



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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WINDHOEK - 3 August 2015

No. 5801

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Government Notice

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

No. 170

2015

FOREST REGULATIONS: FOREST ACT, 2001

Under subsection (1) of section 48 of the Forest Act, 2001 (Act No. 12 of 2001) and subsection (2) of that section, with the concurrence of the Minister of Finance, I have made the regulations set out in the Schedule.

J. MUTORWA
MINISTER OF AGRICULTURE,
WATER AND FORESTRY

Windhoek, 13 July 2015

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ANNEXURE 1

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Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates -

“Directorate” means the Directorate that administers forestry;

“fire cutlines” means a strip of width 10 meters or more constructed for the prevention of fire spreading when forests or portions thereof are burnt;

“management plans” means an agreement between the Minister and a management body which contains all operational work and administration of a community forest; and

“rehabilitation agreement” means an agreement contemplated in regulation 8(14).

Certificates of designation as forest officers

2. The Minister must issue to a person designated as forest officer under section 7 of the Act with a certificate of designation in the form of Form 1(A) as set out in Annexure 1 that must be shown to any interested person on demand.

Certificates of appointment as honorary forest officers

3. The Minister must issue to a person appointed as honorary forest officer under section 8 of the Act with a certificate of appointment in the form of Form 1(B) as set out in Annexure 1 that must be shown to any interested person on demand.

Certificates of designation or appointment as licensing officers

4. The Minister must issue to a person designated or appointed as licensing officer under section 9(1) or (2) of the Act with a certificate of designation or appointment in the form of Form 2 as set out in Annexure 1 that must be shown to any interested person on demand.

Documents to be attached to application for licence under sections 22, 23, 27, 28, 29, 30 and 33 of Act

5. (1) Subject to sections 22, 23, 27, 28, 29, 30 and 33 of the Act, applications are made on Forms 7 and 10 set out in Annexure 1 and are submitted with -

- (a) written permission from the land owner where forest produce is to be vested by a person other than the owner;
- (b) permission letter from the Traditional Authority where forest produce is to be harvested on communal land other than classified forest areas;
- (c) written permission from the chairperson of a conservancy where forest produce is to be harvested from the farm that is part of a Conservancy; and
- (d) proof of ownership of the farm if the applicant is a farm owner.

(2) All applicants must submit certified copies of any one of the following identification documents such as -

- (a) an identity document;
- (b) an Electoral Commission of Namibia voter card;
- (c) a passport; or
- (d) a driving licence.

(3) The forest officer must carry out a forest resource inspection after the application for licence has been received and compile a forest resource inspection report in a form of Form 11 as set out in Annexure 1.

Constitution, functions and procedures of management authority and fire management area

6. (1) The management authority of a community forest consists of not more than 20 members, including -

- (a) a chairperson;
- (b) a deputy-chairperson;
- (c) a treasurer;
- (d) a deputy-treasurer;
- (e) a secretary;
- (f) a deputy-secretary; and
- (g) an advisor,

as members of the executive committee.

(2) A person to be elected as a member of the management authority must -

- (a) be at least 18 years of age; and
- (b) have any customary land rights in respect of such community.

(3) In addition to the general requirements referred to in subregulation (2), candidates for the treasurer, secretary, deputy-treasurer and deputy-secretary must have a minimum qualification of a passed symbol for grade 8 and be able to read and write in English.

(4) A term of office of the elected members of the management authority is three years and a member may be re-elected after the expiry of that term.

(5) A person may not, for purposes of subregulation (1), be appointed to or removed from office unless specifically provided for as set out in the management plans.

(6) The responsibilities and powers of a community forest committee are as provided for in the existing documents of a community forest such as the management plan and other agreements between the Minister and the respective management body.

- (7) The functions of management authority of a community forest are -
 - (a) to manage the community forest according to the management plans;
 - (b) to develop a constitution of the authority with the consent of the Director which must include -
 - (i) a preamble;
 - (ii) the name and address of the community forest or fire management area;
 - (iii) the structure of fire management committee;
 - (iv) the goals and objectives;
 - (v) the operating principles;
 - (vi) the membership and beneficiaries;
 - (vii) the rights and obligations of general members;
 - (viii) holding of meetings of committees, subunits and general meetings;
 - (ix) financial management;
 - (x) liability for fire damage;
 - (xi) property;
 - (xii) dispute resolution;
 - (xiii) dissolution of the fire management body;
 - (xiv) amendment of constitution; and
 - (xv) adoption of constitution; and
 - (c) to establish a fire crew team for the fire management area.

Requirements for marking of forest produce

7. (1) Timbers derived from indigenous species, imported or harvested locally, must have a mark affixed to it.

(2) The mark to be affixed on timber derived from indigenous species under subsection (1) is a triangle shaped metal marking hammer with dimensions 25mm x 25mm x 25mm and contains the following information -

- (a) top part: office identification number with a letter size of 5mm x 5mm;
- (b) middle part: abbreviation of the forestry region, two letters with a letter size of 5mm x 5mm; and
- (c) lower part: the abbreviation “NAM” with a letter size of 5mm x 5mm.

Measures to be taken for forest protection, prevention of fires and protection of soil and water resources

8. (1) A person involved in fire cutline construction must take measures for forest protection, prevention of fires and protection of soil and water resources and in so doing, be trained by an authorised forest officer.

(2) During the construction of fire cutlines, no fire is used.

(3) Fire cutlines have a minimum width of 15meters.

(4) Fire cutlines is constructed within or surrounding a fire hazardous area.

(5) A fire cutline has to be connected to a natural or mandate barrier with minimum width of 15 metres.

(6) Fire cutlines are constructed right after the end of the rainy season.

(7) An area of at least 15 meters around a burning kiln should be cleared of any flammable materials with the exception of trees during the production of charcoal.

(8) A person engaged in the production of charcoal must ensure that -

(a) fire fighting equipment are on site; and

(b) where kilns are lit there is constant supervision by an authorised officer or any other person so delegated.

(9) A person who causes a fire to spread and causes damage to any property or forest resources must pay compensation to a person who suffers damage as a result of that fire.

(10) A member of the committee dealing with fire management or an authorised officer may require any person to assist in controlling or extinguishing of a fire which is likely to cause damage to properties, lives and any natural resource.

(11) A person who applies for the controlled burning for the purpose of bush control or the removal of old overgrown grass must inform all neighbours in writing and obtain written approval from the neighbours 24 days before the burning is done.

(12) A person in charge of a controlled burning as contemplated in subregulation (11) must -

(a) light the fire only after a cutline of at least three metres surrounding the intended area to be burnt is constructed;

(b) the fire is lit from three sides of the area at the same time and is allowed to burn to the centre, while the fourth side serves as an escape route for animals;

(c) make available on site sufficient fire fighting equipment and labour when the area is to be burnt; and

(d) ensure that no burning is done when the day temperature is exceeding 25 degrees Celsius or wind exceeding 20 kilometres per hour or in combination thereof during the months of April to July.

(13) A person may not dispose of flammable material near or within a classified forest, protected area, forest management area or fire hazard area.

(14) A person who through any resources utilisation activities may cause damage to any piece of land or vegetation through resources utilisation or any activities that may cause damage to the environment must enter into a rehabilitation agreement, prior to the execution of such activities, with the forestry authority on rehabilitation measures that may be employed -

- (a) during the execution of such activities; or
- (b) immediately after the termination of such activities.

(15) A rehabilitation agreement referred to in subregulation (1) must specifying what tree species are to be planted, at what density, the time frame in which the activities must take place, and what mechanisms is to be put in place.

Recording and reporting of information on use of forests and forest produce

9. (1) A holder of a licence for the removal of forest produce must report on the species and actual quantity of the forest produce removed when submitting the next licence application or at the end of the financial year in the form of Form 20 of Annexure 1.

(2) For purposes of clearing by burning, rehabilitating or planting the holder of a licence must report on the area cleared by burning, rehabilitated or planted when submitting the next licence application or at the end of the financial year in the form of Form 21 of Annexure 1.

Access to state forest reserves and activities which may be undertaken in state forest reserves

10. (1) A person with access to state forest reserves may not -

- (a) cultivate in the state forest; and
- (b) introduce alien plant species or any invasive plant into state forest.

(2) Local communities must obtain authorisation to carry out activities in the state forest such as harvesting of timber, collection of firewood, honey, wild fruits and medical plants as well as any other activities of similar nature within and affecting a state forest in the form of Forms 8 to 16 as set out in Annexure 1.

(3) The number of animals may not exceed the carrying capacity of the piece of land allocated for grazing purposes.

(4) The carrying capacity has to be determined every year as it is currently dependant on the amount of edible grass or shrubs available on a piece of land for a specific year.

(5) The carrying capacity has to be determined every year as it is currently dependant on the amount of rainfall for a specific season.

(6) The formula for carrying capacity for cattle = $\frac{kg/ha \times 0.35}{10 kg \times 365}$

(7) Formula explanation kg/ha= dry mass of grass per hectare
 0.35 = utilisation factor
 10kg = amount of dry grass matter consumed by an adult cow per day
 365 number of days per year.

- (8) To determine the carrying capacity for sheep, the stocking rate is multiplied by six.

Certification of forest produce and conditions of production and harvesting

11. (1) A company, accredited by the Forest Stewardship Council (FSC) a council established as a legal entity in February 1994 in Mexico, may certify a forest produce to be traded within or outside Namibia.

(2) A land user who wishes his or her forest produce to be certified for trade within or outside Namibia by a company contemplated in subregulation (1) may do so on voluntary basis on application to such company.

Harvesting, transportation, processing, sale, importation, transit, and exportation of forest produce and issuing of permits, licences and other documents required for those activities

12. (1) A person is not authorised to harvest, transport, sell, market, transit, export or import forest produce without a valid licence for harvesting or permit for transport, marketing, transit, export or import as set out in the form of Forms 12 to 16 as set out in Annexure 1.

(2) A person with a general dealers licence is exempted from having a marketing licence however he or she must be able to prove that such forest produce was obtained legally by producing copies of the third party's harvesting licence, marketing licence and transport permit issued under the Act.

(3) A person may not export any unprocessed forest produce, including semi-processed planks unless authorised by the Director for special purposes such as research, education, cultural and disease identification for which relevant documents are to be provided as a pre-requisite.

(4) The true copy of a licence issued under this regulation must accompany the forest produce in respect of which it is issued until the forest produce is processed or exported and must be produced on request to any authorised officer.

(5) A person intending to transport imported forest produce must, at the port of entry into Namibia or the nearest forestry office, apply for an import permit and produce the export permit from the country where the forest produce has been exported.

(6) A person may not be issued with a marketing licence, transporting or exporting permit without a harvesting licence, receipt of procurement or any other proof of obtaining forest produce certified by the relevant authorising officers.

(7) A person may not farm or trade with honey producing organisms unless authorised to do so in the form of Forms 8 and 9 as set out in Annexure 1.

(8) Except where honey producing organisms are fed, a person may not harvest during the months of September to December of each year.

Plants or species of any plant declared to be protected plants

13. (1) The conditions under which a protected plant or plant species are conserved, cultivated, used or destroyed by any person are as follows:

- (a) Endemism – 100% of individuals belonging to that taxon occur within the borders of Namibia;
- (b) Near Endemic - at least 75% of the individuals belonging to that taxon occur within the borders of Namibia;

- (c) Restricted range – Records exist in ≤ 32 Quarter Degree Squares (QDSs), which are not necessarily adjacent;
 - (d) Ecosystem Services (ES) - The species provides important Ecosystem Services such as preventing soil erosion in riverbeds, stabilizing river banks and river beds, or is widely regarded as a keystone species;
 - (e) Value – economic, scientific or cultural;
 - (f) Extent of use (EU) – heavily utilized species or subject to unsustainable harvesting;
 - (g) Regeneration rate - Slow or episodic recruitment, few numbers of individuals germinating naturally or through propagation;
 - (h) Population size – low number of individual plants in a specific area.
2. (2) The plant or plant species that are declared as protected species are listed in Annexure 2.

Identification document and apparel of authorised officers

- 14.** (1) The identification document contains -
- (a) on the face of the document -
 - (i) the coat of arms of the Republic of Namibia;
 - (ii) the name of the Ministry;
 - (iii) the name and logo of the Directorate;
 - (iv) the name of the authorized officer;
 - (v) the post designation of authorized officer;
 - (vi) the ID number of the authorized officer;
 - (vii) a passport sized photo of the authorized officer; and
 - (viii) the duty station or area of jurisdiction; and
 - (b) on the back side of the document, the disclaimer information.
- (2) The apparel is in the form of an approved uniform worn by the authorised officer, and the epaulettes must contain -
- (a) the name of the Ministry;
 - (b) the coat of arms of the Republic of Namibia; and
 - (c) the name of the Directorate.

Places where animals can be detained and manner in which animals can be seized and detained

- 15.** (1) An animal seized and detained as contemplated in section 44(2) of the Act is detained on the classified forest in a pound that meets the following specifications -

- (a) the fence is made of material that does not cause any injury to the animal;
- (b) water and food are available in the pound;
- (c) the pound is kept clean to prevent the spreading of pests and diseases;
- (d) the number of animals to be kept in a pound is determined by the size and type of animal, and the area needed per animal for large stock is between 0.30 and 1.60 square metres and between 0.20 and 0.40 square metres for small stock;
- (e) the pound is properly secured to prevent animals from escaping; and
- (f) the pound is located at a place of easy access and has a loading bay for loading the animals.

(2) A person claiming the stray animal must produce a receipt, original stock card or national identification document during collection of the strayed animal.

(3) A pound master is first appointed before an animal is seized or detained, and a stray animal -

- (a) is reported to the pound master; and
 - (b) is registered and a certificate in the form of Form 18 as set out in Annexure 1 is issued.
- (4) The pound master -
- (a) is not accountable for any loss or death of an impounded animal unless such circumstances arise as a result of gross negligence of such pound master;
 - (b) must take proper care of an impounded animal;
 - (c) must make sure that an impounded animal is not be abused, misused or used whilst impounded; and
 - (d) must report sick and dead animals to Veterinary Services and the cost incurred are to be recovered from the owner of the animal.

Costs payable under section 44(3) for seizing and detaining animals

16. The fees payable for seized and detained animals are set out in Annexure 3, Schedule 5.

Fees for application made in terms of section 27, 28, 29, 30 or 33 and other fees payable under Act

17. The fees payable as contemplated in section 27, 28, 29, 30 or 33 of the Act are set out in Annexure 3, Schedules 6 and 7.

Establishment of State forest reserves, regional forest reserves and forest management areas and protected areas

18. The form and manner in which an application for establishing a State forest reserve, regional forest reserve and forest management area or protected area is in the form of Form 3 as set out in Annexure 1.

Establishment of community forests

19. An application for establishing a community forest, a community forest agreement and a certificate of declaration as community forest are in the form of Forms 4, 5 and 6 as set out in Annexure 1, respectively.

Offences and penalties

20. A person who contravenes or fails to comply with -

- (a) any of these regulations; or
- (b) any condition attached to a licence,

commits an offence and is liable to a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Appeal to Minister

21. An appellant may appeal to the Minister against the decision of the Director or licensing officer as described in section 47 (1) of the Act in the form of Form 19 as set out in Annexure 1.

ANNEXURE 1

FORM 1(A)

MINISTRY OF AGRICULTURE, WATER AND FORESTRY
FORESTRY ACT, 2001 (ACT NO. 12 OF 2001)

CERTIFICATE OF DESIGNATION AS FOREST OFFICER
(Section 7/Regulation 2)

This is to certify that Mr/Ms ID
number has been designated as forest officer under section
8 of the Forest Act, 2001, and is authorized to exercise and perform the powers and functions in
accordance with that Act.

.....
Minister of Agriculture, Water and Forestry

.....
Date

FORM 1(B)

**MINISTRY OF AGRICULTURE, WATER AND FORESTRY
FORESTRY ACT, 2001 (ACT NO. 12 OF 2001)**

CERTIFICATE OF APPOINTMENT AS HONORARY FOREST OFFICER
(Section 8/Regulation 3)

This is to certify that Mr/Ms ID
number has been appointed as honorary forest officer under
Government Notice No. of in terms of section 8 of the Forest
Act, 2001, and is authorized to exercise and perform the powers and functions in accordance with
that Act.

.....
Minister of Agriculture, Water and Forestry

.....
Date

FORM 2**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FORESTRY ACT, 2001 (ACT NO. 12 OF 2001)****CERTIFICATE OF DESIGNATION/APPOINTMENT AS LICENSING OFFICER****(Section 9/Regulation 4)**

This is to certify that Mr/Ms ID
number has been designated/appointed* as licensing officer under
Government Notice No of in terms of section 9(1) or (2) of the
Forest Act, 2001, and is authorized to exercise and perform the powers and functions in accordance
with that Act.

.....
Minister of Agriculture, Water and Forestry

.....
Date

FORM 3**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FORESTRY ACT, 2001 (ACT NO. 12 OF 2001)****APPLICATION FOR DECLARATION AS A STATE FOREST RESERVE/REGIONAL FOREST RESERVE/FOREST MANAGEMENT AREA /PROTECTED AREA***

(Sections 13, 14, 16 and 21/Regulation 18)

- 1.** Name of the State Forest Reserve/Regional Forest Reserve/Forest Management Area/Protected Area*:

.....

- 2.** Address /Location of State Forest Reserve/Regional Forest Reserve/Forest Management Area/Protected Area*:

.....

- 3. Description of boundaries:**

- (a) If the State Forest Reserve/Regional Forest Reserve/Forest Management Area/Protected Area* has been surveyed, please attach a survey diagram with the boundaries clearly marked;

- (b) If the State Forest Reserve/Regional Forest Reserve/Forest Management Area/Protected Area* has not been surveyed, please attach a sketch plan/map setting out the physical boundaries, physical features (such as roads, mountains, rivers, waterholes, etc.) and global positioning system coordinates.

(If insufficient space, please attach a separate sheet):

.....

- 4. Certification of boundaries and consent by the Traditional Authority or other appropriate authority:**

I, in my capacity as of the Traditional Authority/appropriate authority certify that to the best of my knowledge there is no reason why the boundaries stated above should not be accepted as the boundaries of the State Forest Reserve/Regional Forest Reserve/Forest Management Area*, and consent to the declaration of the area mentioned in paragraph 3 above as a State Forest Reserve/Regional Forest Reserve/Forest Management Area /Protected Area*.

Signature:

Date:

In case the area is between 2 or more traditional authorities, the other traditional leaders must also sign:

Certification of boundaries and consent by the Traditional Authority or other appropriate authority:

I, in my capacity as of the Traditional Authority/appropriate authority certify that to the best of my knowledge there is no reason why the boundaries stated above should not be accepted as the boundaries of the State Forest Reserve/Regional Forest Reserve/Forest Management Area*, and consent to the declaration of the area mentioned in paragraph 3 above as a State Forest Reserve/Regional Forest Reserve/Forest Management Area/Protected Area*.

Signature: Date:

5. Recommendation by the Regional Governor:

I, in my capacity as Governor of the Region do recommend/do not recommend* *(delete what is not applicable)* that the State Forest Reserve/Regional Forest Reserve/Forest Management Area*, as described in paragraph 5 above, be declared a State Forest Reserve/Regional Forest Reserve/Forest Management Area/Protected Area*.

Signature: Date:

- 6.** The conditions of the State Forest Reserve/ Regional Forest Reserve/Forest Management Area/Protected Area* setting out the rights and duties of the management authority and the members of the community forest having the right to use the State Forest Reserve/Regional Forest Reserve/Forest Management Area/Protected Area*.

7. Management plan:

(Please attach a copy of the management plan of the management body when necessary)

8. Agreement between the Minister and the management body:

(Please attach a copy of agreement when necessary)

9. Application

I, in my capacity as manager of the proposed State Forest Reserve/Regional Forest Reserve/Forest Management Area/Protected Area*, hereby apply for the declaration of the area mentioned in paragraph 3 to be a State Forest Reserve/Regional Forest Reserve/Forest Management Area* in terms of section 15 of the Forest Act, 2001 (Act 12 of 2001).

I certify that to my knowledge there is no reason why this area should not be declared as a State Forest Reserve/Regional Forest Reserve/Forest Management Area/Protected Area*.

Signature: Date:

10. Recommendations by the Director of Forestry:

.....

Signature: Date:

11. Approved/Not approved by Minister:

Subject to special conditions

Signature of Minister Date:

* *Delete what is not applicable*

FORM 4**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FORESTRY ACT, 2001 (ACT NO. 12 OF 2001)****APPLICATION FOR DECLARATION AS A COMMUNITY FOREST**

(Section 15 Regulation 19)

1. Name of the community forest

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2. Address of community forest

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3. Names, identification numbers and addresses of members of management body

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*(If insufficient space, please attach a separate sheet)***4. Method of selection of management body**

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*(A brief description of how the body was chosen, when and by whom)***5. Description of boundaries**

- (a) If the community forest has been surveyed, please attach a survey diagram with the boundaries clearly marked;
- (b) If the community forest has not been surveyed, please attach a sketch plan or map setting out the physical boundaries, physical features, such as roads, mountains, rivers, waterholes, etc., and global positioning system coordinates *(If insufficient space, please attach a separate sheet)*.

6. Certification of boundaries and consent by the Traditional Authority or other appropriate authority

I, in my capacity as of the
 Traditional Authority/appropriate authority certify that

to the best of my knowledge there is no reason why the boundaries stated above should not be accepted as the boundaries of the community forest, and consent to the declaration of the area mentioned in paragraph 5 as a community forest.

Signature:

Date:

7. Recommendation by the Regional Governor:

I, in my capacity as Governor of the Region recommend/do not recommend (*delete what is not applicable*) that the community forest, as described in paragraph 5, be declared a community forest.

Signature:

Date:

8. Management body's constitution:

(Please attach a copy of the constitution of the management body to this application when necessary)

9. Regulations

(Please attach a copy of the community forest regulations to this application)

10. Register of all members present at selection of management body:

(Please attach a list of names of members present at selection of management body)

11. The benefits distribution plan:

(Please attach a copy of a plan for the equitable use of the community forest, access to forest produce, adequate reinvestment of revenue from the forest and the distribution of the surplus)

12. Management plan:

(Please attach a copy of the management plan of the community forest)

13. Agreement between the Minister and the management body:

(Please attach a copy of agreement)

14. Application

I,in my capacity as chairperson of the proposedcommunity forest, hereby apply for the declaration of the area mentioned in paragraph 5 to be a community forest in terms of section 15 of the Forest Act, 2001 (Act 12 of 2001). I certify that to the best of my knowledge there is no reason why this area should not be declared as a community forest.

Signature:

Date:

15. Recommendations by the Director of Forestry:

.....

Signature:

Date:

16. Approved/Not approved by Minister

Subject to special conditions:

.....
.....
.....
.....

Signature of Minister

Date:

FORM 5**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FORESTRY ACT, 2001 (ACT NO. 12 OF 2001)****COMMUNITY FOREST AGREEMENT**

(Section 15/Regulation 19)

Between

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

Herein represented by in his capacity as the Minister of Agriculture, Water and Forestry, duly authorized hereto,

And

THE MANAGEMENT BODY OF THE COMMUNITY FOREST OF

.....

Herein represented by Ms. / Mr. in his/her capacity as Chairperson/Secretary of that Management Body, duly authorized hereto,

PREAMBLE

WHEREAS the Management Body has applied for declaration as a Community Forest in terms of Section 15 of the Forest Act 2001, Act No. 12 of 2001, (hereinafter referred to as “the Act”) in respect of an area of communal land described in the manner referred to in Annexure A situated in the (communal area of the) (traditional community/authority) in the Region.

AND WHEREAS the Minister has agreed in terms of the Act, to enter into this Agreement and to declare the forest as a Community Forest as applied for by the Management Body, subject to the terms and conditions set out hereunder.

NOW THEREFORE the parties agree as follow -

The following documents are deemed to form and be read and construed as part of this Agreement, namely -

- (a) Annexure A – Community Forest Map
- (b) Annexure B - Name list of community members supporting the declaration of Community Forest
- (c) Annexure C - Name list of Forest Executive Committee Members
- (d) Annexure D – Conditions of use
- (e) Annexure E - Geographical boundary of Community Forest
- (f) Annexure F - Management Plan of Community Forest

1. Creation of the community forest

A Community Forest, to be referred to as (Name of forest) is hereby established and comes into operation as from the date of its declaration by the Minister by way of notice in the *Gazette*.

2. Geographical boundaries

The geographical boundaries of the Community Forest are described in Annexure E hereto.

3. Management plan

The Community Forest is managed in terms of a Management Plan described in Annexure F hereto.

4. Appointment of management body

The (Name of the Management Body) is hereby appointed as the management authority of the Community Forest.

5. Power of management body

The Management Body so appointed in terms of Clause 4 of this Agreement has all the power vested in it, in terms of -

5.1 The Constitution of the Community Forest.

5.2 The Management Plan of the Community Forest

5.3 The Act and the Regulations made pursuant thereto; and

5.4 Any further rights or obligations imposed by agreement between the parties, and must manage the Community Forest in terms thereof.

6. Rights of use of forest produce and other natural resources

The right of use in the Community Forest, includes the right -

6.1 to forest produce;

6.2 to other natural resources of the forest;

6.3 to graze animals in the forest;

6.4 to authorize others to exercise such use of the forest;

6.5 to collect and retain fees in respect of such use of the forest;

6.6 to improve conditions for such use of the forest, shall be as determined in the management plan and by the Act and the regulations made pursuant thereto; and

6.7 of members of the communal land where the community forest is situated to have equal use of the forest and equal access to the forest produce, despite the powers and rights of the management body as conferred by this Agreement.

7. Obligation of management body

A management body must ensure that the revenues of the forest are adequately reinvested and that the surplus is used or distributed equitably.

8. Other developments in a community forest

8.1 Article 100 of the Namibian Constitution states that: *“Land, water and natural resources below and above the surface of the land and in the continental shelf and within the territorial waters and the exclusive economic zone of Namibia shall belong to the state if they are not otherwise lawfully owned”*.

8.2 The Forest Management Body together with the community members understand that this Agreement is entered into for the management and use right of forest products.

8.3 Other development in the area, whether initiated by the communal residents, regional councils, Government, NGOs or the private sector, must follow the procedures and the laws of the Republic of Namibia.

9. Revocation/suspension of community forest

Where the management authority of a community forest has failed to comply with this Agreement, the Minister may, in terms of section 19 of the Act, and subject to procedures -

- (a) order the management authority to comply or compensate a person who may suffer damages due to deviation from this Agreement;
- (b) revoke;
- (c) reinstate; or,
- (d) suspend,

this Agreement or take action which is reasonably necessary for the purpose of averting, minimizing or repairing the damage.

10. Dispute of the resolution

- 10.1 Either Party to this Agreement may request that any dispute arising out of this Agreement be referred to mediation by a mutually agreed body or person where the Minister or Director did not invoke the provisions of section 19 of the Forest Act, Act No. 12 of 2001.
- 10.2 Should the Parties fail to agree on mediation, the said mediator is appointed by a mutually respected neutral third party.
- 10.3 The costs of mediation shall be borne by the parties to the mediation in equal shares.
- 10.4 Should any party be in disagreement with the opinion expressed by the mediator, either Party may, by written notice served on the other Party within one month of the decision of the mediator, request that the dispute be referred to an arbitrator who is appointed by a mutual respected neutral third party.
- 10.5 The arbitration is conducted in accordance with the Arbitration Act, 1965 (Act No. 42 of 1965).
- 10.6 The decision of the arbitrator is final and binding on the Parties.
- 10.7 The cost of arbitration is borne by the Parties to the arbitration in equal shares.

10.8 Waiver

No waiver on the part of either Party of any rights arising from a breach of any provision of this Agreement constitutes a waiver of rights in respect of any subsequent breach of the same or any other provision.

11. Validity

If any provision of this Agreement is found or held to be invalid or unenforceable, the validity of all the other provisions hereof is not affected thereby and the Parties agree to review the matter, and if any valid and enforceable means are reasonably available to achieve the same object as the invalid or unenforceable provision, to adopt such means by way of variation of the Agreement.

12. Severability

In the event that any term of this Agreement is found or held to be invalid or unenforceable, such term is severable from the remaining terms which continue to be valid and enforceable. If any term is capable of being amended in order to render it valid, the Parties agree to negotiate an amendment to remove the invalidity.

13. Variation, alteration or amendment

No variation, alteration or amendment is of any force unless reduced to writing and signed by the Parties.

SIGNED at on this day of 20.....

.....
Minister of Agriculture, Water and Forestry

- | | | |
|----|----------------|-----------------|
| 1. | Witness: | Signature |
| 2. | Witness:..... | Signature |

.....
**Chairperson/Secretary of
Management Body of**

.....
Community Forest

- | | | |
|----|----------------|-----------------|
| 1. | Witness: | Signature |
| 2. | Witness:..... | Signature |

FORM 6**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FORESTRY ACT, 2001 (ACT NO. 12 OF 2001)****CERTIFICATE OF DECLARATION AS A COMMUNITY FOREST**

(Section 15/Regulation 19)

I as the Minister of Agriculture, Water and Forestry hereby certify that by Government Gazette No. of declare that the area set out in that *Gazette* as Community Forest, a Community Forest under section 15 of the Forest, 2001 (Act 12 of 2001) and that I duly recognize the Community Forest Committee set out in that application as a body representing the interests of the persons who have rights over the Community Forest.

Place:

Date:

.....
MINISTER OF AGRICULTURE, WATER AND FORESTRY

FORM 7**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FORESTRY ACT, 2001 (ACT NO. 12 OF 2001)****APPLICATION FOR BUSH CONTROL LICENCE**

(Sections 22 and 23/Regulation 5)

1. PERSONAL DETAILS

	Applicant	Owner, if not applicant
Name		
ID Number		
P.O. Box /Private Bag		
Town		
Residential Address		
Telephone Number		

2. PURPOSE OF CHEMICAL USE: (Mark with x)

Fire belt		Bush control		Land clearing	
-----------	--	--------------	--	---------------	--

3. APPLICATION METHOD

Application method	
Chemical product to be used	
Species to be targeted	

4. FARM INFORMATION

Farm /Communal Village	Number	Hectare	District

5. AREA TO BE TREATED

Camp names and/or No.	Hectares affected	Farm

6. PERIOD REQUIRED

From	20	to	20
------------	----------	----------	----------

.....
SIGNATURE

.....
DATE

FOR OFFICE USE ONLY

REMARKS

.....

.....

.....

FORM NUMBER ALLOCATED

.....
Signature of Issuing Officer

DATE

.....
NAME IN PRINT

.....
SIGNATURE OF DIRECTOR (in case of section 23 application)

LICENCE CONDITIONS FOR BUSH CONTROL

(Sections 22, 23/Regulation 12)

(The Conditions are to be printed at the back of the licence)

1. No aerial application of herbicides.
2. Herbicides are applied selectively on encroaching species.
3. Only prescribed herbicides for bush control may be applied.
4. Trees with stem diameter of more than 18cm at ground level may not be removed unless special approval is granted.
5. No protected species may be removed unless special permission is granted.
6. Licence owner must execute proper supervision over the operations.
7. The harvesting licence must be available at all times for inspection purposes.

.....
Permit Holder.....
Place and Date

LICENCE CONDITIONS FOR CHARCOAL PRODUCTION

(Section 24/Regulations 8 and 12)

(The Conditions are to be printed at the back of the licence)

1. Trees with stem diameter of more than 18cm at ground level may not be removed unless special approval is granted.
2. An area of at least 15m around the kiln for charcoal production must be cleared of any flammable material.
3. No protected species must be removed unless special permission is granted.
4. All employees/contractors must be treated according to all applicable laws in Namibia.
5. Permit owner must explain permit contents and conditions to all workers and contractors.
6. Permit owner must execute proper supervision over the operations.
7. Firefighting equipment must be on site at all times.
8. All kilns must be guarded at all times.
9. Burning of charcoal may not be done within 1 km to the nearest house or dwelling.
10. This permit must be available at all times for inspection purposes.

.....
Permit Holder

.....
Place and Date

FORM 8

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

FORESTRY ACT, 2001 (ACT NO. 12 OF 2001)

FOREST LICENCE FOR FARMING WITH HONEY PRODUCING ORGANISMS

(Section 25/Regulation 12)

Name:	
Identity card / Passport number:	
Address:	
Telephone number:	
Region:	

To farm with honey producing organisms specified below, subject to the conditions on the reverse side.

Type of honey producing organisms:	
Village/town where honey producing organisms are to be kept:	
Number of hives:	

FOR CONDITIONS SEE REVERSE SIDE

This licence is valid from: / /20..... until: / /20.....

OFFICIAL DATE STAMP

Name of Issuing Officer:

Signature of Issuing Officer:

Place and Date:

Signature of licence holder:

FORM 9**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FORESTRY ACT, 2001 (ACT NO. 12 OF 2001)****FOREST LICENCE FOR HARVESTING AND PERMIT FOR TRANSPORTING OF
HONEY AND HONEY PRODUCING ORGANISMS**

(Section 25/Regulations 12)

Name:	
Identity card / Passport number:	
Address:	
Telephone number:	
Region:	

To harvest / transport (*delete what is not applicable*) honey producing organisms specified below, subjected to the conditions on the reverse side.

Type of honey producing organisms:	
Place where honey is to be harvested	
Destination where honey is to be transported	
Place of bee collection	
Destination where honey producing organisms are to be transported	

(FOR CONDITIONS SEE REVERSE SIDE)

This licence and permit is valid from: / / 20..... until: / / 20.....

OFFICIAL DATE STAMP

Name of Issuing Officer:

Signature of Issuing Officer:

Place and Date:

Signature of licence and permit holder:

**LICENCE CONDITIONS FOR KEEPING HONEY
PRODUCING ORGANISMS**

(Section 25/Regulations 10 and 12)

(The Conditions are to be printed at the back of the licence)

1. The honey-producing organisms must be kept carefully so as not to cause unnecessary disturbance to the neighbouring households. The neighbours must be informed about the apiary site. The site must be at a minimum distance of 100 metres from the neighbours.
2. In municipal areas the permit must be issued with the consent of the municipality.
3. The beekeeper must practice recommended methods for managing honey producing organisms.
4. Any problem with the honey-producing organisms must be reported to the nearest forest officer.
5. Proper disposal of honey producing organisms must be followed under the direction of a forest officer.
6. When harvesting honey at least ten per cent of the honey must be left for the sustenance of the honey-producing organisms.
7. The beekeeper must demonstrate knowledge of keeping honey-producing organisms or undergo training, and have appropriate protective clothing before he or she can be granted a licence.
8. Honey producing organisms must be kept in hygienic conditions.
9. The licence must be renewed every 12 months.
10. A signboard must be erected at the site as a warning to the public.

.....
Permit Holder

.....
Place and Date

FORM 10**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FOREST ACT, 2001 (ACT NO. 12 OF 2001)****APPLICATION FOR A LICENCE FOR FOREST PRODUCE**

(Section 22/Regulation 5)

1. PERSONAL DETAILS

	Applicant	Owner if not applicant
Name		
ID Number		
P.O. Box/P/Bag		
Town		
Res Address		
Tel		

2. TYPE OF APPLICATION (Mark with X)

Harvesting		Marketing		Transport		Export		Clearing	
------------	--	-----------	--	-----------	--	--------	--	----------	--

3. STATE THE FOREST PRODUCE

Species	Product	Quantity	Live/dry trees

4. PURPOSE FOR HAVVESTING (Mark with X)

Woodcarving		Ornamental		Fencing material		Timber		Charcoal	
Firewood		Bush control		Land clearing		Other			

5. MARKETING

Place of market	
-----------------	--

6. TRANSPORT / EXPORT

Loading point	Destination	Quantity	Transport means	Vehicle Reg. No.

7. PERIOD REQUIRED

From	20	To	20
------------	----------	----------	----------

8. I AM (Mark with X)

Owner		Lessee		Manager		Communal occupant		Retailer		If other, specify	
-------	--	--------	--	---------	--	-------------------	--	----------	--	-------------------	--

9. PLACE OF ORIGIN

Farm /Communal Village	Number (if applicable)	Hectare	District /Communal Area

.....
SIGNATURE

.....
PLACE AND DATE

FOR OFFICIAL USE ONLY

APPLICATION IS APPROVED/NOT APPROVED

REMARKS
.....

LICENCE NUMBER ALLOCATED

.....
SIGNATURE OF ISSUING OFFICER

.....
PLACE AND DATE

.....
NAME IN PRINT

(OFFICIAL DATE STAMP)

FORM 11**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FOREST ACT, 2001 (ACT NO. 12 OF 2001)****FOREST RESOURCE INSPECTION REPORT**

(Regulation 5)

Officials present:

.....

.....

Duty Station:

Inspection Date:

1. APPLICATION & OWNER INFORMATION

	Details of Applicant	Details of Owner
Name of Applicant		
Identity Number		
Postal Address		
Residential Address		
Telephone Number		
Cell phone Number		
E-mail		

2. STATUS OF APPLICANT (please tick appropriate box)

Owner /occupier	Lessee	Manager	Relative	Contractor
-----------------	--------	---------	----------	------------

3. FARM INFORMATION

Farm Name	Farm Number	District	Hectares

4. COMMUNAL AREA INFORMATION

Village Name	Constituency	District	Hectares

5. TYPE OF FARMING ACTIVITIES (please tick appropriate box)

Cattle	Sheep	Goat	Game	Hunting/Guest	Crop
--------	-------	------	------	---------------	------

6. PURPOSE OF INSPECTION (please tick appropriate box)

Harvesting permit Applications	General Checkup	Investigation of Complaints	Other (Specify)
--------------------------------	-----------------	-----------------------------	--

7. PURPOSE OF HARVESTING (please tick appropriate box)

Combating of bush encroachment	Product production	Land clearing
--------------------------------	--------------------	---------------

8. DETAILS OF PERMIT APPLICATION

Protected species for harvesting	
Unprotected species for harvesting	
Use of living or dry trees	Living trees: Dry trees:
Product to be required	
Quantity required	
Period required	

9. AREA AFFECTED BY HARVESTING (applicable for all applications)

State camp names and /or numbers where harvesting activities should take place

10. DETAILS OF HARVESTING OPERATION (only applicable for re-applications, general check-ups, and investigations of complaints)

Protected species harvested	
Unprotected species harvested	
Use of living or dry trees	Living trees: Dry trees:
Products produced	
Method of harvesting	
Validity of permit	

11. SAFETY OF OPERATION (only applicable for operations that use fire e.g. charcoal)

Action	Yes	No
Firebreak present around affected camps / area		
Firebreak well maintained and cleared		
Area surrounding kilns sufficiently cleared		
Burning kilns under constant supervision		
Kiln lids on site		
Basic firefighting equipment present		

12. FIELD CONDITION *(please tick appropriate boxes)

Camp:

Bush encroachment	None	Existing	Distributed patches	extreme
Soil cover (shrubs)	0-25%	25-50%	50-70%	75-100%
Soil cover (grass)	0-25%	25-50%	50-70%	75-100%
Erosion indications	Sheet	Rill	Gully	Tunnel
Tree deaths	Individual	Few	Noticeable	Many

*Questions applicable to the camps / areas to be harvested

13. FORESTRY ACTIVITIES:

Has the farmer undertaken any forest activity within the past 12 months (state quantity)

Harvesting for:	Commercial use	Private use (own use)
Charcoal		
Fire wood		
Fencing material		
Timber		
Fodder		
Woodcarving		
Planting trees		

14. HISTORY OF FOREST DAMAGE (damage during last 12 month only)

Damages	Area effected (ha)
Biological (Fungi & insects)	
Forest Fires	
Climatic / Weather	
Chemical Spraying	
Mechanical method	

15. EXTENSION SERVICES CONDUCTED (please tick appropriate boxes)

Topic	Conducted
Forestry legislation	
Permit system	
Bush encroachment	
Agro-Forestry	
Deforestation	
Utilization	
Fire protection and control	

16. RECOMMENDATIONS:

COMPILED BY:

NAME:

SIGNATURE:

DESIGNATION:

DATE:

SIGNATURE OF APPLICANT:

DATE:

FORM 12

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

FOREST ACT, 2001 (ACT NO. 12 OF 2001)

FOREST LICENCE FOR HARVESTING

(Sections 24, 27 and 33 /Regulation 12)

Harvesting Permit (Own use / Commercial ^{1*})	Permit No:
Licence Holder Name:	
Namibian Id/ Passport/Birth Certificate no.:	
Address:	
Contact Telephone No:	
Name, Size, Farm no. /Village:	
District/Constituency:	
Region	

To harvest forest produce specified below, subject to the conditions on the reverse side

SPECIES	PRODUCT	QUANTITY (m ³ , kg or ton, No. of pieces)

(FOR CONDITIONS SEE REVERSE SIDE)

This licence is valid from /..... /20..... until: /..... /20.....

OFFICIAL DATE STAMP

Name of Issuing Officer:

Signature of Issuing Officer:

Place and Date:

Signature of Licence Holder:

FORM 13**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FOREST ACT, 2001 (ACT NO. 12 OF 2001)****FOREST PERMIT FOR TRANSPORTING**

(Sections 24, 27 and 33/Regulation 12)

Transport Permit (Own use / Commercial ^{2*})	Permit No:
Permit Holder Name:	
Namibian Id/ Passport/Birth Certificate no.:	
Address:	
Contact Telephone No:	
Name, Size and No. of Farm:	
District:	

To Transport forest produce specified below, subject to the conditions on the reverse side

SPECIES	PRODUCT	QUANTITY (m ³ , kg or ton, No. of pieces)

Loading Point Address:	
Destination Address:	
Transport Agent/Vehicle Registration No:	

(FOR CONDITIONS SEE REVERSE SIDE)

THIS PERMIT IS VALID FROM / /20..... UNTIL: / /20.....

OFFICIAL DATE STAMP

Name of Issuing Officer:

Signature of Issuing Officer:

Place and Date:

Signature of Permit Holder:

FORM 14

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

FOREST ACT, 2001 (ACT NO. 12 OF 2001)

FOREST PERMIT FOR EXPORTING

(Sections 24, 27 and 33/Regulation 12)

FOREST PERMIT

Export Permit (Own use / Commercial ^{3*})	Permit No:
Permit Holder Name:	
Namibian Id/ Passport/Birth Certificate no.:	
Address:	
Contact Telephone No:	
Name, Size No. of Farm:	
District:	

To Export forest produce specified below, subject to the conditions on the reverse side

SPECIES	PRODUCT	QUANTITY (m ³ , kg or ton, No. of pieces)

Loading Point Address:	
Destination Address:	
Transport Agent/Vehicle Registration No:	

(FOR CONDITIONS SEE REVERSE SIDE)

THIS PERMIT IS VALID FROM /..... /20..... UNTIL: /..... /20.....

OFFICIAL DATE STAMP	Name of Issuing Officer:
	Signature of Issuing Officer:
	Place and Date:

FORM 15**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FOREST ACT, 2001 (ACT NO. 12 OF 2001)****FOREST PERMIT FOR IMPORTING**

(Regulation 12)

Import Permit	Permit No:
Permit Holder Name:	
Id/ Passport/Birth Certificate no.:	
Address:	
Contact Telephone No:	
Export Permit no.:	
Citizenship	

To Import forest produce specified below, subject to the conditions on the reverse side

SPECIES	PRODUCT	QUANTITY (m ³ , kg or ton, No. of pieces)

Loading Point Address:	
Destination Address:	
Transport Agent/Vehicle Registration No:	

(FOR CONDITIONS SEE REVERSE SIDE)

THIS PERMIT IS VALID FROM /..... /20..... until: /..... /20.....

OFFICIAL DATE STAMP

Name of Issuing Officer:

Signature of Issuing Officer:

Place and Date:

Signature of Permit Holder:

FORM 16

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

FOREST ACT, 2001 (ACT NO. 12 OF 2001)

FOREST PERMIT FOR TRANSIT

(Regulation 12)

Transit Permit	Permit No:
Phytosanitary certificate	No:
Permit Holder's Name:	
Id/ Passport Number:	
Address:	
Contact Telephone No:	
Country of origin of the forest produce:	
Place of origin and address	

To transit forest produce specified below, subject to the conditions on the reverse side

SPECIES	PRODUCT	QUANTITY (m ³ , kg or ton, No. of pieces)

Destination of products	

(FOR CONDITIONS SEE REVERSE SIDE)

THIS PERMIT IS VALID from /..... /20..... until: /..... /20.....

OFFICIAL DATE STAMP	Amount paid:
	Receipt number:
	Name of Issuing Officer:
	Signature of Issuing Officer:
	Place and Date:

FORM 17**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FOREST ACT, 2001 (ACT NO. 12 OF 2001)****FOREST PERMIT FOR MARKETING**

(Regulation 12)

Marketing Permit	Permit No:
Permit Holder Name:	
Namibian Id/ Passport:	
Address:	
Contact Telephone No:	

To market forest produce specified below, subject to the conditions on the reverse side

SPECIES	PRODUCT	QUANTITY (m ³ , kg or ton, No. of pieces)

Loading Point Address:	
Destination Address /Place of marketing:	

(FOR CONDITIONS SEE REVERSE SIDE)

THIS PERMIT IS VALID FROM /..... /20..... until: /..... /20.....

OFFICIAL DATE STAMP

Name of Issuing Officer:

Signature of Issuing Officer:

Place and Date:

Signature of Permit Holder:

LICENCE/PERMIT CONDITIONS

(Regulation 12)

*(The Conditions are to be printed at the back of the licence/permit)***CONDITIONS (EXCEPT DEBUSHING):****HARVESTING LICENCE CONDITIONS**

1. Trees harvested for sawn timber must have a diameter at breast height (130 cm above ground) of at least 40 cm.
2. Trees must be felled no higher than 15 cm above ground.
3. All logs with a minimum length of 0.9 metres and thin end diameter of 15 cm, obtained from branch wood, must be utilized for timber.
4. Waste from exploited trees must not be left on the stumps or against the trunk of any other living tree.
5. Where two or more stems grow from the ground, no more than half of the stems may be felled.
6. No tree or part of a tree may be felled in order to fell another tree of suitable size or process the felled tree.
7. All logs harvested for timber production must be marked by a forest officer before they are removed from the place of harvesting or processed where they occur.
8. This permit must be made available at any time to the forest officer for inspection purposes.
9. No live tree or logs suitable for fencing poles may be felled/cut for firewood.
10. Other:

.....

.....

.....

I declare that I have read and understand the conditions stated above, that I am able to identify the forest produce, which I hold a permit for, and that failure to comply with the above conditions shall constitute an offence.

.....

Permit Holder

.....

Place and Date

TRANSPORT PERMIT CONDITIONS

1. This permit must accompany the products and must be produced for inspection on demand by an authorized forest officer, or any law enforcement officer.
2. Other:

.....

.....

.....

I declare that I have read and understand the conditions stated above, that I am able to identify the forest produce, which I hold a permit for, and that failure to comply with the above conditions shall constitute an offence.

.....

Permit Holder

.....

Place and Date

MARKETING PERMIT CONDITIONS

1. This permit must be at the place of market at all times and must be produced for inspection on demand by an authorized forest officer, or any law enforcement officer.

2. Other:
.....
.....
.....

I declare that I have read and understand the conditions stated above, that I am able to identify the forest produce, which I hold a permit for, and that failure to comply with the above conditions shall constitute an offence.

.....
Permit Holder

.....
Place and Date

EXPORT PERMIT CONDITIONS

(The Conditions are to be printed at the back of the permit)

1. This permit must accompany the forest produce mentioned above and must be produced for inspection on demand by an authorized forest officer, or any law enforcement officer.
2. An authorized officer at all reasonable times for official purposes has the right of access to any premises where forest products are loaded to be exported.
3. No person may remove forest produce for export purposes from any premises unless in possession of a valid forest harvest and forest produce transportation permit.
4. No person may remove raw or unprocessed forest produce for export purposes from any premises unless in possession of a special written authorization from the Director.
5. This permit must be handed to the customs and excise officer or the responsible border post officer when the product leaves the Republic of Namibia.
6. Other:

.....

I declare that I have read and understand the conditions stated above, that I am able to identify the forest produce, which I hold a permit for, and that failure to comply with the above conditions shall constitute an offence.

.....
Permit Holder

.....
Place and Date

(FOR OFFICIAL USE)

.....
 Signature: Customs & Excise Official

.....
 Place and Date

Official Date Stamp:

IMPORT PERMIT CONDITIONS

(The Conditions are to be printed at the back of the permit)

1. This permit must accompany the forest produce mentioned above and must be produced for inspection on demand by an authorized forest officer, or any law enforcement officer.
2. An authorized officer at all reasonable times for official purposes has the right of access to any premises where the imported forest products are stored.
3. The Minister, may, by notice, prohibit the import or sale or disposal of any forest produce (other than the fruit of fruit trees) in the Republic of Namibia.
4. The permit can only be issued if the Phytosanitary certificate is presented.
5. Other:

.....
.....
.....

I declare that I have read and understand the conditions stated above, that I am able to identify the forest produce, which I hold a permit for, and that failure to comply with the above conditions shall constitute an offence.

.....
Permit Holder

.....
Place and Date

TRANSIT PERMIT CONDITIONS

(The Conditions are to be printed at the back of the permit)

1. The permit can only be issued if the following documents are presented at the time of issuing:
 - (a) Documentation indicating the origin of forest product(s).
 - (b) A Forest permit or concessional agreement from the country of origin indicating the species, type and quantity of forest product(s).
 - (c) Documentation with official stamp from customs and exercise or cross border Police indicating that the products passed through a designated border post.
 - (d) Letter indicates the destination of the consignment.
 - (e) Phytosanitary certificate.
2. This permit must be used to facilitate the movement of forest produce from the country of origin to other destinations through the Republic of Namibia and cannot be used to carry out other activities such as harvesting, marketing, exporting or transporting of forest produce within Namibia.
3. This permit must accompany the forest produce stated at the front side and must be produced for inspection on demand by authorized Law Enforcement Officer. Copies are not allowed.
4. This permit is valid for the duration indicated at the front side. The use of this permit after the expiry date constitutes an offence and liability to prosecution.
5. The transaction incurred to acquire this permit is not refundable. In an event where this permit lapsed without or while partially used, an equivalent amount must be paid to the Directorate of Forestry office to obtain a new permit.
6. This permit is intended for use by the permit holder into whose name it was issued and cannot be transferred into another person's name to carry out a similar activity.
7. The continuation of this permit is subjected to compliance. A forest officer may suspend this permit if the permit holder contravenes the conditions under which it was issued or the provisions of the Forest Act. The Director of Forestry may in turn cancel this permit if the permit holder overlooks advises from the forest officer to remedy or prevent the contraventions.
8. Other

.....

I declare that I have read and understand the conditions stated above, that I am able to identify the forest produce, which I hold a permit for, and that failure to comply with the above conditions shall constitute an offence.

.....

Permit Holder

.....

Place and Date

FORM 18**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FOREST ACT, 2001 (ACT NO. 12 OF 2001)****CERTIFICATE OF IMPOUNDED ANIMALS TRESPASSING
IN A CLASSIFIED FOREST**
(Section 44/Regulation 15)

Description of animals: (type, age, colour, brand mark, ear tag number)

.....
.....
.....

Number and type of animals:

Cattle (), Goats (), Sheep (), Horse (), Pig (), Mule (),

Other, specify:

Name and address of the owner of the animal(s), if known:

.....
.....
.....
.....

Name of Classified Forest where animal(s) were found:

.....
.....
.....

Name and address of person who delivers animals:

.....
.....
.....
.....

.....
Signature of Person who delivers animals.....
Date.....
Signature of Pound master.....
Date

FORM 19

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

FOREST ACT, 2001 (ACT NO. 12 OF 2001)

APPEAL TO MINISTER

(Section 47/Regulation 21)

To: The Minister of

1. Full name of Appellant:

.....

2. Address of Appellant:

.....

.....

.....

Telephone No. Fax No.

3. Full name and address of Duly Authorised Representative for service:

.....

.....

Telephone No. Fax No.

4. Details of decision appealed against:

(Attach a copy of decision and indicate the particular aspect being the subject of appeal.)

.....

.....

.....

5. The grounds of appeal are:

.....

.....

.....

6. A detailed description of the matter to which the appeal relates is as follows (if space is not sufficient, attach a separate signed letter):

.....

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7. A description of each document or item the appellant intends to produce at the hearing is as follows:

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8. The name, address, telephone number, fax number and title of each witness the appellant intends to call on his behalf at the hearing is (if space is not sufficient, attach a separate page):

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9. The particulars of evidence to be given by the witnesses are (if space is not sufficient, attach a separate page):

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Signed at: Date: 20

(Appellant)

Please Note:

This form must be completed fully in writing in accordance with the directions specified in the form and lodged with the Minister

FORM 21**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FOREST ACT, 2001 (ACT NO. 12 OF 2001)****REPORT BACK ON SUMMARY OF ACTIVITIES EXECUTED**

(Regulation 9)

Date of permission*	Activity permitted (Clearing by burning, Rehabilitation, Planting)	Actual area (ha)	Date report back	Remarks

*Please attach copy of permission letter

ANNEXURE 2

MINISTRY OF AGRICULTURE, WATER AND FORESTRY

FOREST ACT, 2001 (ACT NO. 12 OF 2001)

PROTECTED PLANT SPECIES

(Sections 22/Regulation 13)

List of protected species:

Species name	Common names (English)	Reasons to be protected
<i>Acacia erioloba</i> E. Mey.	Camel-thorn	EU ¹ (Heavily utilized by humans and animals - medicinal, cash crop, unsustainable harvesting of fuel wood for export) slow growth rate, cultural value, economic value, ES (keystone species)
<i>Acacia nigrescens</i> Oliv.	Knob-thorn	EU (Used by humans and animals - wood used for construction, utensils, fuel, tanning, browsed by game), ES (retains river banks)
<i>Acanthosicyos horridus</i> Welw. ex Hook.f.	Nara	Cultural and economic value, ES (Dune stabiliser)
<i>Adansonia digitata</i> L.	baobab	ES ² (Keystone species) EU (heavily utilised by humans and animals)
<i>Adenia pechuelii</i> (Engl.) Harms	Elephants-foot	EU (unsustainable harvesting for horticultural trade), slow growth rate, Slow and/or episodic recruitment
<i>Adenium boehmanium</i> Schinz	Bushman poison	EU (unsustainable harvesting for horticultural trade)
<i>Azelia quanzensis</i> Welw.	Pod mahogany	EU (Extensively used by humans and animals- curios, medicinal, timber, potential as ornamental trees, browsed by animals), slow growth rate, Restricted range.
<i>Albizia anthelmintica</i> (A.Rich.) Brongn.	Worm-cure albizia	EU (Utilized by humans and animals - medicinal, utensils, browsed by livestock and game)
<i>Aloe dichotoma</i> Masson	Quiver tree	EU (unsustainable harvesting for horticultural trade), Slow growth rate, Cultural value, Slow and/or episodic recruitment
<i>Aloe pillansii</i> L. Guthrie	Giant quiver tree	Slow growth rate, Restricted range, Slow and/or episodic recruitment
<i>Aloe ramosissima</i> Pillans	Maiden's quiver tree	Slow growth rate, Restricted range, Slow and/or episodic recruitment
<i>Baikiaea plurijuga</i> Harms	Zambezi teak or Rhodesian teak	EU (heavily utilised for timber, implements, utensils, wood carvings)
<i>Berchemia discolor</i> (Klotzsch) Hemsl.	Bird-plum	EU (heavily utilised by humans and animals)
<i>Boscia albitrunca</i> (Burch.) Gilg & Gilg-Ben.	Shepherd's tree	EU (heavily utilised by humans and animals)
<i>Burkea africana</i> Hook.	Burkea	EU (heavily utilised by humans - timber, firewood, implements)

<i>Caesalpinia merxmeullerana</i> A. Schreib.	Orange-river caesalpinia	Restricted range
<i>Citropsis daweana</i> Swingle & M. Kellerm.		EU (Wild crop relative - genetic resource), Restricted range
<i>Colophospermum mopane</i> (J. Kirk ex Benth.) J. Kirk ex J. Léonard	Mopane	EU (heavily utilised by humans and animals (browse and forage) - charcoal, timber, fuel wood, construction, medicine, host to important edible caterpillar), slow growth rate, cultural value
<i>Combretum imberbe</i> Wawra	Leadwood	EU (heavily utilised by humans and animals - fuel wood, construction material, implements, illegally harvested for charcoal, other purposes, browse, shade) Cultural value, Extremely slow growth rate.
<i>Commiphora capensis</i> (Sond.) Engl.	Namaqua corkwood	EU (illegally harvested for horticultural trade), Restricted range
<i>Commiphora cervifolia</i> J.J.A. van der Walt	Antler-leaved corkwood	EU (illegally harvested for horticultural trade), Restricted range
<i>Commiphora dinteri</i> Engl.	Namib corkwood	EU (illegally harvested for horticultural trade)
<i>Commiphora gariensis</i> Swane-poel	Orange River corkwood	Restricted range
<i>Commiphora giessii</i> J. J. A. van der Walt	Brown-stemmed corkwood	Restricted range
<i>Commiphora gracilifrons</i> Dinter ex J. J. A. van der Walt	Karee corkwood	Restricted range, EU (illegally harvested for horticultural trade), Restricted range
<i>Commiphora krauseliana</i> Heine	Feather-leaved corkwood	EU (illegally harvested for horticultural trade), Restricted range
<i>Commiphora namaensis</i> Schinz	Nama corkwood	EU (illegally harvested for horticultural trade)
<i>Commiphora oblongata</i> Schinz	Swakopmund corkwood	Very small, widely scattered populations, Restricted range
<i>Commiphora saxicola</i> Engl.	Rock corkwood	EU (illegally harvested for horticultural trade)
<i>Commiphora virgata</i> Engl.	Slender corkwood	Value (cultural - host to edible caterpillar)
<i>Commiphora wildii</i> Merxm.	Oak-leaved corkwood	EU (resin for perfume), Value (cultural - perfume)
<i>Cyphostemma bainesii</i> (Hook. F.) Desc.	Gouty vine	EU (illegally harvested for horticultural trade), Restricted range
<i>Cyphostemma currorii</i> (Hook. F.) Desc.	Kobas	EU (illegally harvested for horticultural trade)
<i>Cyphostemma juttae</i> (Dinter & Gilg) Desc.	Blue kobas	EU (illegally harvested for horticultural trade), Restricted range
<i>Cyphostemma uter</i> (Exell & Mendonça) Desc.	Kaoko kobas	Restricted range
<i>Dialium englerianum</i> Henriq.	Kalahari podberry	EU (Extensively used by humans - fruit an important part of diet of San and Kavango peoples, medicinal, timber, implements)

<i>Diospyros mespiliformis</i> Hochst. Ex A.DC.	Jackal-berry	EU (Heavily utilised by humans and animals - important fruit tree, timber, cash crop, utensils, watos, fuel wood, medicinal, fruit eaten by animals and frugivorous birds), slow growth rate.
<i>Elephantorrhiza rangei</i> Harms	Karas elephant-root	Restricted range and habitat
<i>Entandrophragma spicatum</i> (C.DC) Sprague	Owambo wooden-banana	Cultural value, slow growth rate, Restricted range
<i>Erythrina decora</i> Harms	Namib coral-tree	Small populations scattered over wide area, Cultural value, potential horticultural value
<i>Euclea asperima</i> Friedr.-Holzh.	Mountain guarri	Restricted range
<i>Euclea pseudebenus</i> E. Mey. Ex A. Dc.	Wild ebony	ES (Keystone species, prevent erosion of water courses), Slow growth rate
<i>Faidherbia albida</i> (Delile) A.Chev.	Ana tree	ES (Important component of riparian fringe, prevents erosion of river beds, Keystone species), EU (heavily utilised by stock and game, important shade tree in arid west).
<i>Ficus burkei</i> (Miq.) Miq.	Strangler fig	EU (fruit for humans and animals), Restricted range
<i>Ficus cordata</i> Thunb.	Namaqua rock-fig	EU (fruit for humans and animals)
<i>Ficus sycomorus</i> L.	Sycamore fig	EU (fruit for humans and animals)
<i>Guibourtia coleosperma</i> (Benth.) J. Léonard	False mopane	EU (Heavily utilised by humans and animals - food, cash crops, very important shade tree, timber, watos, utensils)
<i>Hyphaene petersiana</i> Klotzsch ex Mart.	Makalani palm	EU (heavily utilised by humans and animals - utensils, basketry, thatching, fuel, ropes, palm wine, food)
<i>Kirkia dewinteri</i> Merxm. & Heine	Kaoko kirkia	Restricted range
<i>Lannea discolor</i> (Sond.) Engl.	Live-long	EU (used by humans and animals), Restricted range
<i>Maerua schinzii</i> Pax	Ringwood tree	EU (heavily used by humans and animals), slow growth rate
<i>Moringa ovalifolia</i> Dinter & A.Berger	Phantom tree	EU (heavily used by humans and animals - horticultural value, browse, tourism)
<i>Neoluederitzia sericeocarpa</i> Schinz	Silk-seed bush	Restricted range
<i>Ozoroa concolor</i> (C. Presl. Ex Sond.) De Winter	Green resin-bush	Restricted range, scattered distribution
<i>Ozoroa namaquensis</i> (Sprague) Von Teichman & A. E. vanWyk	Gariiep resin-tree	Restricted range
<i>Pachypodium lealii</i> Welw.	Bottle tree	Slow growth rate, EU (unsustainable harvesting for horticulture trade)
<i>Pachypodium namaquanum</i> (Wyley ex Harv.) Welw.	Elephant-trunk	Slow growth rate, EU (unsustainable harvesting for horticulture trade), Restricted range
<i>Pappea capensis</i> Eckl. & Zeyh.	Jacket-plum	ES (Keystone species, prevents erosion in rivers), EU (utilised by humans and animals - important shade tree, edible fruit, browsed)

<i>Philenoptera violacea</i> (Klotzsch) Schrire	Apple-leaf, rain tree	ES (important component of riparian and floodplain canopy) EU (utilised by humans and animals - fences, watos, medicines, browse, fodder)
<i>Protea gaguedi</i> J. F. Gmel.	African white protea	Restricted range, EU (heavily utilised by humans - medicinal overharvesting of roots)
<i>Pterocarpus angolensis</i> DC.	African teak, kiaat	Value (economic), EU (heavily utilised for timber, implements, utensils, wood carvings)
<i>Salix mucronata subsp. capensis</i> (Thunb.) Immelman	Small-leaved willow, river willow	ES (stabilisation of river banks, shade), EU (Heavily utilised by humans - overharvesting for fuel wood, potentially threatened), Restricted range
<i>Schinziophyton rautanenii</i> (Schinz) Radcl.-Sm.	Manketti	EU (heavily utilised by humans and animals - utensils, curios, musical instruments, timber, shade, fruit a very important food and cash crop)
<i>Schotia afra</i> (L.) Thunb. var. <i>angustifolia</i> (E. Mey.) Harv.	Karoo schotia	EU (Utilised by humans for wood), Restricted range
<i>Sclerocarya birrea</i> (A. Rich.) Hochst.	Marula	EU (Heavily utilised by humans and animals for fruit, shade, browse, medicines, wood).
<i>Searsia lancea</i> (L. F.) F. A. Barkley	Karee	ES (Prevent erosion of river banks)
<i>Sesamothamnus benguellensis</i> Welw.	Kaoko sesame-bush	EU (Illegally harvested for the horticultural trade), slow growth rate, Restricted range
<i>Sesamothamnus guerichii</i> (Engl.) E. A. Bruce	Herero sesame-bush	EU (Illegally harvested for the horticultural trade), slow growth rate
<i>Sesamothamnus leistneri</i> Giess ex Ihlenf., ined.	Large-leaved sesame-bush	EU (Illegally harvested for the horticultural trade), slow growth rate, Restricted range
<i>Spirostachys africana</i> Sond.	Tamboti	EU (Heavily utilised by humans - timber)
<i>Sterculia africana</i> (Lour.) Fiori	African star-chestnut	Economic value (tourism and horticulture) EU (utilised by humans - medicinal and food)
<i>Sterculia quinqueloba</i> (Garcke) K. Schum.	Large-leaved sterculia	Economic value (tourism and horticulture), restricted habitat
<i>Strychnos cocculoides</i> Baker	Corky monkey-orange	Economic value (cash crop), EU (heavily utilised by humans and animals - fruit)
<i>Strychnos potatorum</i> L. F.	Black bitterberry	ES (Important component of river and flood plain vegetation) EU (utilised by humans (fish poison, shade) and animals (food and shade), Restricted range.
<i>Strychnos pungens</i> Soler.	Spine-leaved monkey-orange	Economic value (cash crop), EU (heavily utilised by humans and animals - fruit, medicinal)
<i>Strychnos spinosa</i> Lam.	Spiny monkey-orange	Economic value (cash crop), EU (heavily utilised by humans and animals - fruit and furniture), Restricted range

<i>Tamarix usneoides</i> E. Mey. ex Bunge	Wild tamarisk	ES (prevents erosion of river beds and river banks, important component of riparian vegetation), EU (browsed by game)
<i>Tylecodon paniculatus</i> (L. F.) Toelken	Southern botterboom	EU (unsustainable harvesting - horticultural trade), Restricted range
<i>Welwitschia mirabilis</i> Hook f.	Welwitschia	Cultural value, scientific value, economic value (tourism)
<i>Ziziphus mucronata</i> Willd.	Buffalo-thorn	ES (prevents erosion of river beds and river banks, important component of riparian vegetation) EU (Utilized by humans and animals - medicinal, construction, implements, fuel wood, browsed by livestock and game)

1: EU = Extend of use

2: ES = Ecosystem Services

ANNEXURE 3**MINISTRY OF AGRICULTURE, WATER AND FORESTRY****FOREST ACT, 2001 (ACT NO. 12 OF 2001)****FEES FOR FOREST PRODUCE**

(Regulation 17)

SCHEDULE 1**Timber and Poles**

FOREST PRODUCT	TREE SPECIES	PRICE (N\$) (Commercial)	PRICE (N\$) (Own use)
TIMBER (SAWLOGS, >45 cm dbh)		Living tree Dead tree (dry)	
Timber from protected Commercial species	<i>Pterocarpus angolensis</i> <i>Baikiaea plurijuga</i> <i>Burkea africana</i> <i>Guibourtia coleosperma</i> <i>Colophospermum mopane</i> <i>Combretum imberbe</i>	N\$200 (living) N\$150 (dry) per tree	
Timber from non-protected tree species		N\$100 (living) N\$80 (dry) per tree	
Timber from exotic tree species	<i>Eucalyptus</i> species and others	N\$100 per tree	
POLES			
Poles	<i>Colophospermum mopane</i> <i>Terminalia sericea</i> <i>Acacia erioloba</i> <i>Baikiaea plurijuga</i> <i>Burkea africana</i>	15-30 cm (dbh) N\$15 each N\$10 each	40 Poles free >40 poles N\$5 each
Rafters		2-3 cm in diameter N\$5 per bundle of 10	100 rafters free >100 rafters N\$1 per bundle of 10
Droppers		3-6 cm in diameter N\$2 per dropper	100 droppers free >100 droppers N\$0.50
Exotic poles (15-30cm) (treated)	<i>Eucalyptus</i> species and others	1.6 m N\$10 each 1.8 m N\$15 each 2.1 m N\$20 each 2.4 m N\$25 each 2.7 m N\$30 each 3.0 m N\$35 each 3.5 m N\$40 each	
Exotic Poles (15-30cm) (untreated)	<i>Eucalyptus</i> species and others	1.6 m N\$5 each 1.8 m N\$8 each 2.1 m N\$10 each 2.4 m N\$12 each 2.7 m N\$15 each 3.0 m N\$20 each 3.5 m N\$25 each	
REMOVAL OF TREES FOR DEVELOPMENT			
Live or dry tree	All tree species except invasive bush species	N\$200 live tree N\$150 dry tree	

SCHEDULE 2

Firewood

Definition: Firewood means any wood not serviceable or saleable otherwise than for use as fuel. The price to be charged is for firewood or wood for charcoal production, collected for commercial purposes within communal land, *i.e.* for sale or if it is more than one tonne for own use.

Quantity	Price (N\$)-Commercial	Price (N\$)- Own use
Bundle	N\$4 each	Free
1 tonne or m ³	N\$60	First tonne free. >1tonne N\$30 per tonne
Wood for charcoal Production (for bush control purposes only)	N\$100 per tonne of wood used	

Note: Local community members reside in the area referred to in sections 33(1) of the Act are allowed to collect firewood for their own use up to 1 tonne or 1m³ free of charge. Everyone transporting firewood outside the local area is required to have a permit. A local area here refers to the traditional authority area from which the letter of consent accompanying the application comes from.

SCHEDULE 3

Nursery Seedlings

Type of seedling	Quantity	Price
Indigenous		
Ornamental	1	N\$10
Fruit tree	1	N\$8
Non-fruit tree	1	N\$10
Non-fruit tree for Afforestation	First 100 seedlings Additional Seedlings in excess of 100	N\$5 each N\$3 each
Protected plant species	1	N\$10
Grafted plant	1	N\$20
Exotic		
Ornamental	1	N\$10
Fruit tree such as Mango, Banana, Citrus, Paw-Paw, Grapes, Guava, etc	1	N\$10
Other fruit tree	1	N\$8
Non-fruit tree	1	N\$6
Non-fruit tree for afforestation	First 100 seedlings Additional Seedlings in excess of 100	N\$5 N\$4
Grafted fruit tree	1	N\$25
Mango fruit tree	1	N\$8
Lemon fruit tree	1	N\$4
Guava fruit tree	1	N\$4
Oranges/Naartjies fruit tree	1	N\$8
Paw-Paw fruit tree	1	N\$10
Grape fruit tree	1	N\$10

SCHEDULE 4

Commercial Crafts and Curios

Type of Product	Unit	Price
Ornamental dry roots, curios	1 Tonne	N\$200

Note: The charges per unit product should be issued with transport permit. Charges are only applicable to local products. Products on transit are excluded from these charges.

SCHEDULE 5

Fees for Impounded Animals

Type of fee	Stock type	Amount
Detention	Large stock	N\$2.50 per animal per day
	Small stock	N\$1 per animal per day
Grazing	Large stock	N\$3.75 per animal per day
	Small stock	N\$1.50 per animal/ per day
Feeding	Large stock	N\$30 per animal per day
	Small stock	N\$5 per animal per day
Herding	Large stock	N\$100 per day
	Small stock	N\$100 per day
Transport (Truck)	Large stock	N\$25 per km
	Small stock	N\$25 per km
Transport (Light Delivery Vehicle)	Large stock	N\$10 per km
	Small stock	N\$10 per km

SCHEDULE 6

Service Fee for Permits

Type of Permit	Validity	Service Fee
Harvesting permit (Commercial Area)	3 months	N\$60
Harvesting permit (Communal Area)	7 days	N\$20
Harvesting permit (Own use)	3 days	N\$10
Marketing permit (Commercial Area)	3 month	N\$60
Marketing permit (Communal Area)	1 month	N\$20
Transport permit (Commercial)	7 days	N\$20
Transport permit (own use)	3 days	N\$10
Export permit (Commercial) for value added forest products	7 days	N\$20 per tonne up to 10 tonnes, N\$5 for each additional tonne per consignment
Export permit (Commercial) for raw forest products	7 days	N\$50 per tonne up to 10 tonnes, N\$20 for each additional tonne per consignment
Export permit (Own use - up to 1 ton)	7 days	N\$20
Import permit	7 days	N\$20
Transit permit	4 days	N\$50

Honey Producing Organisms Permits

Type of Permit	Validity	Service Fee per permit
Farming permit	Up to a maximum of 12 months	N\$10 per hive
Harvesting permit	Up to a maximum of 1 month	N\$20
Transport/removal of bees permit	7 days	N\$10

NOTE: *Payment Conditions*

Payment must be presented with the permit application or at the time of permit issuing.

SCHEDULE 7

Other Permits

Type of Permit	Validity	Service Fee per permit
Grazing	6 months	N\$30
Cultivation	6 months	N\$30
Building construction	6 months	N\$30
Roads construction	6 months	N\$30
Mining activity	6 months	N\$50