forest
11. Acquisition of land for National Forest
12. Purpose of National Forest
13. Rights in National Forest
14. Control and management of National Forests
15. Grants of right or interest in National Forest
16. Restrictions in National Forest

Local Forest

17. Establishment of Local Forest
18. Acquisition of land for Local Forest
19. Purpose of Local Forest
20. Rights in Local Forest
21. Control and management of Local Forest
22. Grant of right or interest in Local Forest
23. Restrictions in Local Forest

Botanical Reserve

24. Establishment of botanical reserve
25. Prohibition of certain activities in botanical reserve

*Single copies of this Act may be obtained from the Government Printer,
P.O. Box 30136, 10101 Lusaka, Price K 60.00 each.*



HFO Training - Session 5

Session 5 Terms and Conditions for HFOs

SCHEDULE

1. The Honorary Forestry Officer shall report to the District Forestry Officer and Community Forestry Management Group (CFMG) as appropriate.
2. The Honorary Forestry Officer shall discharge the functions and exercise the powers of an authorised officer within the boundaries of the Community Forestry Management group and District in which they are appointed.
3. The Honorary Forestry Officer shall support the activities of the Forestry Department in the area of responsibility and take such measures to enforce the Forests Act No 4 of 2015 and report forest offences to the District Forestry Officer.
4. The Honorary Forestry Officer shall carry out all duties on a voluntary basis at his/her convenient time in coordination with the District Forestry Officer in the specified area community area.
5. The Honorary Forestry Officer shall receive thorough instructions and awareness raising from the Forestry Department to enable them to perform their agreed functions as provided for in the Forests Act No 4 of 2015.
6. The Honorary Forestry Officer shall attend meetings for planning, strategizing and reviewing operations in their area of jurisdiction when requested to do so by the Forestry Department. These will be organized and facilitated by the District Forest Officer. This will include reporting on activities, permits issued, offences observed, revenue and fines collected where applicable;
7. The Honorary Forestry Officer shall, when requested by the Forestry Department, provide support services or any other reasonable duties towards forest protection from time to time that are within the spirit of cooperation and the legal framework;
8. Where the Honorary Forestry Officer is requested by the District Forestry Officer to support activities outside of their recognised area of operation, they will be provided the appropriate compensation in the form of an administrative (subsistence/lunch) allowances at the prevailing rates and conditions, subject to the availability of funds.
9. The Honorary Forestry Officer shall be issued with the appropriate identification documents. This should be carried at all times when engaged in operations and be presented as official identification of their authority from the Director of Forestry.
10. The Honorary Forestry Officer shall receive timely support were available from the District Forestry Officer and District Administration in the course of fulfilling their functions.
11. The Honorary Forest Officer shall, when requested, provide specialized services, material support or any other duties towards sustainable forest management in their respective areas of operation.

12. The Honorary Forest Officer appointment may be terminated if the officer fails to adhere to the set terms and conditions as provided for in the schedule or commits an offence under the Forests Act or any other written Laws of Zambia.
13. Where the Honorary Forest Officer feels they can no longer provide the services as set out in the schedule, a written notice shall be issued thirty (30) days before, through the District Forestry Office and they can be relieved of their duties with immediate effect
14. The Honorary Forest Officer shall not have any criminal record.

0-0-0-0-0-0

Handout Session 6: Forest Law Enforcement: Honorary Forest Officer Introduction Training - Daily Evaluation Form

Course Date:_____ **Venue:**_____ **Participant Name:** _____ **Day (1-5):**_____

Score your level of awareness/knowledge/understanding before the training, at the end of today (Now), with a score for each session:

Score: 1. No knowledge; 2. Little knowledge; 3. Some knowledge; 4. Capable; 5. Highly capable

Session	Before 1-5	Now 1-5	Comment on session content/ presentation/ facilitation
Session 1.			
Session 2.			
Session 3.			
Session 4.			
Session 5.			
Session 6.			

Please complete and hand-in completed form. The aim is also to reinforce your own reflection and learning on the topics covered.



HFO Training - Handout

Session 14 Admission of Guilt Form



Republic of Zambia

FORESTRY DEPARTMENT

ADMISSION OF GUILT FORM

(The Forests Act, 2015 Section 100: Payment of Fine without Appearing in Court)

Name:..... Tribe:.....
Village:..... NRC:.....
Chief:..... Age:.....
District:..... Sex:.....
Occupation:.....

With reference to the Offence (under Forests Act, 2015) of:

Place of the Offence:
(including designation if protected area)

Date of the offence:

I hereby elect to admit liability for the offences as charged and required that I incur the following penalty points (Forests Act, 2015) _____ converting to the sum of ZMW _____ to be deposited to the following Treasury account **0010012440014** and the Deposit slip to be presented and a General Receipt issued for the same. I understand that payment of the fine shall operate as a bar to any further criminal proceedings in respect to the specific offence as charged.

Do you understand the charge? (Yes/No): Signature/ Thumb print:.....

Do you admit or deny the charge? (Yes/No): Signature/ Thumb print:.....

Charging Officers Name:..... Date:.....

Charging Officers Designation:..... Place:.....

Charging Officers Signature:..... Time:.....

General Receipt Number:..... Date of Receipt:.....



HFO Training - Handout

Session 15 Practical Scenarios

Practical law enforcement exercises

How to deal with the following scenarios taking place in the forest area – see the scenario slide - discuss

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?



Along the Great East Road, Minvato Enterprises, 60 bags

Practical law enforcement exercises

How to deal with the following scenarios taking place in the forest area – see following slides - discuss

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?



Along the Great East Road, Mrs Priscilla Banda

Practical law enforcement exercises

How to deal with the following scenarios taking place in the forest area – see following slides - discuss

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?



Ngoni Local Forest, Mt Banda

Practical law enforcement exercises

How to deal with the following scenarios taking place in the forest area – see following slides - discuss

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?



Lundazi National Forest: Mrs Mulele
Shea cultivation

Practical law enforcement exercises

How to deal with the following scenarios taking place in the forest area – see following slides - discuss

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- What process should be followed?
- What paperwork is required?



Lundazi National Forest: Mr Phiri
2 permanent structures, 15 ha tobacco



HFO Training - Handout Session 16

Session 16 Charge Sheet



Republic of Zambia

FORESTRY DEPARTMENT

CHARGE SHEET

(The Forests Act, 2015, Part X: Offences and Penalties)

Name:.....

Tribe:.....

Village:.....

NRC:.....

Chief:.....

Age:.....

District:

Sex:.....

Occupation:.....

CHARGE (1st Count):

(if space insufficient, continue overleaf)

Statement of Offence (Forests Act, 2015):

Particulars of the offence:

Place of the Offence:.....

Date of the offence:.....

Do you understand the charge? (Yes/No):

Signature/ Thumb print:.....

Do you admit or deny the charge? (Yes/No):

Signature/ Thumb print:.....

Arresting Officers Name:.....

Date:.....

Arresting Officers Designation:.....

Place:.....


Arresting Officers Signature:.....

Time:.....



HFO Training - Handout Session 16b

Seizure form


REPUBLIC OF ZAMBIA

SECOND SCHEDULE
(REGULATION NO.27)

List of properties seized by.....

Rank.....

Identity No./NRC No.....

Date:.....

List of seized items

Type of property
(Other than animals)

Serial No.	Item	No.
.....
.....
.....
.....
.....

Name of offender:.....Signature:.....Date:.....

Name of arresting officer:.....Signature:.....Date:.....

Cc: Zambia Police



HFO Training - Handout Session 16c

Warn and Caution Statement Form



Republic of Zambia

FORESTRY DEPARTMENT

WARN AND CAUTION STATEMENT

The Criminal Procedure Code

Name:..... Tribes:.....
Village:..... NRC:.....
Chief:..... Age:.....
District:..... Sex:.....
Occupation:.....

With reference to the Offence (under Forests Act, 2015) of:

Place of the Offence:
(Including designation if protected area)

Date of the offence:

"I warn you that you need not say anything in answer to the charge unless you desire to do so but anything you may say will be taken down in writing and may be used as evidence at your trial. You are further warned that you have nothing to hope and fear from any promise or threat"

Do you understand the caution? (Yes/No):

Signature/ Thumb print:.....

Any statement given by the accused:

Arresting Officers Name:.....

Date:.....

Arresting Officers Designation:.....

Place:.....

Arresting Officers Signature:.....

Time:.....



Notice for encroachment



**REPUBLIC OF ZAMBIA
MINISTRY OF GREEN ECONOMY AND ENVIRONMENT
FORESTRY DEPARTMENT**

Mr./Ms./Mrs.
.....
.....

**RE: NOTICE OF CONTRAVENTION OF THE LAWS OF ZAMBIA UNDER
THE FORESTS ACT, NO.4 OF 2015, SECTIONS 16 & 23:
RESTRICTIONS IN A LOCAL AND NATIONAL FOREST**

It is noted that you have engaged in restricted acts within _____ Forest Reserve which is contrary to provisions of the Laws of Zambia under the Forests Act No. 4 of 2015 Sections 23(1)b and 25(1)b which state that a person shall not *squat, camp, reside, build or excavate, construct or use any enclosure, re-open or use any road other than a public road, or erect or operate any plant, machinery or equipment* in a Local Forest or enter a National Forest (16) without a licence or permit.

In the absence of such official licence or permit issued under the same Forests Act, 2015, you are hereby **ordered** to cease all restricted activities specified under the provisions of the Forests Act No. 4 of 2015. Failure to comply may result in legal proceedings and the Court directing under Section 101 of the Forest Act, 2015, *the removal or demolition, within such time as the court may determine, of any unauthorised buildings, structures, plant, machinery, equipment, crops and other works set up or grown by that person, and the restoration, as far as practicable, of all areas and things to their former state, and if the removal, demolition and restoration is not effected within the time fixed by the court, the Director shall cause it to be done and the cost incurred shall be recovered by the Director from the convicted person; or order the confiscation or forfeiture of any forest produce in respect of which the offence was committed and of any livestock, tools, plant, machinery, equipment, vehicles or other property used in the commission of the offence.*

You, through this letter, are provided with written notice of your contravention of the Laws of Zambia.

District Forest Officer
_____ District

Particulars of the contravention: squat/ camp/ reside/ build or excavate/ construct or use any enclosure/ re-open or use any road other than a public road/ or erect or operate any plant, machinery or equipment. (mark as appropriate).

Description of the contravention:.....

.....

Place of the Offence:.....**Date of the notification:**.....

Notified by:.....**Name:**.....**Position:**.....

RECEIVED BY:

NAME:

SIGNATURE/PRINT:

Village:.....

Chief:.....

NRC NO:

District:

DATE:

For Official Use:

Date:	Action:	Responsible:



HFO Training - Handout Session 16e

Day 3 Practical assessment

For each of the two practical scenarios complete the following report:

1 Charcoal production

- What documents should be requested?
- What offence has been committed?
- Which authority deals with the offender?
- What items should be seized?
- What documents should be completed by the HFO?

2 Roadblock – vehicle with charcoal

- What documents should be requested?
- What offence has been committed?
- Which authority deals with the offender?
- What items should be seized?
- What documents should be completed by the HFO?

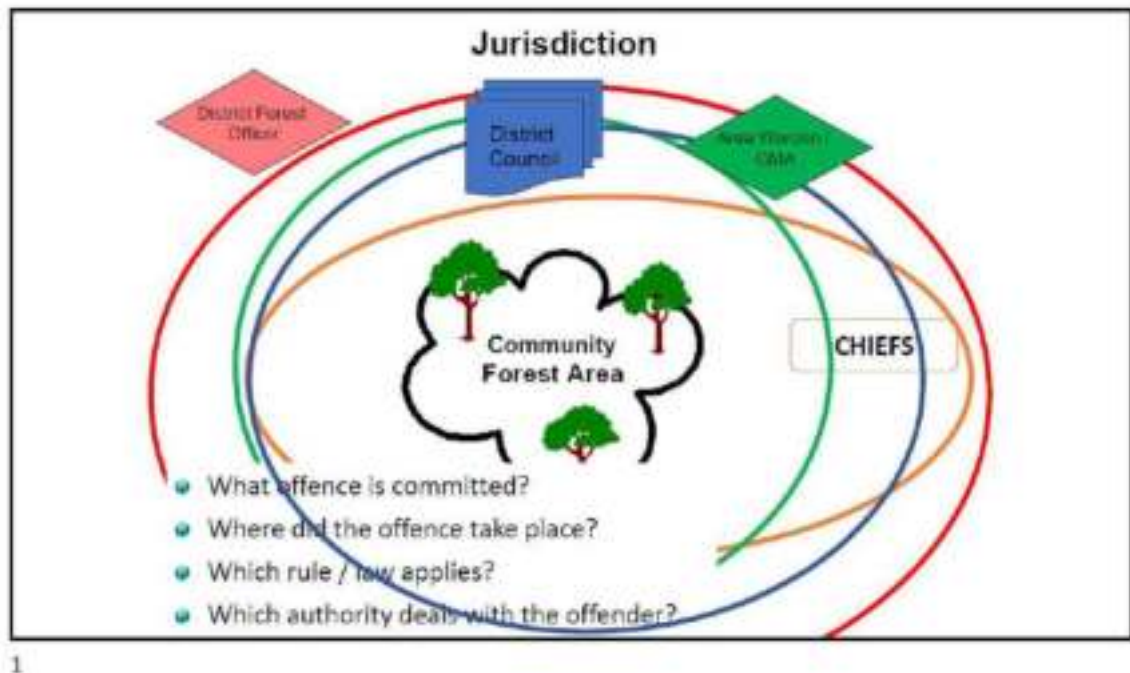
Your Name:

Chiefdom



HFO Training - Handout Session 21

Concept of Jurisdiction – lawfully transferred/ assigned



Dealing with offences

- What offence is committed?
- Where did the offence take place?
- Which rule / law applies?
- Which authority deals with the offender?
- Is there an admission of guilt?
- Is there agreement to the penalty?
- If yes - deal with under Community Forest Agreement – Management plan rules and sanctions
- If no – refer to next authority where the appropriate rule / law applies?





HFO Training - Handout Session 21

Contravention of Community Forest Rules

_____ **Community Forest Management Group**
_____ **Community Forest**
NOTICE OF CONTRAVENTION OF FOREST RULES

In accordance with Section 31 (1) of the Forests Act, 2015 (Act No. 4 of 2015) the Director of Forestry has entered into an Agreement dated 7th January 2021, with _____ CFMG, to protect, conserve and manage the Community Forest Area. In accordance with section 32 (1) (h) of the Forests Act, the Director of Forestry requires the CFMG, to protect the Community Forest Area from destructive late fires, pests, theft, poaching, vandalism and other such forms of hazards; to enforce rules governing access, use and protection of the designated forest area in conformity with customary laws and local regulations and sanctions determined by the CFMG and His Royal Highness, _____. Breach of the Community Forest Rules constitutes an offence and the particulars of the offence and the offender will be reported to the CFMG for further action.

On (date) _____ Place of the Offence _____

Description of the offence:

Illegal cutting of trees / clearing land / illegal settlement / illegal cropping / lighting of fire – burning / grazing animals / honey gathering

....without a permit from the CFMG. (tick as appropriate) Breach of the Rules constitutes an offence and the particulars of the offence and the offender will be reported to the CFMG.

Particulars of the Offender (name) _____ (village) _____

NRC No. (if available) _____ Telephone: (if available) _____

I (name of offender & signature) _____ admit / do not admit **(tick as appropriate)** to committing the above offence of _____

Signed in the presence of: _____ Name of CFMG representative /

Witness (if available): _____ Name / position

Instruction issued / Action: Stop the illegal activity / move out of the Community Forest Area / report to the CFMG Office / Report to the Palace (tick as appropriate) by the date of

APPROVED BY: HIS ROYAL HIGHNESS



HFO Training - Handout Session 21

Contravention of Community Forest Rules Chichewa

UTHENGA/CHIDZIWISO CHAKUSWA LAMULO LA NKHALANGO (FORESTS ACT)

Kulingana ndi section 31(1) ya malamulo a nkhalango ya 2015 (lamulo number 4 yamu 2015) akulu a zankhalango analowa mupangano patsiku la _____ ndi _____ CFMG kuti ateteze ndi kukwanilisa malamulo amkhalango, akulu azankhalango afuna CFMG kuti liteteze malo awa kumoto owononga, kuba, kupha nyama kopanda chilolezo ndi zinthu zina zowononga ndi kuti lamulo likwimisidwe. Kusewenzetsa ndi kuteteza kulingana lamulo lachikhalidwe ndi zigamulo za CFMG ndi His Royal Highness kuswa malamulo awa ndi mlandu ndipo zones za mlandu ndi ochimwa azapelekedwa ku CFMG kuti aonepo bwino.

Pa (tsiku) malo a mlandu
.....

MAINA/MDANDANDA WA MILANDU

Kudula mitengo popanda chilolezo, kukonza malo, ukhala pamalo popanda chilolezo, kupha nyama mwachisawawa, kutentha moto, kudyeselamo zoweta, kufula uchi.

Popanda chilolezo kuchokela ku CFMG (chongani mofunika) kuswa lamulo ndi mlandu ndipo satane-satane wa mulandu ndi ochimwa zizapelekedwa ku CFMG.

DZINA LA MUNTHU WA MULANDU

NAMBALA LA CHINKHOPE
NAMBALA LA FONI
INE (ZINA LA OLAKWA NDI SIGINECHA) NDIVOMELA
KUPANGA MULANDU ULI-PA MWANBA WA
KUSAINIDIDWA PA MASO PA
ZINA LA OYIMILILA.

LAMULO LINAPELEKEDWA/ZOCITA

Siyani kuchita zinthu opanda lamulo/ chokani m'malo ankhalango lotetedzedwa/ pelekani lipoti ku CFMG office/ pelekani lipoti ku palace (chongani pofunika) pa tsiku la

APPROVED BY: HIS ROYAL HIGHNESS



HFO Training - Handout Session 21

CFM Law Enforcement Scenarios

Scenario 1. The honorary forest officer finds a poor female member of the community debarking a tree in a destructive way to get fibre to help repair the roof of the damaged hut she lives in. She has harvested enough fibre to repair her roof she says and will not harvest any more. She does not have permission from the CFMG, although she heard of Community Forestry, she wasn't informed about the rules. She says she has no money and relies on the forest for many of her subsistence needs and 'couldn't survive' without accessing forest produce.

1. Identify what action steps will be taken.
2. Identify what rules at which level you will use to deal with the contravention.
3. Identify who should be involved and how.
4. What penalties will be incurred, what happens to produce?

Scenario 2. CFMG members and the honorary forest officer find a member of a neighbouring community has entered your Community Forest to harvest poles which he says he will sell. He has harvested 10 poles. He says that he has always harvested poles from this forest and has not been stopped before and that harvesting and selling poles is an important part of his livelihood. He says he was not aware of Community Forestry, is apologetic and did not mean to break any rules, but he does need to sell poles to support his family.

1. Identify what action steps will be taken.
2. Identify what rules at which level you will use to deal with the contravention.
3. Identify who should be involved and how.
4. What penalties will be incurred, what happens to the produce.

Scenario 3. CFMG members and the honorary forest officer come across a group of strangers in the Community Forest felling trees with axes to harvest caterpillars, they have filled several baskets with caterpillars. They say they were hired by a merchant in town and were not aware that this was a community forest. They say they are only hired labour, their boss in town is responsible for sending them to this specific forest and that their boss claims to have full permission from traditional authorities to enter that forest to harvest caterpillars.

1. Identify what action steps will be taken.
2. Identify what rules at which level you will use to deal with the contravention.
3. Identify who should be involved and how.
4. What penalties will be incurred, what happens to the produce?

Scenario 4. CFMG members and the honorary forest officer come across a group of 4 charcoal makers who have cut 15 trees, 5 from inside the Community Forest and 10 from a Local Forest beside the community forest. They have made two kilns which are lit and smoking and also have sawn 10 planks. They have axes and a saw. They wave what looks like a license in your face and claim they have permission from the Forestry Department to produce charcoal. They become aggressive when you try to escort them to the village, saying you have no authority to arrest them and one threatens you with an axe when you try to pick up their saw.

1. Identify what action steps will be taken.
2. Identify what rules at which level you will use to deal with the contravention.
3. Identify who should be involved and how.
4. What penalties will be incurred what will happen to the produce and equipment.



HFO Training - Handout Session 28

Notice of Contravention of Forest Rules



FORESTRY DEPARTMENT

NOTICE OF CONTRAVENTION OF THE LAWS OF ZAMBIA THE FORESTS ACT, NO.4 OF 2015

It is noted that you have engaged in restricted acts contrary to provisions of the Laws of Zambia under the Forests Act No. 4 of 2015 without being in possession of a valid licence or permit. In the absence of a valid official licence or permit issued under the same Forests Act, 2015, you are hereby **ordered** to cease all restricted activities specified under the provisions of the Forests Act No. 4 of 2015. Failure to comply may result in legal proceedings and possible conviction. Further, the Court directing under Section 101 of the Forests Act, 2015, may order the *destruction, confiscation or forfeiture of any forest produce in respect of which the offence was committed and of any livestock, tools, plant, machinery, equipment, vehicles or other property used in the commission of the offence.* Through this notice, you are provided with written notice of your contravention of the Laws of Zambia. Further action may be taken by the Director, their representative, or other law enforcement officer.

Particulars of the contravention:

- To fell, cut or work or remove, sell, offer for sale, barter or otherwise deal in any major forest produce. Includes manufacture of charcoal (✓ mark as appropriate).
- Failure to assist with extinguishing a fire in a forest area;
- To squat/ camp/ reside/ build or excavate/ construct or use any enclosure/ re-open or use any road other than a public road/ or erect or operate any plant, machinery or equipment.(✓ mark as appropriate).

Description of the contravention:

Place of the Offence: **Date of the notification:**

Items recorded: **Carrier/ vehicle plate no:**

Notified by (Name): **Position:**

NOTICE RECEIVED BY (Offender): **Witness:**

Name: Signature / print:

Village: Chief:

District: NRC No:

Date:

Instruction issued / Action:

**Stop the illegal activity /move out of the Forest Area /report to the District Office
/Report to the Police (tick as appropriate) place _____ by the date of _____.**

For Official Use:

Date:	Action:	Responsible:

Seizure form issued (yes/no) details of items recorded:

Notes (as relevant):

Witness statement:



HFO Training - Handout Session 30

HFO Introduction Course Final Assessment

- **Written assessment**

Review of document, licenses and permits

- **The Practical Assessment (Day Five)**

3 scenarios will be arranged covering;

- a) Illegal Cutting of trees for timber
- b) Illegal Charcoal Production
- c) Encroachment in a protected area

Participants will be formed into patrol teams of 5-6 HFOs

Assessment will cover the following:

1. Planning and organisation of the Patrol team members
2. Conduct and approach of the patrol team to the scene of the offence
3. Conduct of questioning and ascertaining the facts of the offence and the offender
4. Processing the offence & completing paperwork:
 - a. Completion of a charge sheet (The list and completeness of the description of the offenses - list of counts in the charge sheet and particulars of each of the offences).
 - b. Completion of a seizure form
5. Teamwork

Scoring sheet for examiners

Assessment	Criteria	Observation	Comment for learning	Score
1 Planning				/10
2 Conduct approach	Approach Positioning of team members			/10
3 Conduct questioning	Identification			/20
4 Processing offence	Charges/ counts			/20
	Completeness of doc			/10
	Seizure form			/20
5 Teamwork	Participation of all members			/10
	Total			/100

Assessor

Group #
Members:



HFO Training - Handout Session 32

Evaluation of the training

N o	Give your marks on the questions below. 5 is best – 1 is lowest						Score n=	
		5	4	3	2	1	Sum	Average
1	Was the information given on beforehand good?							
2	Were the topics for the teaching clear for you on beforehand?							
3	Was it easy to understand the explanations given?							
4	Were the teachers well prepared?							
5	Was the equipment good and sufficient?							
6	Were the documents provided useful for you?							
7	Were the topics covered interesting for you?							
8	Were the topics covered useful for your job?							
9	How easy could you teach these topics alone to other foresters after this course?							
Overall average								
1 Which topics were missing in this course in your opinion?								
2 What could have been better for you in this course? Explain in few words.								

Zambia Integrated Forest Landscape Project is a Government initiative within the Ministry of Green Economy and Environment which aims to provide support to rural communities in the Eastern Province to allow them to better manage the resources of their landscapes so as to reduce deforestation and unsustainable agricultural expansion; enhance benefits they receive from forestry, agriculture, and wildlife; and reduce their vulnerability to climate change.

The ZIFLP is a product of cooperation between the Government of Zambia, the World Bank & partners.



Zambia Integrated Forest Landscape Project

Improving lives through sustainable management of natural resources



WORLD BANK GROUP



GLOBAL ENVIRONMENT FACILITY
INVESTING IN OUR PLANET™



BioCarbon Fund
Initiative for Sustainable Forest Landscapes