

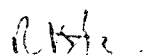
**PERIODIC REPORTING NATURAL  
WORLD HERITAGE SITES**

**LAKE MALAWI NATIONAL PARK**

## SECTION II: STATE OF CONSERVATION OF SPECIFIC WORLD HERITAGE PROPERTIES

### II.1 Introduction

- a) **State Party:** Malawi
- b) **Name of World Heritage Property:** Lake Malawi National Park
- c) **Geographic coordinates:** Approximately 14°02'S, 34°53'E
- d) **Date of inscription on World Heritage List:** 2<sup>nd</sup> November, 1984
- e) **Organisation responsible for preparation of report:** Department of National Parks and Wildlife
- f) **Date of Report:** 04 September 2000
- g) **Signature on behalf of State Party:**



Dr. Roy Bhima

**Principal Parks and Wildlife Officer (Research)**

**For: Director of National Parks and Wildlife**

### II.2 Statement of significance

The Property was inscribed based on criteria ii), iii) and iv), i.e.:

- an outstanding example representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water ecosystems and communities of plants and animals;
- contains superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance; and
- contains the most important and significant natural habitats for *in-situ* conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of science or conservation.

These criteria adequately reflect the World Heritage values of the property.

### **I.3 Protection, conservation and presentation of cultural and natural heritage**

#### **a) General policy development**

The new Wildlife Policy is a great improvement over the previous one. It was approved by Cabinet early this year. This policy identifies the need to involve the local community in wildlife management. Local communities adjacent to protected areas, including the World Heritage Property (Lake Malawi National Park), are now forming Village Natural Resources Committees as a means for interaction with protected area authorities.

Lake Malawi National Park is also part of a comprehensive planning programme under the World Bank funded Environmental Support Programme known as the Nankumba Peninsula Strategic Plan. The aim of this plan is to improve the living conditions of the people in the peninsula by allowing them to utilise the natural resources sustainably. The park management plan is also being revised.

#### **b) Status of service of protection, conservation and preservation in Lake Malawi National Park**

Services set up or substantially improved since the previous report:

- The Nankumba Peninsula/Lake Malawi National Park Community Radio to broadcast development messages to local communities has been established.
- The purchase of a 40-55 Horse Power engine for the "Thazima" Boat (US\$17,000.00) has been approved. The Boat is for Law enforcement operations.
- Funds for law enforcement, research and education have been provided to the park annually.

#### **c) Scientific and technical studies and research**

#### **d) Measures for identification, protection, conservation, presentation and rehabilitation**

The development of the National Environmental Action Plan in 1995 is one major step that the state has taken for identification, protection, conservation, presentation and rehabilitation of cultural and natural heritage. The plan identified areas of concern in the environment that needed attention. Regarding our World Heritage Property, Lake Malawi National Park, the Nankumba Peninsula Strategic Plan and the Lake Malawi National Park Management Plan are being developed. To improve visitor management in the protected areas, the Department of National Parks and Wildlife has decided let out its tourist facilities to private operators.

#### **e) Training**

New professional officers with Bachelor's Degree qualification joining the Department have, after a couple of years, gone for specialised Master's degree training in universities within the region, in the UK or the USA. Other junior officers have gone for diploma and bachelor's degree training, mostly within the region. The local university did not offer courses in Environmental Sciences in the past. This year it has introduced the course at Master's degree level.

As a step to encourage scientific research as a support to training and educational activities, the Department of National Parks and Wildlife has encouraged its students to undertake their research activities for their dissertation work in the protected areas. The Lake Malawi National Park has a research officer to undertake scientific research. However, recurrent funding for him is very small, making it difficult for him to collect regular data.

#### **I.4 International co-operation and fund raising**

- a) There has been little co-operation with other State Parties for the identification, protection, conservation and preservation of the World Heritage located on their territories
- b) There are no national, public and private foundations or associations that have been formed for the protection of the World Heritage Property

#### **I.5 Education, information and awareness building**

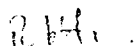
As a step to raise the awareness of decision-makers, property owners and the general public about the protection and conservation of cultural and natural heritage, the State Party is now involving these people more in the management of the Protected Areas. It is noted in the Wildlife Policy that enhanced public relations and extension are important in promoting wildlife.

Among its strategies to achieve enhanced public awareness is to enhance the Department's Education, Information and Extension Unit's capacity, carry out specific outreach programmes for selected target groups like schools, local leaders communities and encourage the formation of wildlife clubs and similar organisations. Most of these are still in planning phase. Wildlife clubs mainly occur in primary schools and secondary schools.

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### **II.3 Statement of authenticity/integrity**

The values on the basis on which the property was inscribed are being maintained by managing the area as a national park. Village Natural Resources Committees have been formed in villages adjacent to the park in which the people and the park management discuss issues concerning park management and utilisation of resources.

Law enforcement is also conducted to protect the resources and research is conducted to better understand the resources and formulate suitable management procedures. Finally, education and extension activities are carried out to educate the general public about the importance of the park and its resources.

### **II.4 Management**

#### **a) Legislation**

The national park is managed under the National Parks and Wildlife Act. Under this act the resources of the park are managed and controlled by the Department of National Parks and Wildlife. Entry into the park and removal of resources without the consent of park management is illegal. The Department has a team of scouts who patrol the park to control illegal activities. Generally, this has created an anti-agonistic attitude between the people and park management.

The Cabinet has recently (in early 2000) approved a new Wildlife Policy. This new policy allows for park management to work with the people neighbouring the park more closely than before. It is hoped that as time goes by, better relationships will develop. The Act is being revised to be in line with the Policy document. The Act and the Policy are attached to this report.

#### **b) Human resources and financial needs**

Lake Malawi National Park has got some severe human resource and financial problems. Although the park has got established posts for Park Manager, Research Officer and Extension Officer at Professional Officer level, all these positions are occupied by technical officers. In addition, the number of law enforcement scouts is not adequate to sufficiently patrol the entire park.

On the financial side, the recurrent budget for management activities is very minimal. This makes it difficult for park management to undertake all its planned activities effectively. The infrastructure in the park is dilapidated and need renovation.

## **II.5 Factors affecting the property**

Some of the factors that are threatening the Property are as follows:

### **a) Development pressure:**

Tourism is now being considered as a major foreign currency earner. Some development agencies are considering developing a big hotel in the park. The Department of National Parks and Wildlife is, however, considering developing good quality bush camps that are environmentally friendly. It will have to educate different people about the importance of this.

### **b) Number of inhabitants:**

The park has enclave villages in it. The numbers of people living in these villages are increasing. If these numbers continue to increase and if they continue to rely on firewood for their energy requirements, the woodlands in the park will be threatened.

### **c) Visitor/tourism pressure:**

This is not a big problem, but increasing cheap quality accommodation may result into big numbers of back packers. This may result in local youths looting these tourists and abusing drugs provided by the back packers.

### **d) Poaching:**

Most of the local people rely on fishing for their livelihood and do most of their fishing in the park waters. Although most of their target fish are not the protected cichlid fishes, some of the nets that they use with small mesh pick everything including the cichlids and they cut down many trees for drying their fish.

Considering the importance of forward planning and risk preparedness operating methods that will make us capable of counteracting these dangers include:

### **a) Development pressure:**

The government has developed the Nankumba Peninsula Strategic Plan under the Lake Malawi/Nyasa Biodiversity Conservation Project. The Park forms part of the peninsula. The objective of this plan is to improve the standards of living of the people while ensuring sustainable use of the natural resources of the area. The overriding problem was the dense and rapidly increasing population attempting to extract a livelihood from a diminishing resource. A strategic plan has therefore been developed for four zones: Agricultural, Forestry and Wildlife, Lakeshore and Lake zones.

In the National Park itself, the management is working more closely with the people so that they can learn to appreciate the importance of the park. Village Natural Resource Committees have been formed in adjacent villages so that local people can participate in making decisions for park management. Also, the Park Management Plan is being revised. Areas requiring improvement include support infrastructure such as the upgrading the connecting road, providing electricity and potable water supply. Guidelines for tourism investments are being developed.

## **II.6 Monitoring**

### **a) Fish:**

The “mbuna” fish are a swarm of relatively small cichlid species, many of them multi-coloured, occurring primarily on rocky shores of the lake. These form the majority of vertebrate species in the lake. These fish are protected in Lake Malawi National Park and occur in abundance. Several academic research projects have been conducted on the mbuna. There is need to establish a monitoring programme for these fish.

### **b) Forests:**

A study by Abbot (1996) concluded that the woodland structure of the park is being modified in the direction of a shorter, more open woodland, at a rate of 6.3% per annum from 1982 to 1990. This is a result of fuel wood use by the local people. The fuel wood use by enclave villages is said to be sustainable provided that it is regulated in co-operation between the Department of National parks and Wildlife and the communities.

### **c) Wildlife:**

The park has a small number of mammals. These are: Baboons *Papio ursinus*, Vervet monkey *Cercopithecus aethiops*, Blue monkeys *Cercopithecus mitis*, Hyraxes, Klipspringer *Oreotragus oreotragus*, Bush buck *Tragelaphus scriptus*, Common duiker *Sylvicapra grimmia*, Hippo *Hippopotamus amphibius*, Otters, Grysbooks *Rhaphicerus sharpei*, Bush babies *Galago crassicaudatus*, Civet *Viverra civetta*, Ant bears *Orycteropus afer*, Porcupines, Bush pigs *Potamochoerus porcus*, Hyeana *Crocuta crocuta*, Leopard *Panthera pardus* and Kudu *Tragelaphus strepsiceros*. The numbers of these species are not known.



## **II.7 Summary of conclusions and recommended actions**

### **a) Main conclusions regarding the state of the World Heritage of the property**

The Property, Lake Malawi National Park, was inscribed to protect the ecological and biological processes that form natural phenomena of exceptional beauty. This is protected as a national park.

### **b) Main conclusions regarding the management and factors affecting the property**

The Property is managed under the National Parks and Wildlife Act and guiding principles in the Wildlife Policy. These have just been revised to incorporate the principle of collaborative management with the local people and other stakeholders. It is recommended that the park management must be thoroughly educated about the new principles in the policy so that they can, in turn, educate the people and work with them.

### **c) Proposed future action/actions**

- i. As the park management begins to work with the neighbouring communities, it is important to educate them well on what collaborative management is all about to ensure that it is not misinterpreted. The impact of this relationship must be monitored. There may be need to increase the human capacity in the Education and Extension Unit and establish an elaborate education programme.
- ii. Generic research on the status of the “mbuna” fishes and the impact of the 100m zone must be established and followed. Depending on the findings, appropriate management decisions will be made. Establishing the database can take place over a period of two years and thereafter, monitoring would take place at a reduced scale.
- iii. There is need to improve the visitor facilities in the park. This will enhance visitation to the park by tourists and they will learn to appreciate the natural and aesthetic beauty of the park. There is need to draw up a plan for tourism development in the park and seek international assistance for development. This must be developed within the next two years.

### **d) Responsible implementing agency**

The Department of National Parks and Wildlife

# Wildlife Policy

Department of National Parks and Wildlife

Ministry of Tourism and National Parks  
Malawi

Reprinted from 1998

Policy Document

January 2000

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# 1. PREAMBLE

Wildlife is a renewable resource with potential to provide a multitude of utilitarian and non-utilitarian benefits to man. In the context of this policy, wildlife means all wild, indigenous species of animals and plants, comprising species and forms with beneficial, potentially harmful or neutral effects towards man. If managed appropriately the wildlife resources can simultaneously promote the conservation of biological diversity as well as contribute to the country's economy. Therefore, the Government regards this resource as a valuable asset whose integrity needs to be conserved to the maximum extent possible. It further considers wildlife conservation and management as a legitimate form of land use which can be superior to other land - use schemes, if given an appropriate institutional framework.

Government's commitment to wildlife conservation and management is reflected in Chapter III of the constitution of Malawi, particularly Section Thirteen (13) (d) which states as follows:

"To manage the environment responsibly in order to:

- (i) Prevent the degradation of the environment;
- (ii) Provide a healthy living and working environment for the people of Malawi;
- (iii) Accord full recognition to the rights of future generations by means of environmental protection;
- (iv) Conserve and enhance the biological diversity in Malawi."

Malawi has 21.6% of its land area as protected areas: national parks, wildlife reserves and forest reserves. These areas contain the highest concentration of wildlife resources.

Unfortunately, outside protected areas the situation is characterised by general degradation of wildlife resources largely due to increasing human population pressure, poverty, and inadequate appreciation of the resources' benefits which often lead to habitat loss and over exploitation. For the same reasons even wildlife resources within protected areas have come under increasing pressure. Furthermore communities surrounding protected areas sometimes display antagonistic behaviour partly due to the fact that resource benefits have traditionally accrued to the state. This antagonistic behaviour makes management of protected areas even more problematic.

Recognising the severity of the current situation, the government is committed to pursue novel approaches, especially to develop partnerships with all interested parties for effectively managing the wildlife resources both inside and outside protected areas. Furthermore, Government recognises that all components of ecosystems are interrelated and that many benefits of wildlife are apparent only in the long term but are, nonetheless, important. Therefore, Government declares its intent to assess its wildlife conservation and management responsibilities in the light of the broadest social and ecological requirements rather than short term financial considerations.

Government further appreciates that, in practical terms, a large proportion of wildlife can not be managed by the state. Consequently, there is a distinction between two categories of wildlife: those whose management is controlled by the state; and those not under state management. Species, individuals, areas or circumstances that are managed by the state are defined by the National Parks and Wildlife Act which is subject to regular review. Wildlife not managed by the state can be conserved, utilised or controlled by the public at its discretion. However, to ensure its proper monitoring, Government requires any major physical development undertaking to be preceded by an environmental impact assessment.

Government acknowledges the necessity of international co-operation for effective protection of the environment in general and the wildlife resource in particular. Therefore Government commits itself to participate in those international treaties and conventions that are consistent with Malawi's Wildlife conservation and management policy.

This policy is an integral part of the Government's land-use plans. Moreover, it conforms with the National Environmental Policy as well as those of other relevant sectors such as Lands, Agriculture, Forestry, Fisheries, Water and Tourism. It supersedes all previous policy statements for the conservation and management of wildlife. It does not, however, preclude the Responsible Minister from issuing supplementary policy statements to address any issue that may not be adequately covered by this document. Government intends to follow up on this policy document with appropriate legislative amendments and management plans for those issues which merit them.

## **2. GOAL, OBJECTIVES AND GUIDING PRINCIPLES**

### **(a) Goal**

The goal of the national wildlife policy is to ensure proper conservation and management of the wildlife resources in order to provide for sustainable utilisation and equitable access to the resources and fair sharing of the benefits from the resources for both present and future generations of Malawians.

## **(b) Objectives**

In order to achieve the goal, this policy seeks to meet the following objectives:

- (i) Ensure the adequate protection of representative ecosystems and their biological diversity through promotion and adoption of appropriate land management practices, that adhere to the principle of sustainable use.
- (ii) Enhance public awareness and understanding of the importance of wildlife conservation and management and its close relationships with other forms of land use.
- (iii) Take the necessary legislative steps as well as pertinent enforcement measures to curtail the illegal use of wildlife.
- (iv) Create an enabling environment for wildlife- based enterprises.
- (v) Develop a cost-effective legal, administrative and institutional framework for managing wildlife resources without compromising the special ecological attributes of the resources.

## **(c) Guiding Principles**

- (i) Ownership of wildlife resources shall rest with the State President on behalf of and for the benefit of people of Malawi. However, it is recognised that those who legitimately use the land on which the resources occur are the primary custodians, and utilisation rights should accrue to them. These rights and responsibilities shall be exercised within the limits of pertinent legislation.
- (ii) There shall be equitable distribution of the benefits and revenues derived from sustainably utilising wildlife resources from national parks and wildlife reserves amongst Treasury, local communities and the Department of National Parks and Wildlife.
- (iii) Wildlife resources should be managed in a manner which promotes gender and community empowerment.
- (iv) Recognising that government structures in isolation can not adequately conserve and manage the wildlife resources, Government shall create an enabling environment for the local communities, the private sector, Non-Governmental Organisations (NGOs) and any other party with an interest in wildlife conservation and management to fully contribute.
- (v) Wildlife legislation should be reviewed periodically to reflect changes in the policy framework. Such reviews shall include, among other things, adequate incentive and punitive measures, and statutory powers of the Department of National Parks and Wildlife.

- (vi) Wildlife management is an exceptionally complex activity in which many factors are unknown or not fully understood. Therefore, an adaptive management strategy is appropriate. This particularly applies to sustainable resource utilisation where current and acceptable approaches need to be incorporated. Research and monitoring have to be integral components, of each act of management.
- (vii) Within ecologically acceptable limits, wildlife resources should be managed in a manner which is economically productive and sustainable.
- (viii) Adequate conservation and management of wildlife resources is dependent on public and political understanding and appreciation.
- (ix) Most existing pressures on protected areas and wildlife reserves are poverty driven. Therefore, the sector will strive to contribute to the objectives of the Poverty Alleviation Programme.

### **3. SECTORAL OBLIGATIONS AND INSTITUTIONAL FRAMEWORK**

#### ***3.1 Sectoral Obligations***

Government is committed to its responsibility for protecting the nation's wildlife resources even if some species may in cases conflict with human interest. The Department of National Parks and Wildlife (DNPW) is the Government's executive arm responsible to the Minister for implementing this policy and the legislation flowing from it. Furthermore, Government appreciates that there are other stakeholders who can substantially contribute to the advancement of the sector. Therefore, the Department of National Parks and Wildlife shall co-operate with other government institutions, local communities, NGOs and the private sector in the conservation and management of Malawi's wildlife.

In the interests of transparency and accountability there shall be a broad based Wildlife Research and Management Board. The function of the Board shall be to guide the Minister and the Department of National Parks and Wildlife on all important issues affecting wildlife conservation and management.

Due to the delicate nature of wildlife resources and the negative effects which illegal use might have on them, powerful protective legislation is needed. Therefore, the extant legislation shall be reviewed and periodically updated to respond to changing needs. Furthermore the legislation shall make it a requirement, that environmental impact assessments are carried out for all major physical developments that may adversely affect wildlife resources.

Government acknowledges the fact that appropriate management of wildlife resources requires adequate investments. Realising that funds from Central Government might be limited Government will promote innovative funding mechanisms in the sector including the possibility of turning the Department of National Parks and Wildlife into a parastatal, trust or regulatory board.

The Department of National Parks and Wildlife is required to implement wildlife-related legislation throughout the country. As a paramilitary organisation it shall exercise a high degree of discipline in executing its mandate. It will also fully co-operate with other law enforcement agencies. To this effect Government shall ensure that it receives full support from the judiciary and other law enforcement agencies.

The success of the sector is dependent on community support. Consequently Government shall encourage community based management and benefit sharing from sustainable utilisation of wildlife resources.

For the sector to meet its obligations, government is committed to provide adequate funding to the sector. However, due to limited financial resources there is need to set and regularly review priorities and allocate resources accordingly.

### ***3.2 Institutional Framework***

The Department of National Parks and Wildlife holds overall responsibility for wildlife conservation and management. In executing its mandate, the Department of National Parks and Wildlife will ensure that professional standards are applied in developing and implementing wildlife conservation and management programmes. The programmes shall contribute to the ecological and economic sustainability of this land use option. To facilitate this, Government shall ensure that the Department of National Parks and Wildlife has a cost-effective administrative and institutional structure. Furthermore it is committed to ensure that officers of the Department of National Parks and Wildlife shall be fully trained, commensurate with their duties, and that those in charge of key positions in the organisation shall hold the necessary academic and/or technical qualifications.

The Department of National Parks and Wildlife shall work in close collaboration with other stakeholders in conserving and managing wildlife resources. The Department may enter into agreement with communities, the private sector, and NGOs on specific conservation and management issues. Specifically, the Department will:

- Function as a regulatory body for the sector;
- Be responsible for the design and co-ordination of outreach activities in the wildlife sector;
- Provide wildlife research services and co-ordinate ecological, socio-economic and market research by external researchers in the sector, to avoid duplication of efforts and the loss of useful information;
- Be responsible for problem animal control;
- Undertake to mobilise resources for the sector;



- Maintain a statistical database on all wildlife related activities to guide the development of the sector;
- Provide technical advice to other stakeholders;
- Monitor the effects of different activities in the sector;
- Ensure that environmental impact assessment procedures are taken into account whenever proposals, plans or projects are formulated that are likely to have adverse impacts on wildlife resources;
- Undertake or commission all physical developments in national parks, wildlife reserves and other areas under its authority in accordance with the respective protected areas master plans;
- Set standards for tour operators, persons capturing and keeping wild animals, and those offering services on concession and issue authorisations accordingly;
- Ensure that a fair percentage of the revenues generated within any national park or wildlife reserve is shared amongst Treasury, the management of that park or reserve, and communities living adjacent to it;
- To the extent possible, provide economic opportunities to communities neighbouring national parks or wildlife reserves;
- Ensure equitable and efficient allocation of opportunities for Malawians, especially the local communities being most directly affected by the wildlife resources, to participate in the benefits of wildlife conservation and management without prejudicing desirable foreign investments and the importation of expertise;
- Encourage the formation of representative civil associations for developing and promoting the sector, without permitting the emergence of undesirable practices like monopolies;
- Promote the conservation of wildlife and the development of an ethical wildlife industry based on sustainable utilisation;
- Facilitate co-ordinated marketing of wildlife and wildlife products including tourism and hunting to enable wildlife to realise its economic potential applying, as far as possible, market mechanisms;
- Regulate and monitor the trade in wildlife and wildlife products to curb illegal trafficking;
- Implement the provisions of relevant international treaties, agreements or any other arrangements to which Malawi or the Government is a party;
- Be the Government's point of contact with foreign parks, wildlife and environmental agencies;
- Collaborate with other public agencies, communities and the private sector in managing wildlife resources on their land;
- Assist in the conservation and management of wetlands;
- Prepare subsidiary regulations for the Minister's consideration to co-ordinate or regulate the wildlife sector and to issue all authorisations as required by law;
- Create and maintain an environment in which its employees are able to reach their maximum potential in a climate favourable to innovation and excellence;
- Ensure proper management of human, financial and material resources.
- Ensure proper collection of revenues and as far as possible broaden the revenue base.

The Department of National Parks and Wildlife in conjunction with the communities, NGOs and the private sector will:

- Protect wildlife against illegal use;

- Manage the national parks, wildlife reserves and other areas under its authority;
- Reduce the detrimental effects of wildlife on human life through appropriate measures
- Build up capacity in the sector;
- Develop, co-ordinate and promote wildlife-based tourism.

In collaboration with the relevant communities, the Department of National Parks and Wildlife will:

- Determine the type of consumptive and non-consumptive utilisation activities to be permitted in each of the national parks, wildlife reserves and other areas under its authority;
- Prevent illegal settlement and cultivation and regulate introduction of exotic plants and animals in order to maintain the ecological integrity and/or the aesthetic qualities of the respective national parks, wildlife reserves and other areas under its authority.

The Department of National Parks and Wildlife in co-operation with NGOs and with possible support from the private sector will:

- Undertake any necessary ecological and socio-economic research needed to achieve the objectives of wildlife conservation and management;
- Conduct public education and information programmes and provide community extension services and public relations in order to promote ecologically and economically viable wildlife ventures.

In protecting cultural, historical and traditional sites in national parks and wildlife reserves and facilitating access to these sites, the Department of National Parks and Wildlife will collaborate with the Ministry of National Heritage and the Department of Tourism.

Communities shall manage wildlife resources on communal land. They will be encouraged to form Multiple Use Wildlife Areas. Local knowledge is expected to be essential in sustainably utilising wildlife resources and in improving problem animal control approaches. Furthermore, communities will support the management of national parks, wildlife and forest reserves in their areas. In this, communities shall be involved at all stages in the planning and implementation.

The private sector will be encouraged to take a more active part in wildlife conservation and management issues. Major roles might be to mobilise additional resources for the sector; to assist in developing and maintaining infrastructure in protected wildlife areas; to contribute to socio-economic development in communities adjacent to protected wildlife areas.

NGOs active in the wildlife sector will collaborate with the Department of National Parks and Wildlife in various management issues. They might be crucial in mobilising resources for the sector.

The Forestry Department will ensure the effective management of wildlife resources in forest reserves. It shall lobby for adequate provision of human, financial and material resources for managing the forest reserves especially protection of wildlife.

The Fisheries Department will provide expertise and technical advice in the management of fishery resources in protected wildlife areas. Furthermore, acknowledging that fish and other aquatic life are an important resource, the sector will closely co-operate with the Fisheries Department in managing this resource.

Other public agencies with land on which wildlife occurs will be committed to proper conservation and management of the resource. They will make adequate provisions for that purpose.

The responsibilities listed above relate to agencies or institutions directly involved in implementation of this policy at operational level. However Government recognises that the sector has to collaborate with various agencies and institutions at a strategic level.

## 4. CONSERVATION AND MANAGEMENT OF WILDLIFE RESOURCES IN PROTECTED WILDLIFE AREAS

Malawi's Protected Wildlife Areas comprise the gazetted National Parks and Wildlife Reserves with a total area of 6,982 square kilometres and 3,926 square kilometres respectively. Further elements whose legal status shall be defined by appropriate legislation are the Lilongwe Nature Sanctuary, Mzuzu Environmental Centre and the Michiru Conservation Area which are administered by the Department of National Parks and Wildlife.

### 4.1 *National Parks and Wildlife Reserves*

#### (a) Purpose:

- (i) The primary reasons for having and managing national parks and wildlife reserves are:
  - to preserve selected examples of Malawi's biotic communities and their physical environments;
  - to protect areas of aesthetic beauty and of special interest;
  - to preserve populations of rare, endangered, and endemic species of wild plants and animals, and
  - to assist in maintaining water supplies through catchment conservation, and thus to benefit agriculture in adjoining land, and promote fish conservation and fisheries management down stream.

- (ii) Further reasons for having and managing national parks and wildlife reserves, without prejudice to the primary reasons, are:
  - to provide facilities for studies of the phenomena therein for the advancement of science and understanding;
  - to provide facilities for public use and enjoyment of the resources therein;
  - to provide wildlife stock to repopulate depleted parts of the country; and
  - to allow for sustainable utilisation of the wildlife resources in order to contribute to the national economy, particularly to enhance rural development.

**(b) Guiding Principles:**

- (i) Each national park or wildlife reserve shall be managed in accordance with a protected area master plan which shall define, among other things:
  - the exact area and the applicable measures of protection;
  - the objective for managing the ecosystems in the protected area, the required measures to achieve those objectives, the limits of permissible change and the pertaining indicators for monitoring purposes;
  - the zonation of the protected areas, stating for each zone the limits of acceptable utilisation and, if applicable the nature and extent of physical development to be allowed;
  - human activities that will alter the nature of the ecosystem - hence irreconcilable with the national park's or wildlife reserve's management objectives.
- (ii) The protected areas master plans shall adopt a standard format to be determined by the Department of National Parks and Wildlife and in their formulation and implementation a participatory approach shall be applied. These plans shall be reviewed at regular intervals;
- (iii) Acknowledging that participation by the communities living around the Wildlife Areas is essential for proper management of national parks and wildlife reserves, Government commits itself to actively involve the communities adjacent to them in their planning and management;
- (iv) Considerable benefits and revenues are expected to accrue from national parks and wildlife reserves. As a consequence, arrangements and mechanisms for their equitable distribution amongst Treasury, Department of National Parks and Wildlife, and the surrounding communities shall be agreed upon for every national park and wildlife reserve at the earliest possible time;

- (v) The management of the national parks and wildlife reserves requires adequate investments in terms of human, financial and material resources in order to achieve the expected benefits from them. So far, the main funding sources to that end have been allocations by Central Government and, to some extent, external assistance (e.g. donor-funded projects). It is acknowledged that these mechanisms have not always ensured the timely and adequate provision of the resources needed to appropriately manage national parks and wildlife reserves especially to maintain the required law enforcement capabilities. Consequently, Government commits itself to promote innovative funding mechanisms that will lead to improved management and increased self - reliance of the sector.
- (vi) Government encourages the private sector to obtain management concessions in national parks and wildlife reserves for tourism and related activities. The Department of National Parks and Wildlife is seeking to promote domestic as well as low-density up-market foreign tourism without permitting it to erode the resource on which it is based. To comply with the conservation objectives, all concessions have to be awarded in strict accordance with the management guidelines for the respective areas to avoid degradation of and/or disturbance of the wildlife resources. The nature and extent of any touristic activities shall be determined for each protected area. Furthermore the standard of services shall be competitive at international level. The awarding and monitoring of private concessions shall follow guidelines to be established which will include the requirement for private concessionaires to operate on a contractual basis at market rates.
- (vii) Generally, infrastructure development in national parks and wildlife reserves shall be undertaken following set guidelines for such developments. The guidelines shall include construction standards and types. Within this framework, the private sector may develop infrastructure in national parks and wildlife reserves, provided that all such investments revert to the Malawi Government after a period mutually agreed between the investor and the Government prior to initiating any physical investment activities.
- (viii) Government shall encourage prospective investors to also exploit options for establishing tourist facilities at the periphery of national parks and wildlife reserves, preferably in collaboration with local communities.
- (ix) Unguided infrastructure developments including roads and uncontrolled traffic in national parks and wildlife reserves is a threat to wildlife resources. Therefore the Department of National Parks and Wildlife will liaise with appropriate authorities to ensure that road construction, maintenance, and traffic do not inflict damage to wildlife resources.
- (x) Many communities around national parks and wildlife reserves have cultural and spiritual linkages with them. Furthermore there is poor knowledge of the status of historical features/sites and cultural artefacts in these areas. In most instances, there is no professional care for these features/sites. Therefore the Department of National Parks and Wildlife will ensure proper management of these features/sites in collaboration with local communities and other relevant departments.

- (xi) Prospecting and mining activities are generally considered incompatible with the management of national parks and wildlife reserves. Hence, the right to prospect or mine within these areas shall only be granted in very exceptional cases based on advice from the Wildlife Research and Management Board and subject to the approval of the Minister. In considering such projects, it shall be required that satisfactory evidence is made available to support that such an activity is in the national interest, economically justifiable and takes into consideration all environmental costs.

**c) Strategies:**

- (i) Develop a standard format for protected area master plans.
- (ii) Review and update protected area master plans for each national park and wildlife reserve regularly;
- (iii) Improve law enforcement capabilities;
- (iv) Sensitise communities on the need for national parks and wildlife reserves and the enforcement of the laws;
- (v) Establish rules of engagement during anti - poaching;
- (vi) Develop enabling subsidiary legislation for utilisation of wildlife resources in national parks;
- (vii) Develop and implement guidelines for involving local communities in planning and executing management activities in national parks and wildlife reserves;
- (viii) Involve, where appropriate, the private sector and/or NGOs in management activities;
- (ix) Develop, conclude and implement arrangements on sharing revenues accruing from national parks and wildlife reserves amongst Treasury, Department of National Parks and Wildlife and surrounding communities;
- (x) Diversify revenue sources for Department of National Parks and Wildlife (e.g. licences and concessions);
- (xi) Establish alternative financing mechanisms for Department of National Parks and Wildlife (e.g. Trust funds) and expand the scope of the National Parks and Wildlife Treasury Funds to include management activities;
- (xii) Establish and implement guidelines for determination of fees and royalties based on marketing principles;
- (xiii) Enhance Department of National Parks and Wildlife's financial management capacities;

- (xiv) Establish and implement guidelines for awarding and monitoring concessions to private operators. The guidelines should include mechanisms for regular communication;
- xv) Develop guidelines and promote sustainable tourism in national parks and wildlife reserves through, among others, the improvement of standards of tourist facilities and services;
- (xvi) Support local communities to actively benefit and participate in eco- tourism;
- (xx) Develop guidelines for accessing traditional and cultural sites;
- (xxi) Maintain up-to-date inventory of artefacts of historical features/sites in national parks and wildlife reserves;
- (xxii) Collaborate with Department of Antiquities on the management of historical features/sites in national parks and wildlife reserves;
- (xxiii) Require any person, private or public organisation desiring to prospect or mine in a national park or wildlife reserve to ensure that an independent environmental impact assessment is conducted prior to commencement of any project activity. The environmental impact assessment shall be conducted at the prospector's cost and be to the satisfaction of the Department of National Parks and Wildlife;
- (xxiv) Appraise the Wildlife Research and Management Board on any major activities undertaken by the Department of National Parks and Wildlife including results of Environmental Impact Assessments.

## ***4.2 Land at Lilongwe Nature Sanctuary, Michiru Conservation Area and Mzuzu Environmental Education Centre***

### **(a) Purpose:**

Currently the legal status of the land at these areas is not clearly defined. The areas are administered under the Forestry Act since they are not degazetted as Forest Reserves. Unfortunately the Forestry Act does not offer adequate protection to the wildlife resources in conformity with these areas' functions as education centres and nature retreats within or close to urban areas. Furthermore, the administration of the Forestry Act is under the Director of Forestry although staff of the Department of National Parks and Wildlife are authorised Officers under the Act. Therefore there is need to incorporate these areas within the National Parks and Wildlife Act.

### **(b) Guiding Principle:**

Preservation of wildlife resources in or near urban centres enhances awareness of wildlife conservation and management.

**(c) Strategies:**

- (i) Draft amendments to the National Parks and Wildlife Act and subsidiary legislation to incorporate land at Lilongwe Nature Sanctuary, Michiru Conservation Area and Mzuzu Environmental Centre as conservation areas;
- (ii) Publicise existence and importance of these areas.

## **5.0 CONSERVATION AND MANAGEMENT OF WILDLIFE IN FOREST RESERVES AND OTHER PUBLIC LANDS**

There are considerable wildlife resources in forest reserves and other public lands such as cattle ranches and protected catchment areas. Government is committed to ensure their proper conservation and management.

**(a) Purpose:**

It is acknowledged that substantial populations of large mammals and birds occur in forest reserves and on other public lands. Government shall ensure collaboration between the Department of National Parks and Wildlife and those agencies responsible for forest reserves and other public lands in the conservation and management of large mammal and bird populations occurring on their respective areas.

**(b) Guiding Principle:**

- (i) Although the mandate for conserving and managing wildlife resources is vested in the Department of National Parks and Wildlife, its capacity is not adequate to cover forest reserves and other public lands. Hence it is crucial that the agencies responsible for these lands assume responsibility for adequate protection and management of all populations of large mammals and birds in their respective areas.
- (ii) Realising that sustainable utilisation of large mammals and birds can yield economic gains for both Government and communities surrounding the respective areas, the agencies in charge of such areas are urged to consider utilisation as a management option. As far as possible, communities should be involved in planning and implementing such schemes. The Department of National Parks and Wildlife will provide technical advice and expertise as required.



**(c) Strategies:**

- (i) Request respective authorities to undertake inventory of large mammal and bird populations on their respective areas;
- (ii) Ensure that special attention is given to endangered, or endemic species in forest reserves and other public lands;
- (iii) Establish cross sectoral linkages and communication mechanisms between the Department of National Parks and Wildlife and respective authorities for other public lands;
- (iv) Collaborate with Forestry Department and other agencies responsible for public lands in conservation and management of large mammals and birds on their respective areas;
- (v) Harmonise policies, legislation, and guidelines governing other public land with this policy and the legislation flowing from it in relation to conservation and management of large mammal and bird populations;
- (vi) Lobby for the introduction and/or enhancement wildlife utilisation schemes in forest reserves.

## **6.0 CONSERVATION AND MANAGEMENT OF WILDLIFE RESOURCES ON CUSTOMARY AND PRIVATE LAND**

### ***6.1 Wildlife on Customary Land***

**(a) Purpose:**

Encourage local communities, where conditions are suitable, to adopt wildlife conservation and management as a viable land use option.

**(b) Guiding Principle:**

- (i) Proper conservation and management of wildlife resources is dependent on a sense of ownership and value for the resource.
- (ii) Management of wildlife resources on customary land shall be the responsibility of the respective communities

**(c) Strategies:**

- (i) Strengthen the Department of National Parks and Wildlife's advisory capacity in the field of community - based wildlife conservation and management;

- (ii) Assist communities to develop and implement schemes for managing wildlife resources on their land;
- (iii) Support capacity and institutional building at community level;
- (iv) Develop enabling legislation for Multiple Use Wildlife Areas (MUWAs);
- (v) Encourage communities to establish MUWAs on their land where wildlife conservation and management is at least one of the land uses;
- (vi) Support communities in formulating and implementing management plans for MUWAs. These plans shall include monitoring, control and regulatory mechanisms for wildlife populations and a system for benefit sharing among stakeholders.

## **6.2 *Wildlife on Private Land***

### **(a) Purpose:**

Encourage land owners to consider wildlife conservation and management as a competitive land use option.

### **(b) Guiding Principle:**

- (i) Land owners shall be responsible for managing wildlife resources on their land.
- (ii) Game ranching and game farming are viable and environmentally friendly methods of generating cash earnings and protein. Successful game ranching or game farming can also ensure a reservoir for animal re-introductions to areas where the resources might be depleted.

### **(c) Strategies:**

- (i) Develop guidelines for game ranching and game farming
- (ii) Specify user rights for wildlife resources on ranches and farms

## **6.3 *Conservation of Wetlands***

Wetlands are considered extremely valuable, albeit very fragile ecosystems. They have high biodiversity and are of international importance especially for migrating birds. They also serve the beneficial hydrological functions as water reservoirs.

### **(a) Purpose:**

To maintain and enhance the ecological value of wetlands.

### **(b) Guiding Principle:**

Government acknowledges the multi-disciplinary approach that is required for successful wetlands conservation and management as well as the need for involving all stake-holders in such exercises, especially at the local level. Furthermore, Government views multiple-use schemes on a sustainable basis as the key to effective wetlands conservation. Such schemes will have to follow the adaptive management approach and need adequate monitoring schemes in order to maintain the ecological balance of the wetland habitats.

**(c) Strategies:**

- (i) Assist in the inventory of major wetland habitats in the country including an assessment of their state and integrity;
- (ii) Identify all relevant institutions and stake-holders at national and local level and subsequently establish regular communication and co-operation links with them;
- (iii) Facilitate the co-ordinated development of guidelines and management plans for all major wetland habitats;
- (iv) Establish and implement appropriate mechanisms for monitoring and, if necessary, adjusting wildlife-related activities;
- (v) Ensure conformity with the provisions of relevant international conventions (e.g. the Ramsar Convention).
- (vi) Lobby for including aspects of catchment area protection and water extraction control in the framework of wetlands management.

## **7.0 PUBLIC EDUCATION AND EXTENSION**

Enhanced public relations and extension are important in promoting wildlife conservation and management issues especially since the value of the resources is not yet adequately appreciated by a large segment of the society.

**(a) Purpose:**

Gain public support for wildlife conservation and management.

**(b) Guiding Principle:**

Protection of wildlife resources is dependent on public and political understanding and appreciation. Therefore, Government intends to enhance efforts in promoting public awareness and understanding through various channels.

**(c) Strategies:**

- (i) Enhance the Department of National Parks and Wildlife's Education, Information and Extension Unit's capacity to conduct awareness programmes including decentralisation of responsibilities to protected area level;
- (ii) Improve the Department of National Parks and Wildlife's public relation capacities especially in the production, presentation and dissemination of conservation messages;
- (iii) Design and implement awareness campaigns especially through use of the mass media;
- (iv) Carry out specific outreach programmes for selected target groups;
- (v) Promote the incorporation of conservation aspects into national school curricula;
- (vi) Encourage the use of wildlife education centres and interpretation facilities in the protected wildlife areas;
- (vii) Encourage the formation of wildlife clubs and similar associations;
- (viii) Co-operate with the private sector, voluntary and public organisations concerned with wildlife conservation and management;
- (ix) Explore possibilities of involving communities in wildlife education and extension;
- (x) Establish guidelines for the appointment of Honorary Parks and Wildlife Officers as foreseen by the National Parks and Wildlife Act;
- (xi) Recommend for the Minister's consideration detailed duties and responsibilities for Honorary Parks and Wildlife Officers which shall include their role in public awareness and conservation education;

## 8.0 CO-OPERATION WITH NATIONAL AND INTERNATIONAL PARTNERS

Government realises the need for the Department of National Parks and Wildlife's activities to be supported by efforts from other governmental and non-governmental institutions as well as the private sector inside and outside Malawi.

### (a) Purpose:

Complement efforts of the Department of National Parks and Wildlife in conserving and managing wildlife resources with those of co-operating partners at both national and international levels.

### (b) Guiding Principle:

Wildlife conservation and management is considered a cross-sectoral issue in need of broad public and political support by all national institutions involved in the sector. Furthermore, ecological systems and processes are continuous and take place irrespective of international boundaries. Therefore, it is considered necessary to further promote inter-institutional dialogue both within and outside Malawi. In particular, Government appreciates the valuable role NGOs can play in the sector.

**(c) Strategies:**

- (i) Identify all potential partners at national and international level;
- (ii) Establish and reinforce regular and clear communication links with all partners;
- (iii) Establish, where necessary, subject matter task forces on specific inter-sectoral issues relevant to the Wildlife Sector;
- (iv) Intensify the co-operation with partner institutions in neighbouring countries, especially on cross border issues (e.g. joint patrols, joint research programmes, control of illegal trade in wildlife products);
- (v) Inventorise and harmonise rules and regulations in other sectors that affect the Wildlife Sector;
- (vi) Enhance co-operation with NGOs and the private sector with interest in wildlife conservation and management.

## **9.0 WILDLIFE UTILISATION AND MANAGEMENT APPROACHES**

### ***9.1 Collaborative Management of Wildlife Resources***

Collaborative management entails sharing of benefits, accountability and decision making among stakeholders, who are to assume clearly defined rights and responsibilities. Acknowledging that wildlife conservation and management inside and outside the protected wildlife areas is unlikely to succeed without involving

stake-holders, Government is committed to enhance collaborative management of wildlife resources. These schemes have to be introduced gradually following an adaptive management approach where experiences learnt from pilot schemes shall be used to refine the methods.

**(a) Purpose:**

Enhance the effectiveness and appreciation of wildlife conservation and management especially among communities most affected by wildlife resources.

**(b) Guiding Principles:**

- (i) The partnership envisaged in collaborative management shall ensure that the ecological integrity of the habitats and biotic communities are preserved.
- (ii) Collaborative management requires an institutional framework and legally binding agreements at local level.
- (iii) In planning and conducting collaborative management activities, existing institutional structures should be used as far as possible, especially at community level.

**(c) Strategies:**

- (i) Develop a legislative and institutional framework and guidelines;
- (ii) Support capacity and institution building, particularly on the community side;
- (iii) Jointly determine and stipulate the rights and duties of the respective stakeholders;
- (iv) Develop participatory and monitoring mechanisms.

**9.2 Problem Animal Control**

The occurrence of certain species under certain circumstances can lead to conflicts with humans and may require special management measures.

**(a) Purpose:**

To minimise human/animal conflicts

**(b) Guiding Principle:**

It is Government's intention to gradually devolve the responsibility for problem animal control to the appropriate authorities for the land on which the conflicts occur, provided that Government maintains responsibility for the control of dangerous animals as defined in the National Parks and Wildlife Act. Furthermore, Government may not pay compensation for any damage caused by wildlife.

**(c) Strategies:**

- (i) Re-orient Departmental staff to new approaches for problem animal control;
- (ii) Strengthen organisational and management capacities among the respective communities;
- (iii) Develop and introduce problem animal control packages;

- (iv) Raise public awareness on methods to minimise human/animal conflicts.
- (v) Introduce an indemnity clause in the Act;
- (vi) Develop mechanisms of devolving powers of problem animal control to land owners with the exception of dangerous animals;
- (vii) Translocate problem animals where necessary and feasible.

### ***9.3 Research, Monitoring And Adaptive Management***

Wildlife conservation and management activities have to be based on sound knowledge of the nature and interactions of wildlife resources in order to maintain an ecological balance within respective biotic communities as well as the potential for their sustainable use.

#### **(a) Purpose**

Ensure better understanding of the wildlife resources and their interactions to guide wildlife conservation and management.

#### **(b) Guiding Principle:**

Government attaches highest priority to needs-driven research. Therefore research needs identified from the planning and implementation of wildlife conservation and management programmes shall receive preferential funding. Acknowledging that the capacity of the Wildlife Research Unit is limited, there is need to solicit external support to take advantage of expertise and resources that may not exist in the Unit.

#### **(c) Strategies:**

- (i) Strengthen capacity of the Wildlife Research Unit;
- (ii) Improve communication and co-ordination links between the Research Unit and other units of the Department of National Parks and Wildlife;
- (iii) Design all wildlife conservation and management activities flexibly enough to allow for monitoring, evaluation and adjustment where necessary;
- (iv) Determine and regularly review research priorities;
- (v) Establish, review and/or update monitoring procedures for management activities in order to allow for incorporation of research findings;
- (vi) Strengthen data collection capacities within the Research Unit and outside, including communities;
- (vii) Establish collaborative links with external researchers and research institutions;

- (viii) Determine guidelines and fees, as appropriate, for external research in the wildlife sector that is not of priority to the sector.

## **9.4 *Utilisation Of Wildlife Resources***

Wildlife resources render themselves to various consumptive and non-consumptive forms of utilisation which, under proper management, contribute to the socio-economic well being of the society and ecological stability of the resources.

### **(a) Purpose:**

Government acknowledges that utilisation of wildlife resources gives it economic value which enhances its proper conservation and management. Specifically Government wishes to foster support from communities adjacent to the protected wildlife areas. Furthermore, it is the intention of Government to broaden the revenue base for the wildlife sector so that it is gradually becoming self reliant.

### **(b) Guiding Principle:**

Wildlife utilisation programmes shall be sustainable to ensure ecological integrity of the resources. These utilisation programmes shall encompass both consumptive and non-consumptive uses. It is important to foster a sense of ownership for wildlife resources among communities to obtain their support for wildlife management.

### **(c) Strategies:**

- (i) Review and/or develop legislative framework as appropriate;
- (ii) Strengthen and/or develop the necessary capacities within the institutions involved (e.g. Department of National Parks and Wildlife, Communities);
- (iii) Develop and implement guidelines for respective utilisation schemes, with regulations on licensing; regular inventories; determination and revising of quotas as well as adequate and cost-effective monitoring schemes in liaison with the communities;
- (iv) Identify species and forms of wildlife that lend themselves to utilisation schemes;
- (v) Identify beneficiaries and enter into agreement with beneficiaries;
- (vi) Encourage game farming activities by communities;
- (vii) Draw guidelines for collection of specimens including levy;
- (viii) Sensitise users of wildlife products such as traditional healers on legal requirements for keeping such products;
- (ix) Encourage the formation of resource utilisation groups.



## 9.5 *Hunting*

Hunting is a high value recreational activity. There are substantial numbers of local sport hunters in Malawi who are important stake-holders within the sector. Professional hunting is a specialised activity which mainly targets the off-take of adult males of different species. It is considered economically efficient and, if properly managed, is as acceptable as other forms of wildlife based tourism. Professional Hunting is also consistent with the policy of promoting low density and up market tourism and has considerable potential to generate foreign exchange earnings. However, a high degree of professionalism is required for professional hunting to be internationally attractive in the medium and long terms.

Traditional hunting is permitted under extant law. However, no subsidiary legislation has been developed to clarify hunting rights and methods to be used.

**(a) Purpose:**

Promote wildlife-based sport hunting and clarify traditional hunting rights.

**(b) Guiding Principle:**

All hunting activities have to follow the principle of sustainable utilisation and have to be in line with socially accepted norms. In particular, care has to be taken to achieve maximum long-term benefits from hunting as opposed to possibly high, but unsustainable short-term gains. Furthermore, Government is committed, for ethical reasons, to ensure high professional standards in all hunting operations, be they modern-style or traditional. Government also reserves the right to impose hunting restrictions on particular areas and/or species in the interest of conservation.

**(c) Strategies:**

- (i) Amend and/or develop legislation and guidelines for professional, sport, as well as traditional hunting (including methods to be employed) as required;
- (ii) Regularly review the schedule of protected species that may be taken on licence;
- (iii) Empower traditional structures to grant permission to hunt on their land;
- (iv) Determine hunting quotas on a scientific basis and monitor game populations which are hunted;
- (v) Draw up effective and operational control mechanisms;
- (vi) Establish guidelines for awarding licences and hunting concessions;
- (vii) Introduce and oversee effective training and examination programmes for professional hunters to ensure the necessary competence and operational standards;

- (viii) Ensure that game species are not hunted for less than the market value of their raw products.

## ***9.6 Trade And Marketing Of Wildlife And Wildlife Products***

Government encourages legal trade in wildlife and its products. Given the wildlife resources' great vulnerability, an effective regulatory system is considered indispensable to manage trade in wildlife and wildlife products.

### **(a) Purpose:**

Government wishes to develop a co-ordinated trade and marketing system of wildlife and products that ensures sustainable benefits.

### **(b) Guiding Principles:**

- (i) All transactions involving wild animals or unprocessed wildlife products, other than meat, shall have proper authorisation. Furthermore all dealers, traders and manufacturers of wildlife products shall be licensed and registered. They shall keep records of their transactions in a form satisfactory to the Department of National Parks and Wildlife and will submit respective returns as may be required.
- (ii) The use and disposal of wildlife products and by-products that belong to the state (e.g. live captured animals, cropped meat, found or confiscated trophies) will be strictly regulated to ensure optimum returns and high standards of public accountability.
- (iii) The Government shall uphold the principles of international conventions on trade in wildlife and wildlife products particularly the Convention on International Trade in Endangered Species (CITES). However Malawi reserves the right not to support any resolution that infringes on its sovereign right to manage wildlife to the benefit of the resources and the people sharing the land with them.
- (iv) The Government will only consider the export of wildlife taken as sustainable harvest from the wild.

### **(c) Strategies:**

- (i) Set standards and issue authorisations for trading and marketing wildlife and wildlife products;
- (ii) Strengthen monitoring and control capacities of the Department of National Parks and Wildlife;
- (iii) Establish and maintain a statistical data-base on commercial wildlife-related activities;
- (iv) Develop and regularly update revenue collection procedures from the sale of wildlife and wildlife products;

- (v) Strengthen the Department of National Parks and Wildlife's capacity in treatment and preservation of wildlife products;
- (vi) Encourage the private sector to develop processing and marketing mechanisms for wildlife products;
- (vii) Sensitise customs and other law enforcement officers on wildlife trade controls.

### ***9.7 Introduction And Re-Introduction Of Wildlife Species And Keeping Of Animals In Captivity***

Government is aware of the fact that introduction and re-introduction of wildlife species is a valuable tool for restocking depleted but suitable habitats in the country. It is also cautious that some introductions or re-introductions may have to be made from captive populations. Therefore it is the Government's commitment to support, where appropriate, the introduction or re-introduction of wildlife species and the keeping of wild animals in captivity.

**(a) Purpose:**

To enhance or maintain biological diversity.

**(b) Guiding Principle:**

Introduction and re-introduction of wildlife species can adversely affect the delicate ecological balance in a given habitat. Therefore, in general, the introduction of wildlife species is not permitted. Exceptions which may be approved are species and sub-species which are or in recent history have been indigenous to Malawi. Where animals have to be kept in captivity, the facilities for holding them will meet high standards of animal husbandry and will be subject to veterinary inspection. Introduction of non-indigenous species may be allowed under very exceptional circumstances (e.g. use in research, stocking of zoos and pets) provided that Government is satisfied that such species are not released into the wild.

**(c) Strategies:**

- (i) Draft legislative framework for regulating zoos, keeping of animals in captivity, and introduction of non-indigenous species;
- (ii) Develop guidelines for keeping animals in captivity in accordance with relevant international regulations;
- (iii) Define veterinary or phytosanitary requirements for introduced and re-introduced species;
- (iv) Develop regulatory mechanisms for introduced non-indigenous species;

## 10.0 SPECIES PROTECTION AND LAW ENFORCEMENT

### 10.1 *Protection of Species*

Government wishes to increase wildlife populations within ecological limits and without compromising other legitimate forms of land use. Acknowledging that wildlife occurs both in protected wildlife areas and outside and realising that the wildlife resources are under various pressures from humans, there is need to offer special protection to certain species.

(a) **Purpose:**

Adequate and effective protection shall be afforded to rare, endangered and endemic species of wildlife.

(b) **Guiding Principle:**

Legal protection of wildlife species is only considered in cases where survival of the population is directly threatened by human activities (e.g. over-exploitation).

(c) **Strategies:**

- (i) Regularly update and publish a schedule of protected species;
- (ii) Make provision for protected species that may be taken on licence.

### 10.2 *Law Enforcement*

The delicate nature of wildlife resources necessitates effective protection against illicit use as well as trade.

(a) **Purpose:**

Deter illegal activities including poaching and illegal trade of wildlife and wildlife products.

(b) **Guiding Principles:**

- (i) Successful law enforcement is dependent on well skilled, equipped, instructed and motivated staff. Equally important is public awareness on the need to enforce laws designed to protect wildlife resources. This understanding can be achieved if communities living with the resources or directly impacted by them perceive them as their own. Furthermore, the effectiveness of law enforcement as a deterrent will depend on the sanctions and fines imposed by the judiciary

being high enough. Therefore, there is need to co-operate with the judiciary and other law enforcement agencies to ensure mutual appreciation of the wildlife resources.

- (ii) Government acknowledges that the Department of National Parks and Wildlife enforcement staff often encounter armed poachers and that they are sometimes challenged. Unfortunately no legal provision is made to indemnify or compensate the staff in the event of accidents or loss of life.
- (iii) In the course of law enforcement, Department of National Parks and Wildlife staff are sometimes confronted with situations where items which cannot be easily moved (e.g. boats) are abandoned by poachers. In these circumstances, Officers are tempted to destroy them so that they are not re-used for illegal purposes. However, the law does not protect them against such events. Similarly, movable items confiscated by law enforcement staff create storage problems even though some of them are collector's items. There is a general feeling that if these items were to be sold to the public they might again be used for illegal purposes.

**(c) Strategies:**

- (i) Provide adequate trained staff;
- (ii) Provide adequate equipment for law enforcement operations;
- (iii) Regularly review and if necessary adjust reward and incentive schemes;
- (iv) Conduct public awareness campaigns against illegal wildlife use and trade;
- (v) Enhance sensitisation of communities on the rationale and necessity of law enforcement;
- (vi) Integrate, wherever appropriate, local communities, NGOs and the private sector into the law enforcement system;
- (viii) Regularly review fines and punishments for illegal wildlife use and trade;
- (vii) Enhance and promote wildlife law enforcement issues among Judiciary and Police;
- (ix) Establish co-ordinated under-cover investigation programmes;
- (x) Enhance cross-border collaboration with relevant authorities (especially police and customs);
- (xi) Introduce legal provisions to indemnify and compensate staff;
- (xii) Draft legislation and establish guidelines for disposal of confiscated or abandoned items.
- (xiii) Determine rules of engagement for law enforcement staff;

- (xiv) Draft legislation to empower officers to bear fire-arms
- (xv) Explore possibilities for compensating law enforcement officers wounded or killed in the line of duty and draft appropriate legislation

DNPW/GTZ 01/2000end

Kenyatta Nyirenda - Wp 5.2 - Kkparks  
Subject: National Parks and Wildlife  
(Amendment) Bill, 1999  
13th November, 1999

**NATIONAL PARKS AND WILDLIFE (AMENDMENT)**

**BILL, 1999**

## ARRANGEMENT OF SECTIONS

### SECTION

1. Short title
2. Amendment of s.2 of Act No. 11 of 1992
3. Amendment of s.3(2) of the principal Act
4. Amendment of s.4 of the principal Act
5. Amendment of s.6 of the principal Act
6. Amendment of s.7 of the principal Act
7. Replacement of s.8 of the principal Act
8. Amendment of s.9 of the principal Act
9. Amendment of s.12 of the principal Act
10. Amendment of s.14 of the principal Act
11. Amendment of s.16 of the principal Act
12. Amendment of s.18 of the principal Act
13. Amendment of s.19 of the principal Act
14. Replacement of s.22 of the principal Act
15. Insertion of new Part IIIA in the principal Act
16. Amendment of Part IV of the principal Act
17. Amendment of Part V of the principal Act
18. Amendment of s.32(2) of the principal Act
19. Insertion of new s.43A in the principal Act
20. Amendment of s.44(1) of the principal Act
21. Amendment of s.45 of the principal Act



22. Amendment of s.47 of the principal Act
23. Amendment of s. 48(1) of the principal Act
24. Insertion of new s.48A in the principal Act
25. Amendment of s.49 of the principal Act
26. Amendment of s.54 of the principal Act
27. Insertion of new s.54A, 54B and 54C in the principal Act
28. Amendment of s.55(2) of the principal Act
29. Amendment of s.56 of the principal Act
30. Amendment of s.58 of the principal Act
31. Amendment of s.59 of the principal Act
32. Amendment of s.60 of the principal Act
33. Replacement of s.64 of the principal Act
34. Repeal of s.69 of the principal Act
35. Amendment of s.88 of the principal Act
36. Amendment of s.94 of the principal Act
37. Amendment of s.103 of the principal Act
38. Amendment of s.108 of the principal Act
39. Amendment of s.109 of the principal Act
40. Amendment of s.110 of the principal Act
41. Amendment of s.111 of the principal Act
42. Insertion of new Part XIVA in the principal Act
43. Replacement of s.121 of the principal Act
44. Insertion of new s.121A in the principal Act
45. Replacement of s.122 of the principal Act

## A BILL ENTITLED

An Act to amend the National Parks and Wildlife Act.

ENACTED by the Parliament of Malawi as follows-

- |  |  |
|--|--|
| Short title                                  | 1. This Act may be cited as the National Parks and Wildlife (Amendment) Act, 1999.   |
| Amendment<br>of s.2 of Act<br>No. 11 of 1992 | <p>2. The National Parks and Wildlife Act, 1992 (hereinafter referred to as the "principal Act") is amended, in section 2-</p> <ul style="list-style-type: none"><li>(a) in the definition of the word "officer", by deleting the words "other officer appointed pursuant to section 5" and substituting therefor the words "of the officers mentioned in section 6(3)";</li><li>(b) in the definition of the words "protected area", by deleting the words "wildlife reserve" and substituting therefor the words "nature sanctuary"; and</li><li>(c) by inserting, in alphabetical order, the following new definitions-</li></ul> |

No. 23 of 1996

"environmental inspector" has the same meaning as in the Environment Management Act;

Cap. 14:08

"firearm" has the same meaning as in the Firearms Act;

No. 25 of 1997

"fisheries officer" has the same meaning as in the Fisheries Conservation and Management Act;

No. 11 of 1997

"forest officer" has the same meaning as in the Forestry Act;

"local community" includes corporate and incorporate persons such as non-governmental organisations;

"wildlife management authority" means any local community organisation or other private organisation established for the purposes of promoting local community participation in the conservation and management of wildlife;

Amendment  
of s.3 of the  
principal Act

3. Section 3 of principal Act is amended-

(a) in subsection (1)-

(i) in paragraph (e), by deleting the word "and"  
where it last occurs;

(ii) by deleting the word "." in paragraph (f) and  
substituting therefor the words "; and"; and

(iii) by adding thereto the following new paragraph-

(g) the promotion of local community  
participation in conservation and  
management of wildlife.";

(b) in subsection (2)-

(i) by deleting the word "." and substituting therefor  
the word ":"; and

(ii) by adding thereto the following provision-

"Provided that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as reason for postponing cost-effective measures to prevent degradation of wildlife.".

Amendment  
of s.4 of the  
principal Act

4. Section 4 of the principal Act is amended-

(a) by deleting subsection (1); and

(b) renumbering subsections 2, 3, 4, 5 and 6 as 1, 2, 3, 4 and 5.

Amendment  
of s.6 of the  
principal Act

5. Section 6 of the principal Act is amended-

(a) in subsection (1), by deleting the words "wildlife reserve" and "wildlife reserves" and substituting therefor the words "nature sanctuary" and "nature sanctuaries" respectively;

(b) in subsection (2), by inserting the words "wildlife management authority and" immediately before the word "officer";

(c) by adding thereto the following subsections-

" (3) For purposes of this Act, the following persons shall be officers-

(a) parks and wildlife officers;

(b) fisheries officers, forest officers, environmental inspectors, customs officers, members of the Malawi Police Force and Malawi Army, and Honorary Parks and Wildlife Officers as the Minister may designate by notice published in the Gazette; and

(c) such other public officers as the Minister may designate by notice published in the Gazette;

(4) The Minister may, by regulations, set out circumstances in which any of the persons specified in paragraphs a, b and c may authorise or order any person to perform duties under this Act.

Cap. 55:03

(5) Notwithstanding the definition of "worker" in the Workers' Compensation Act, an officer other than an Honorary Parks and Wildlife Officer who-

(a) suffers injuries in the course of performing his duties under this Act; or

(b) dies as a result of injuries suffered in the course of performing his duties under this Act,

Cap. 55:03

shall be paid compensation which shall be calculated in accordance with the provisions of the Workers Compensation Act.

(6) The Chief Parks and Wildlife Officer may, in the performance of his duties under this Act, delegate, in writing, any of his duties to a wildlife management authority or any other public officer.

(7) Every wildlife management authority and officer shall, in the performance of his duties under this Act, be subject to the direction of the Chief Parks and Wildlife Officer.

(8) The Minister may, on the recommendation of the Board, make regulations providing for conduct of officers, by class or generally, in the performance of their duties under this Act."

Amendment of  
s.7 of the  
principal Act

6. Section 7 of the principal Act is amended-

(a) in subsection (1), by inserting the words "to assist in the implementation of this Act" immediately after the word "Officer"; and

(b) by deleting subsection (4) and substituting therefor the following new subsection-

"(4) Subject to subsection (3), an Honorary Parks and Wildlife Officer shall perform his duties under this Act on voluntary basis and the Government shall not be bound to pay an Honorary Parks and Wildlife Officer."

Replacement of  
s.8 of the  
principal Act

7. Section 8 of the principal Act is deleted and replaced by the following new section-



"Powers  
of  
officers

8. - (1) Any officer may, without warrant, enter upon any land, building, tent, motor vehicle, trailer, container, aircraft or boat for the purpose of ensuring that the provisions of this Act are being complied with or for the purpose of preventing or detecting any offence under this Act.

(2) Subject to subsection (3), an officer may carry and use firearms.

(3) The Minister may, on the recommendation of the Board, make regulations-

(a) specifying, by name or rank, officers or class of officers who may carry and use firearms; and

(b) governing the carrying and use of firearms by officers.

(c) *making regulations authorized to carry firearms.*

(4) An officer shall, for purposes of the Firearms

Cap. 14:08

Act, be deemed to be a person in the service of the Government acting in accordance with his duties as such."

Amendment of  
s.9 of the  
principal Act

8. Section 9 of the principal Act is amended-

(a) in subsection (1)-

(i) by deleting the words "or any police officer"; and

(ii) by inserting, immediately after the words  
"trailer," the words "container,"; and

(b) in subsection (2), by deleting the words "or police  
officer".

Amendment of  
s. 12 of the  
principal Act

9. Section 12 of the principal Act is amended by deleting-

(a) the words "- (1)"; and

(b) subsection (2).

Amendment  
of s.14 of the  
principal Act

10. Section 14 of the principal Act is amended by deleting the words  
"or any police officer".

Amendment of  
s.16 of the  
principal Act

11. Section 16 of the principal Act is amended by deleting the  
marginal note and substituting therefor the following new marginal note-

"alteration, etc.,

of official

record".

Amendment of  
s.18 of the  
principal Act

12. Section 18 of the principal Act is amended-

(a) in subsection (1)-

(i) by deleting paragraph (a) and substituting therefor  
the following new paragraph-

"(a) the following ex officio members-

X (i) the Principal Secretary responsible  
for wildlife; X

(ii) the Chief Parks and Wildlife  
Officer;

reass

Head of Wildlife

- (iii) ~~the officer-in-charge of National~~  
~~Parks and Wildlife Research Unit~~  
or his designated representative;

- (iv) the Commissioner for Local  
Government or his designated  
representative;

Can be  
Accepted

- (v) the Director of Antiquities or his  
designated representative;

- (vi) the Director of Fisheries or his  
designated representative; and

- (vii) the Director of Forestry or his  
designated representative;

Can be  
Accepted

- (viii) the Director responsible for land  
in the Ministry responsible for  
agriculture or his designated  
representative;

(ix) the Director of Environmental Affairs or his designated representative;

(x) the Director of Tourism or his designated representative;

(ii) by deleting paragraph (c) and substituting therefor the following new paragraph-

"(c) two members representing the private sector appointed by the Minister;"

(iii) by inserting the following new paragraph-

"(d) two members representing non-governmental organisations appointed by the Minister; and"; and

(iv) renumbering paragraph (d) as (e);

(b) in subsection (3), by deleting the word "two" and substituting therefor the word "three"; and

(c) in subsection (6), by deleting the words "and (d)" and substituting therefor the words, "(d) and (e)"

Amendment  
of s.19 of the  
principal Act

13. Section 19 of the principal Act is amended, in paragraph (a), by deleting the words "wildlife reserves" and substituting therefor the words "nature sanctuaries".

Replacement of  
s.22 of the  
principal Act

14. Section 22 of the principal Act is deleted and replaced by the following new section-

"Allowances 22. A member of the Board or a sub-committee thereof shall be paid such allowances as the Minister may determine.".

Insertion of  
new Part IIIA  
in the  
principal Act

15. The principal Act is amended by inserting, immediately after section 22, the following new Part-

"PART IIIA - LOCALCOMMUNITY PARTICIPATION

Purposes  
of this  
Part

22A The purpose of this Part is to provide for local community participation in conservation and management of wildlife.

Wildlife  
manage-  
ment  
agreement

22B. - (1) For proper management of wildlife,  
the Chief Parks and Wildlife Officer may enter into a  
wildlife management agreement with a wildlife  
management authority providing for, inter alia-

(a) a management plan;

(b) assistance to be provided by the  
Department of National Parks and  
Wildlife; and

(c) rights and duties of the wildlife  
management authority.

(2) Subject to performance of unfulfilled  
obligation under a wildlife management agreement to the  
right of a third party, a wildlife management agreement  
may be terminated by either party.

(3) In the event of any dispute which cannot  
be resolved by the parties arising under a wildlife  
management agreement, the matter shall be referred to  
the Minister:

Provided that any party aggrieved with the decision of the Minister may within thirty days thereof apply to the High Court for review of the decision.

Minister  
may make  
rules

22C. - (1) The Minister may, on the recommendation of the Board,  
make rules for the better carrying into effect of the purposes of  
this Part

(2) Without prejudice to the generality of subsection (1), the  
rules may-

- (a) provide for conservation and management of  
wildlife; *(in areas outside protected areas)*
- (b) facilitate the establishment of wildlife  
management authorities;
- (c) encourage local government authorities, non-  
governmental organizations, the private sector  
and other relevant institutions to contribute  
towards



provision of wildlife extension services in accordance with guidelines provided by the Chief Parks and Wildlife Officer;

- (d) provide for the establishment and management of multiple use wildlife areas outside National Parks, and Wildlife Reserve and Nature Sanctuaries
- (e) authorize payments of grants or bonus out of public funds for encouragement of the management of wildlife; and
- (f) prescribe a mechanism for sharing costs and benefits between the Department of National Parks and Wildlife and wildlife management authorities."

Amendment  
of Part IV of  
the principal  
Act

16. Part IV of the principal Act is amended-

- (a) in the heading thereof, by deleting the word "WILDLIFE" and substituting therefor the word "ENVIRONMENTAL";
- (b) in subsection (1) of section 23, by deleting the word "wildlife" immediately before the word "impact" and substituting therefor the word "environmental";
- (c) in subsection (1) of section 24, by deleting the word "wildlife" immediately before the word "impact" and substituting therefor the word "environmental"; and
- (d) by deleting subsection (2) of section 24 and substituting therefor the following new subsection-

"(2) In conducting the assessment, the Board may-

- (a) use any powers available to it under this Act as it may consider necessary;

- (b) utilize the services of the Chief  
Parks and Wildlife Officer;
- (c) invite written or oral comments  
from the public; and
- (d) conduct public hearings at such  
place or places as the Board  
deems necessary for purposes of  
assessing public opinion."

Amendment  
of Part V of  
the principal  
Act

17. Part V of the principal Act is amended-

- (a) by deleting the words "wildlife reserves" and "wildlife  
reserve" and substituting therefor the words "nature  
sanctuaries" and "nature sanctuary" respectively; and
- (b) in section 27-
  - (i) by inserting the following new paragraph-
    - "(e) to promote education on wildlife in urban  
areas;"; and

- (ii) by renumbering paragraphs (e) and (f) as (f) and (g).

Amendment  
of s.32(2) of  
the principal  
Act

- 18. Section 32 of the principal Act is amended, in subsection (2)-

- (a) by deleting paragraphs (a) and (b) and substituting therefor the following new paragraph-

"(a) the Minister, the Chief Parks and Wildlife Officer, a member of the Board, an officer or an employee of the Department of National Park and Wildlife in the course of performing his duties requiring his presence in a national park or nature sanctuary; or" and

- (b) by renumbering paragraph (c) as (b).

Insertion of  
s.43A in  
the principal  
Act

- 19. The principal Act is amended by inserting, immediately after new section 43, the following new section-

"Endangered  
species

- 43A. (1) The Minister may, from time to time, on the recommendation of the Board, cause to be published

in the Gazette, a list of all species to be classified as endangered species under this Act."

(2) Any order made under subsection (1) may apply to an individual species throughout Malawi, or to all or some species in a specified area, or to varieties of a species including sex and age groups

Amendment  
of s.44(1) of  
the principal  
Act

20. Section 44 of the principal Act is amended, in subsection (1)-

- (i) by inserting the word "some" immediately before the word "protected"; and
- (ii) deleting the word "shall" and substituting therefor the word "may";and

(b) in subsection (2), by deleting the words ~~and not later~~ than the tenth day of November each year, during the following year, and such list shall take effect from the first day of January of the following year."

Amendment  
of s.45 of the  
principal Act

21. Section 45 of the principal Act is amended by inserting the words "and endangered species" immediately after the word "species".

Amendment  
of s.47 of the  
principal Act

22. Section 47 of the principal Act is amended-

(a) in subsection (1)-

(i) by inserting the words "and, where so required under this Act, a permit" immediately before the word "issued"; and

(ii) by inserting the words "or a permit" immediately before the word "while"; and

(b) in subsection (2), by inserting the words "and, where so required under this Act, a permit" immediately after the word "licence".

Amendment of  
s.48(1) of the  
principal Act

23. Section 48 of the principal Act is amended, in subsection (1)-

- (a) by deleting the word "and" in paragraph (d);
- (b) by deleting the word "." in paragraph (e) and substituting therefor the word ";"; and
- (c) by adding thereto the following new paragraphs-
  - "(f) an animal captivity licence;
  - (g) a game ranching licence; and
  - (h) a crocodile hunting licence."

Insertion of  
new s.48A in  
the principal  
Act

24. The principal Act is amended by inserting, immediately after section 48, the following new section-

"Permits 48A - (1) The Minister may, on the recommendation of the Board, by notice published in the Gazette, specify classes of licences in respect of which the obtaining of a permit under this Act shall be a condition

precedent to hunting under the authority of the licence.

(2) Permits under this Act shall be issued by such persons in a wildlife district as the Chief Parks and Wildlife Officer may by notice in the Gazette designate.

(3) Every permit under this Act shall be in a prescribed form.

Amendment  
of s.49 of the  
principal Act

25. Section 49 of the principal Act is amended by inserting the words "and permit" immediately after the word "licence".

Amendment  
of s.54 of the  
principal  
Act

26. Section 54 of the principal Act is amended-

- (a) by inserting, the words "area, within or without a" immediately after the word "specified"; and
- (b) by deleting the words " wildlife eserve" and substituting therefor the words "nature sanctuary. "

Insertion of new  
ss.54A, 54B and  
54C in the  
principal Act

27. The principal Act is amended by inserting, immediately after section 54, the following new sections-



"54A. - (1) Subject to the provisions of this Act and the conditions prescribed for such a licence, an animal captivity licence shall authorize the licensee to keep in captivity protected species specified in the licence subject to and in accordance with the conditions prescribed generally for such class of licences or specially endorsed on his licence.

(2) A captivity licence shall only be issued to citizens or residents of Malawi.

54B. - (1) Subject to the provisions of this Act and the conditions prescribed for such a licence, a game ranching licence shall authorise the licensee to ranch protected species on private land.

(2) A game ranching licence shall only be issued to citizens or residents of Malawi.

54C. - (1) A crocodile hunting licence shall authorise the licensee to hunt crocodiles in a specified area and shall be issued subject to and in accordance with the conditions prescribed generally for such class of licence or specially endorsed on his licence."

Amendment  
of s.55 (2) of  
the principal  
Act

28. Section 55 of the principal Act is amended, in subsection (2),  
by deleting the words", if requested by the applicant,".

Amendment  
of s.56 of  
the principal  
Act

29. Section 56 of the principal Act is amended-
- (a) in subsection (2), by deleting the words "be free to"; and
  - (b) by deleting subsection (3).

Amendment  
of s.58 of  
the principal  
Act

30. Section 58 of the principal Act is amended-
- (a) in subsection (2), by deleting the words "be free to"; and
  - (b) by deleting subsection (3).

Amendment  
of s.59 of  
the principal  
Act

31. Section 59 of the principal Act is amended-
- (a) in subsection (5), by deleting the words "be free to"; and
  - (b) by deleting subsection (6).

Amendment  
of s.60 of  
principal Act

32. Section 60 of the principal Act is amended by deleting the words  
"or police officer."

Replacement  
of s.64 of  
the principal  
Act

33. Section 64 of the principal Act is repealed and replaced by the  
following new section-

"Prohibition 64. Any person who, for the purpose of  
of use of  
fire for hunting, taking or assisting another to hunt or  
hunting  
take, any wild animal or plant, causes any fire  
shall be guilty of an offence."

Repeal of  
of s.69 of  
the principal  
Act

34. Section 69 of the principal Act is repealed

Amendment  
of s.88  
of the  
principal  
Act

35 Section 88 of the principal Act is amended-

- (a) in subsection (6), by deleting the word "may", where it  
first occurs, and substituting therefor the word "shall";  
and
- (b) by deleting subsection (7)

Amendment  
of s. 94  
of the  
principal  
Act

36. Section 94 of the principal Act is amended -

- (a) in subsection (4), by deleting the word "may", where it  
first occurs, and substituting therefor the word "shall";and
- (b) by deleting subsection (5).

Amendment  
of s.103 of  
the principal  
Act

37. Section 103 of the principal Act is amended by deleting the  
words "wildlife reserves" and substituting therefor the words "nature  
sanctuaries".

Amendment of  
s.108 of the  
principal Act

38. Section 108 of the principal Act is amended-

- (a) in paragraph (a), by deleting the words "K200", "K500" and "three months" and substituting therefor the words "K5,000", "K10,000" and "two years" respectively; and
- (b) in paragraph (b), by deleting the words "K500", "K1,000" and "six months" and substituting therefor the words "K10,000", "K20,000" and "four years" respectively.

Amendment of  
s.109 of the  
principal Act

39. Section 109 of the principal Act is amended-

- (a) in subparagraph (i), by deleting the words "K800", "K2,000" and "one year" and substituting therefor the words "K10,000"; "K20,000" and "four years" respectively; and
- (b) in subparagraph (ii), by deleting the words "K50", "K2,000" and "one year" and substituting therefor the words "K1,000", "K10,000" and "two years" respectively.

- |   |     |   |
|---|-----|---|
| Amendment of s.110 of the principal Act         | 40. | Section 110 of the principal Act is amended by deleting the words "K10,000" and "5" and substituting therefor the words "K50,000" and "ten" respectively. |
| Amendment of s.111 of the principal Act         | 41. | Section 111 of the principal Act is amended by deleting the words "K10,000" and "5" and substituting therefor the words "K50,000" and "ten" respectively. |
| Insertion of new Part XIVA in the principal Act | 42. | The principal Act is amended by inserting, immediately after section 120, the following new Part-   |

"PART XIVA - INTERNATIONALCO-OPERATION IN WILDLIFE

- |                      |       |   |
|----------------------|-------|---|
| Purpose of this Part | 120A. | The purpose of this Part is to provide for<br><br>the promotion of the management of cross-border<br><br>wildlife and wildlife resources and<br><br>implementation of agreed national obligations<br><br>arising from bilateral, regional and international<br><br>environmental and other related conventions to<br><br>which Malawi is a party. |
|----------------------|-------|---|

Cross-border management	120B.	For the proper management of cross-border wildlife and wildlife resources, the Chief Parks and Wildlife Officer may produce management plans which lead to the realization of common wildlife goals in cross-border areas.
Regional fora	120C.	Implementation of common plans may be reviewed in bilateral or regional fora such as Joint Permanent Commissions of Co-operation, the Southern Africa Development Community and others.
Cross-border trade in wildlife produce	120D.	To ensure sustainable utilization and marketing of wildlife resources across borders, the Chief Parks and Wildlife Officer shall institute mechanisms for the verification of the legality of the wildlife produce being imported or exported.
Implementation of	120E.	The Minister may, by an order published in the <u>Gazette</u> , specify the measures for the proper implementation of relevant provisions of any convention on environment to which Malawi is a party.

Replacement of  
s.121 of the  
principal Act

43. Section 121 of the principal Act is repealed and replaced by the following new section-

"Exemptions,  
indemnities  
and  
exclusions

121. - (1) Nothing in this Act shall make it unlawful for the Chief Parks and Wildlife Officer or any officer acting with the authority of the Chief Parks and Wildlife Officer-

(a) to hunt or authorise any person to hunt any animal in any area including a protected area where-

(i) such hunting is required in the interests of proper research, management or administration;

(ii) he considers it necessary for the safety of the public or the protection of livestock, crops or other property; or

(iii) he considers it necessary for the prevention of undue suffering by an animal; or

(b) to bring any weapon, ammunition, vehicle or other thing into a protected area for the enforcement of this Act.

(2) Neither the Government nor any officer thereof shall be responsible for any loss or damage which may occur to any person or to any property during a search or act of seizure under this Act or whilst such property is detained under this Act unless the same has been caused maliciously, fraudulently or through gross neglect.

(3) Nothing in this Act shall render an officer guilty of an offence under this Act in respect of anything done by him in the course of his duty as such officer.



(4) No civil or criminal action shall lie against an officer in respect of any act done or omitted to be done by him in good faith in the purported exercise of any powers under this Act if there shall have been reasonable cause for such act or omission.

(5) Persons who enter or who are permitted to reside in national parks or nature sanctuaries shall do so at their own risk and no liability shall attach to the Government, an officer or any public officer for any loss of life or injury sustained by any person or loss of or damage to any property of any person in any national park or nature sanctuary by reason of the presence, action or depredation of any animal."

(6) For avoidance of doubt, sub-section (5) does not apply to an officer and a member of the family of an officer who have been permitted to enter or reside in a national park or nature sanctuary.

Insertion of  
s.121A in the  
principal Act

44. The principal Act is amended by inserting, immediately after section 121, the following new section-

"Wildlife  
districts  
and  
permit fees

121A. - (1) For the purpose of the issue of permits, the levying of permit fees and the administration and expenditure of permit fees the Chief Parks and Wildlife Officer may, from time to time, by notice published in the Gazette designate wildlife districts and may in like manner alter or rescind any wildlife district.

(2) Permit fees prescribed pursuant to this Act shall be collected in a wildlife district by such persons as the Chief Parks and Wildlife Officer may, by notice published in the Gazette, designate.

(3) Permit fees shall be used for the benefit of the people in the wildlife district in which it is collected.

(4) Permit fees shall be administered in such manner as shall be prescribed.

Replacement of  
s.122 of the  
principal Act

45. Section 122 of the principal Act is repealed and replaced by the following new section-

"Application  
for judicial  
review

122. Any person who, having appealed to the Minister under section 56(1), 58(1), 59(4), 88(5) or 94(3), is aggrieved by the decision of the Minister may, within thirty days thereof, apply to the High Court for judicial review of the decision of the Minister."
- 

#### OBJECTS AND REASONS

This Bill amends the National Parks and Wildlife Act, 1992 following the adoption by the Government of a new National Wildlife Policy. The Bill makes provision for, inter alia-

- (a) community participation in the conservation of wildlife;
- (b) the improvement of the enforcement mechanism;
- (c) the enhancement of penalties to appropriate levels;
- (d) the sharing of revenue with communities involved in management of wildlife;
- (e) new licences, namely, animal captivity licence, game ranching licence and crocodile hunting licence;
- (f) international co-operation in wildlife.

P.H. FACHI, SC  
Attorney General

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(Published 15th May, 1992)

Act No. 11 of 1992

I assent

H. Kamuzu Banda

LIFE PRESIDENT

4th May, 1992

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## ARRANGEMENT OF SECTIONS

### PART I - PRELIMINARY SECTION

1. Short title and commencement
2. Interpretation
3. Purposes of this Act
4. Ownership of wild animals and plants

### PART II - ADMINISTRATION

5. Chief Parks and Wildlife Officer
6. Duties of the Chief Parks and Wildlife Officer and other officers
7. Appointment of Honorary Parks and Wildlife Officers
8. Officers to prevent and detect offences
9. Seizure of specimens and articles
10. Return of seized specimens and articles
11. Barriers to be placed across the roads
12. Arrest of persons committing offences
13. Prosecution by officers
14. Production of documents for inspection
15. Obstruction of officers, etc.
16. Altering or defacing official records and documents

### PART III - WILDLIFE RESEARCH AND MANAGEMENT BOARD

17. Establishment of the Board
18. Composition of the Board
19. Functions of the Board

- 20. Meetings of the Board
- 21. Members of the Board not deemed public officers
- 22. Allowances

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- 23. Requests to conduct wildlife impact assessments
- 24. Submission of assessment reports to the Minister
- 25. Contents of assessment reports

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- 27. Purposes of national parks and wildlife reserves
- 28. Procedure for declaration of national parks or wildlife reserves
- 29. Acquisition of land for national parks or wildlife reserves
- 30. Temporary management measures
- 31. Description of the area to be declared a national park or wildlife reserve
- 32. Prohibition of entering or residing in national parks or wildlife reserves
- 33. Prohibition of possession or use of weapons, traps, explosives or poisons
- 34. Prohibition of deposition of litter or waste
- 35. Other prohibited acts in a national park wildlife reserve
- 36. Destruction of animals by officers
- 37. Prohibition against introduction of plants into national parks or wildlife reserves
- 38. Prohibition against fire in national parks or wildlife reserves
- 39. Control of harvest in national parks or wildlife reserves
- 40. Board to be apprised of data
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- 48. Classes of licences
- 49. Licence not transferable
- 50. Bird licence
- 51. Game licence
- 52. Visitor's licence
- 53. Special licence
- 54. Hunting licence
- 55. Grounds on which a licence may be refused

56. Appeal to the Minister against refusal of issuance of licence or permit
57. Revocation of a licence or permit
58. Appeal to the Minister upon revocation of a licence
59. Cancellation or suspension of a licence or permit
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## THE NATIONAL PARKS AND WILDLIFE ACT OF 1992

An Act to consolidate the law relating to national parks and wildlife management; to establish the Wildlife Research and Management Board; and to provide for matters incidental thereto or connected therewith.

ENACTED by the Parliament of Malawi as follows-

### PART I - PRELIMINARY

- |    |   |                                    |
|----|---|------------------------------------|
| 1. | This Act may be cited as the National Parks and Wildlife Act, 1992, and shall come into operation on a date to be appointed by the Minister by notice published in the <i>Gazette</i> .   | Short title<br>and<br>Commencement |
| 2. | <p>In this Act, unless the context otherwise requires -</p> <p>“aircraft” includes all flying machines, whether or not powered by engines of any sort, whether captive, navigable, or free, and whether or not controlled by human agency, and all ground effect machines or hovercraft;</p> <p>“animal” includes any member of the animal kingdom and includes man;</p> <p>“Board” means the Wildlife Research and Management Board established under section 17;</p> <p>“certificate of ownership” has the meaning ascribed to it under section 88;</p> <p>“dangerous animal” includes hyaena, lion, leopard, hippo, elephant, rhinoceros, buffalo, or crocodile;</p> <p>“dependent young” means any juvenile animal patently depending on an adult of the same species for sustenance or protection;</p> <p>“domestic animal” means any animal which is sufficiently tame to serve some purpose for the use of man, whether or not such use is utilitarian, and includes individual animals which were once tamed or which are in the process of being so tamed;</p> <p>“Fund” means the National Parks and Wildlife Fund established under section 100;</p> <p>“game species” means a species of animals designated as a game species under section 44;</p> <p>“Government trophy” has the meaning ascribed to it under section 90;</p> <p>“hours of darkness” means the period between one half hour after sunset and one half hour before sunrise;</p> <p>“hunt” means to attempt to take;</p> <p>“officer” means the Chief Parks and Wildlife Officer and any other officer appointed pursuant to section 5;</p> | Interpretation                     |



"listed species" means plant or animal species under any international, regional or bilateral agreement to which Malawi or the Government is a party, and under regulations made pursuant to section 99;

"plant" means any member of the plant kingdom and includes the seeds of any plant species;

"professional hunter's licence" means a licence issued pursuant to section 92;

"protected area" includes a national park, wildlife reserve and forest reserve;

"protected species" means any plant or animal declared as such pursuant to section 43;

"re-export" in relation to specimens, means to export a specimen previously imported into Malawi;

"specimen" means any wild plant or animal, alive or dead, whether or not native to Malawi, and any readily recognisable part or derivative of such plant or animal;

"sustainable yield level" means the highest rate of harvesting a specified wildlife population which can be maintained indefinitely without reducing the capacity of the population to continue providing the said rate of harvesting;

"take" in relation to an animal, means to wound, capture, or kill the animal, or remove or destroy its nest or egg or any part of it;

"wild animal" means any animal which is *rerae naturae*, but does not include any domestic animal;

"wildlife" means any wild plant or animal of a species native to Malawi and includes animals which migrate through Malawi, and biotic communities composed of those species.

Purposes of  
this Act

3.-(1) The purposes of this Act are -

- (a) the conservation of selected examples of wildlife communities in Malawi;
- (b) the protection of rare, endangered and endemic species of wild plants and animals;
- (c) the conservation of wildlife throughout Malawi so that the abundance and diversity of their species are maintained at optimum levels commensurate with other forms of land use in order to support sustainable utilisation of wildlife for the benefit of the people of Malawi;
- (d) the control of dangerous vertebrate species;
- (e) the control of import, export and re-export of wildlife species and specimens; and
- (f) the implementation of relevant international treaties, agreements or any other arrangement to which Malawi or the Government is party.

g) protected & migratory & wildlife protected areas.

Sec 27

- (2) For the better achievement of the purposes of this Act, the Minister and every other person responsible for the administration of this Act shall ensure that any measures taken or instituted under this Act are based on the results of scientific investigation including the monitoring of species status and habitat condition.
- (3) The provisions of this Act which relate to the management of species in wild habitats, shall refer only to species presently or formerly native to Malawi and shall not be construed as authorising the introduction of exotic plants or animals into wild habitats within Malawi.
- 4
- 1) The ownership of every wild animal and wild plant existing in its wild habitat in Malawi is vested in the President on behalf of, and for the benefit of, the people of Malawi.
  - 2) Where any plant or animal other than a protected species is lawfully taken by any person, the ownership of such plant or animal shall, subject to the provisions of this Act, vest in that person.
  - 3) If any protected species is lawfully taken pursuant to a licence issued under this Act, the ownership of such animal or plant shall, subject to the provisions of this Act and to the terms and conditions of the licence, vest in the licence.
  - 4) If prior to the commencement of this Act, any wild plant or animal is lawfully vested in any person such plant or animal shall, subject to the provisions of this Act, vest or continue to be vested in that person.
  - 5) Except with the authority under any licence, nothing in this section shall be deemed to transfer to any person the ownership of any protected animal found dead or dying, or a protected plant that has been cut down.
  - 6) If any person takes any protected animal or protected plant in contravention of this Act, the ownership of the animal or plant shall not be transferred to that person.
- Ownership  
of wild  
animals or  
plants

#### PART II - ADMINISTRATION

5. For the purpose of implementing this Act, there shall be appointed in the public service an officer to be designated as the Chief Parks and Wildlife Officer and other officers subordinate to him who shall be responsible for the administration of this Act subject to any general or special directions of the Minister.
- Chief Parks and  
Wildlife Officer  
and other officers
6. - (1) The Chief Parks and Wildlife Officer shall, subject to the general or special directions of the Minister, be responsible for the management of national parks and wildlife throughout Malawi and, in particular, for implementing the provisions of this Act, and shall exercise control over national parks and wildlife reserves in accordance with the provisions of this Act and any order declaring a national park or a wildlife reserve.
- Duties of the  
Chief Parks and  
Wildlife Officer

- 
- (2) Every officer shall exercise such functions and duties as may be conferred upon him by this Act or as may be delegated or assigned to him by the Chief Parks and Wildlife Officer.
- Appointment of an Honorary Parks and Wildlife Officer
7. - (1) The Minister may appoint any person to be an Honorary Parks and Wildlife Officer for such period not exceeding three years as the Minister shall specify in the instrument of appointment, and may, in like manner, renew or revoke any such appointment and shall cause notice of the appointment, renewal or revocation to be published in the *Gazette*.
- (2) The appointment of any Honorary Parks and Wildlife Officer may be-
- a) general, in which case it shall authorise the officer to act in any part of Malawi; or
  - b) limited, authorising the officer to act only within a specified part or specified parts of Malawi.
- (3) An Honorary Parks and Wildlife Officer may at any time be called by the Chief Parks and Wildlife Officer to serve on such official duties under this Act and for such length of time as may be agreed between the officer and the Chief Parks and Wildlife Officer.
- 4) Every Honorary Parks and Wildlife Officer appointed under this section shall, while on official duty, be subject to the directions of the Chief Parks and Wildlife Officer or other officers appointed under this Act.
- Officers to prevent and detect offences
8. Any officer or any police officer may, without warrant, enter upon any land, building, tent, motor vehicle, trailer, aircraft, or boat for ensuring that the provisions of this Act are being complied with, or for the purpose of preventing or detecting any offence under this Act.
- Seizure of specimens
9. - (1) Any officer or any police officer may, without warrant, search any land, building, tent, motor vehicle, trailer, aircraft, boat or any baggage or package -
- (a) if he has reasonable grounds for believing that any person has committed or is committing or is about to commit an offence under this Act: or
  - (b) to verify any document or matter purported to have been issued under this Act, and if such officer finds any specimen or article which appears to have been obtained, possessed, used or about to be used in committing an offence under this Act, he shall seize such specimen or article.
- (2) Any officer or police officer who seizes any specimen or article pursuant to subsection (1) shall give to the person from whom it was seized a receipt therefor in the prescribed form if any, signed by the officer or police officer.

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10. Where the Chief Parks and Wildlife Officer is notified in writing by the of  
Chief Public Prosecutor that no prosecution should be instituted for an offence committed in connection with or in respect of any specimen or article seized under section 9, or where such prosecution has, if concluded, not resulted in the conviction of that person in respect thereof, any specimen or article seized shall be returned to its owner within fourteen days of the receipt by the Chief Parks and Wildlife Officer of such written notice from the Chief Public Prosecutor:
- Return  
seized  
specimens  
and articles
- Provided that any such specimen or article shall not be so returned if the court has ordered it to be forfeited or destroyed under the provisions of this Act or any other written law.
11. Any officer may place or cause to be placed a barrier across any road for the purpose of examining or searching any motor vehicle or trailer or questioning any person:
- Barriers to  
be placed  
across roads
- Provided that such barrier shall conform to specifications laid down by the Chief Parks and Wildlife Officer who shall act in consultation with the other relevant authorities including, more particularly those responsible for roads and road traffic.
12. - (1) where any person is found committing or is reasonably suspected of having committed or of being about to commit an offence under this Act, any officer may without warrant arrest such person.
- Arrest of  
persons for  
committing  
offences
- (2) Any person arrested pursuant to subsection (1) shall, as soon as possible, through police officers be charged with the appropriate offence and be taken before a court, and shall not be detained longer than is necessary.
13. - (1) The Chief Public Prosecutor may, at the written request of the Chief Parks and Wildlife Officer, in writing nominate, by name or rank, any officer or class of officer of the Department of National Parks and Wildlife to undertake and prosecute criminal proceedings in respect of any offence alleged to have been committed by any person in contravention of this Act and may at any time, without assigning any reason thereof, in writing, cancel any such nomination.
- Prosecution  
by officers
- (2) In undertaking or prosecuting any proceedings pursuant to subsection (1), such officer shall act in accordance with the general or special directions of the Chief Public Prosecutor and shall, for the purpose of any such proceedings, have the powers of a public prosecutor appointed under any written law for the time being in force.
14. Any document issued pursuant to this Act shall, upon request, be produced by the holder thereof for inspection by any officer or any police officer.
- Production  
of documents  
for inspection

- Obstruction of officers etc. 15. Any person who-
- a) Obstructs any officer in the performance of his functions under this Act;
  - b) refuses to furnish to any officer on request, particulars or information to which the officer is entitled by or under this Act;
  - c) wilfully or recklessly gives to any officer false or misleading information which the officer is entitled to obtain under this Act, shall be guilty of an offence.

- Official 16. Any person who, without lawful authority-
- a) alters, defaces or removes any official record maintained in pursuance of this Act or any regulation or order made under this Act; or
  - b) alters or defaces any prescribed document issued under this Act, shall be guilty of an offence.

### PART III - WILDLIFE RESEARCH AND MANAGEMENT BOARD

- Establishment of the Board 17. There is hereby established a board to be known as the Wildlife Research Management Board.

- Composition of the Board 18.- (1) The Board shall consist of-
- a) the following *ex officio* members-
    - (i) the Chief Parks and Wildlife Officer;
    - (ii) the officer-in-charge of the Department of National Parks and Wildlife Research Unit;
    - (iii) the head of Department of Antiquities; *x - to be accepted Head of Res.*
    - (iv) the Chief Forestry Officer or his duly designated representative;
    - (v) the Chief Fisheries Officer or his duly designated representative;
    - (vi) the Chief Tourism Officer or his duly designated representative;
  - b) two members appointed by the Minister, from University of Malawi, each of whom shall be a person with recognised qualifications, experience or specialisation in matters relevant to conservation, preservation or protection of wildlife;
  - c) one member representing the Wildlife Society of Malawi and nominated by the society's National Executive Committee and appointed by the Minister; and
  - d) not less than three and not more than five members representing the general public appointed by the Minister.
- (2) The Minister shall designate one of the members to be Chairman of the Board.
- (3) A member of the Board appointed under subsection (1) (b), (c) and (d) shall hold office for a period of two years unless his

appointment be sooner terminated and shall be eligible for reappointment.

4. The membership of the Board as first and subsequently appointed and every change in the membership to the Board shall be published in the *Gazette*.

5. The office of the Chief Parks and Wildlife Officer shall provide the Secretariat of the board.

6. The office of a member appointed pursuant to subsection (1) (b) (c) and (d) shall become vacant-

- a) upon his death;
- b) if he is absent from three consecutive meetings of the Board without the approval of the Chairman or without other valid cause;
- c) upon the expiry of one month's notice in writing of his intention to resign his office, given by the member to the Chairman;
- d) if he is convicted of an offence under this Act; or
- e) if the Minister so directs.

19. The function of the Board shall be to advise the Minister on all matters relating to national parks and wildlife management in Malawi, including in particular but not limited to-

functions of the  
Board

- a) advising on the declaration of areas which, for the purpose of protecting wildlife species, biotic communities, sites of special interest or aesthetic values, the Board considers should be declared national parks or wildlife reserves under this Act; and
- b) advising on the import, export and re-export of wildlife specimens into and out of Malawi.

20.- (1) The Board shall meet not less than twice a year at such places and times as the Chairman may determine.

Meetings of the  
Board

- (2) The Board shall further meet at any time at the request, in writing, of any three of its members.
- (3) The Board may at the discretion of the Chairman invite any person or persons to attend any meeting of the Board and such person or persons may take part in the proceedings of that meeting but shall not be entitled to vote.
- (4) In the absence of the Chairman from any meeting of the Board the members present, if constituting a quorum, shall elect one of their number to preside at the meeting.
- (5) A majority of the members of the Board shall constitute a quorum.
- (6) At all meetings of the Board the decisions shall be reached by a simple majority, and the Chairman or other person presiding shall have a deliberative vote and, in the event of an equality of votes, shall have a casting vote.

- 
- |   |     |   |
|---|-----|---|
|   | 7.  | The Chairman of the Board shall report to the Board at each meeting thereof the action taken in respect of any matter on which the Board has advised the Minister.  |
|   | 8.  | The Board shall determine its own procedure.  |
| Members of the Board not deemed public officers | 21. | A member of the Board who is not a public officer shall not, by virtue only of his membership to the Board, be deemed to be an officer in the public service.   |
| Allowances                                      | 22. | A member of the Board, who is not an officer in the public service, shall be paid his reasonable travelling expenses and subsistence allowance while engaged upon the business of the Board at the rate prescribed by the Minister. |

#### PART IV - WILDLIFE IMPACT ASSESSMENT

- |  |       |  |
|--|-------|--|
| Requests to conduct wildlife impact assessments      | 23.   | <p>(1) Any person who has a good and sufficient reason to believe that any proposed or existing government process or activity of the government or any other organisation or person may have an adverse effect on any wildlife species or community such person may request, through the Board, the Minister that a wildlife impact assessment be conducted.</p> <p>(2) Whenever the Minister receives such request under this section he may within thirty days of receipt thereof call upon the Board to conduct the assessment.</p>  |
| Submission of the assessment reports to the Minister | 24. - | <p>(1) Where the Board is called upon pursuant to section 23 to conduct a wildlife impact assessment it shall arrange for the assessment to be conducted and shall submit a report of its findings to the Minister within ninety days of being called upon to conduct the assessment.</p> <p>(2) In conducting the assessment, the Board may use any powers available to it under this Act as it may consider necessary, and may utilise the services of the Chief Parks and Wildlife Officer.</p>   |
| Contents of the assessment reports                   | 25.   | <p>Any report submitted by the Board to the Minister pursuant to section 24 (1) shall include:-</p> <ul style="list-style-type: none"> <li>a) a statement of the existing or anticipated impacts upon wildlife, including an account of the species, communities, and habitats affected and the extent to which they are or may be threatened;</li> <li>b) a statement of whether rare, endangered or endemic species are or may be affected;</li> <li>c) a list of alternative actions, including inaction, which might be taken to remove or lessen adverse impacts; and</li> <li>d) its recommendations for subsequent government action</li> </ul> |

## PART V - NATIONAL PARKS AND WILDLIFE RESERVES

26.- (1) For the purposes of this Act, there shall be declared protected areas of public land to be known as national parks or wildlife reserves.

Declaration of  
of national parks  
or wildlife  
reserves

(2) The declaration and management of national parks and wildlife reserves shall be subject to the provisions of sections 27 to 41.

27. The purposes of national parks and wildlife reserves shall be-
- a) to preserve selected examples of biotic communities of Malawi and their physical environments;
  - b) to protect areas of aesthetic beauty and of special interest;
  - c) to preserve populations of rare, endemic and endangered species of wild plants and animals;
  - d) to assist in water catchment conservation;
  - e) without prejudice to the purposes listed in paragraphs (a) to (d), and within any limitations imposed by them, to provide facilities for studying the phenomena therein for the advancement of science and understanding; and
  - f) without prejudice to the purposes listed in paragraphs (a) to (c), and within any limitations imposed by them, to provide facilities for public use and enjoyment of the resources therein.

Purposes of  
national parks  
and wildlife  
reserves

rest  
23(1)

- 28.- (1) The Minister may, by order published in the *Gazette*, declare any area of land or water within Malawi to be a national park or to be a wildlife reserve and may, in like manner, alter the boundaries of, or disestablish, any national park or wildlife reserve declared, and the Minister shall first require the matter to be comprehensively studied by or under the auspices of the Board.
- (2) The Minister may amend such order, but any order the purpose of which is to alienate or excise land from a national park wildlife reserve shall be of no effect unless and until approved by resolution of the National Assembly
- (3) Any study made pursuant to the provision of subsection (1) shall investigate the ecological consequences of the proposed boundary change or disestablishment, and the report of the study shall be submitted to the Minister together with the advice of the Board within ninety days of the study being made.
- (4) The Minister shall not decide upon any proposal relating to boundary change or disestablishment of any national park or wildlife reserve until he is in receipt of a report made pursuant to subsection (3).

Procedure for  
declaration of  
national parks  
or wildlife  
reserves



- |   |   |
|---|---|
| <p>Acquisition of land for national parks or wildlife reserves<br/>Cap. 57:01<br/>Cap. 58:04</p>                                    | <p>29. Any area of land proposed for national park or wildlife reserve status and which is not public land shall first be acquired as public land in accordance with the provisions of the Land Act and Lands Acquisition Act.</p>  |
| <p>Temporary management measures</p> <p>national institution of</p>   | <p>30. (1) When an area is proposed for declaration as a national park or wildlife reserve and action to do so in accordance with this Act has been started, the Minister may, on the recommendations of the Board, make administrative arrangements for managing the area by imposing temporary management measures effective for a period of not exceeding six months pending declaration of the area as a park or wildlife reserve, and shall cause notice of the such arrangements to be given in the <i>Gazette</i>.</p> <p>(2) Any area to which temporary management measures apply shall be managed by the Chief Parks and Wildlife Officer in accordance with the administrative arrangements made under subsection (1).</p> <p>(3) Any person who fails to comply with any directive or instruction of the Chief Parks and Wildlife Officer or any officer duly acting on behalf of the Chief Parks and Wildlife Officer in the management of an area under this section shall be guilty of an offence; and for the avoidance of doubt, the offence hereby created is a strict liability offence.</p> |
| <p>Description of the area to be declared include-<br/>a national park<br/>wildlife reserve</p>                                     | <p>31. Any order made under section 28 declaring a national park or a wildlife reserve shall incorporate a description of the area which shall</p> <p>a) the proposed name of the national park or wildlife reserve;</p> <p>b) an exact delimitation of the boundary which shall include a description of the land which may have been acquired pursuant to section 29.</p>   |
| <p>Prohibition of entering or residing in national parks or wildlife reserves without authority<br/>member of the<br/>this act;</p> | <p>32. (1) Any person who, except in accordance with the provisions of this Act, enters into or resides in, or attempts to enter into or reside in, any national park or wildlife reserve shall be guilty of an offence.</p> <p>(2) This section shall not apply to-</p> <p>a) the Minister, the Chief Parks and Wildlife Officer, any Board, or any officer appointed for the purposes of</p> <p>b) any employee of the Department of National Parks and Wildlife or any police officer on official duties requiring his presence in a national park or wildlife reserve; or</p> <p>c) any person in possession of a permit to enter or reside in the national park or wildlife reserve issued under subsection (3).</p> <p>(3) The Chief Parks and Wildlife Officer may issue to any person a permit, in the prescribed form, to enter or reside in any</p>   |

national park or wildlife reserve, subject to payment by that person of the prescribed fee, if any.

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|---|---|
| <p>33.- (1) Except as otherwise provided by section 39 or by section 40, any person who conveys into, or possesses or uses within, any national park or wildlife reserve any weapon, trap, explosive or poison shall be guilty of an offence.</p> <p>(2) This section shall not apply to any officer acting in the performance of his duties.</p>   | <p>Prohibition of possession or use of weapons, traps, explosives or poisons</p>      |
| <p>34. Any person who discards or deposits any litter or any waste material in a national park or wildlife reserve otherwise than into a receptacle provided for the purpose shall be guilty of an offence.</p>   | <p>Prohibition of deposition of litter or waste</p>                                   |
| <p>35. Except as otherwise provided by section 39 or by section 40, any person who, in a national park or a wildlife reserve-</p> <p>(a) hunts, takes, kills, injuries, or disturbs any wild plant or animal, or any domestic animal or cultivated plant occurring lawfully therein;</p> <p>(b) takes, destroys, damages, or defaces any object of geomorphological, archaeological, historical, cultural, or scientific interest, or any structure lawfully placed or constructed therein;</p> <p>(c) prepares land for cultivation, prospects for minerals or mines or attempts any of these operations;</p> <p>(d) drives, conveys, or introduces any wild animal into a national park or wildlife reserve;</p> <p>(e) drives, conveys or introduces any domestic animal into a national park or wildlife reserve or who permits any domestic animal, of which he is for the time being in charge, to stray into a national park or wildlife reserve, shall be guilty of an offence.</p> | <p>Other prohibited acts in a national park or wildlife reserve</p>                   |
| <p>36. Any officer who finds a domestic animal within a national park or wildlife reserve and is satisfied that its presence there is unlawful may destroy the animal forthwith, and the owner of such animal shall not be entitled to compensation.</p>  | <p>Destruction of domestic animals by officers</p>                                    |
| <p>37. - (1) Except as otherwise provided by section 39, any person who conveys or introduces any plant, whether of a wild or cultivated species, into a national park or wildlife reserve shall be guilty of an offence.</p> <p>(2) The Chief Parks and Wildlife Officer may order the destruction or removal of any plant, and any seedling or off-shoot thereof, brought into a national park or wildlife reserve in contravention of subsection (1).</p>  | <p>Prohibition of introduction of plants into national parks or wildlife reserves</p> |
| <p>38. Except as otherwise provided by section 39, or by section 41 (2) (b), any person who starts or maintains any fire in a national park or or wildlife reserve shall be guilty of an offence.</p>   | <p>Prohibition against fire in the national park or wildlife reserve</p>              |

Control of harvest  
in national parks or  
wildlife reserves

39. Where it is intended to harvest resources within a national park or or wildlife reserve-

- a) the Chief Parks and Wildlife Officer may, subject to the provisions of this Act, issue authority to any person, in the prescribed form, absolving him from compliance with the provisions of sections 33 (1) and 35 (a) to the extent specified in the authority; and
- b) the Chief Parks and Wildlife Officer shall be responsible for regulating and controlling harvesting in the national park or wildlife reserve; and in exercising his responsibility under this paragraph the Chief Parks and Wildlife Officer shall ensure that the annual harvest does not exceed sustainable yield level unless it is judged desirable by the Minister to exceed temporarily such level for the purposes of management.

Board to be apprised  
of the data

40. - (1) If the Chief Parks and Wildlife Officer is satisfied that an otherwise unlawful act specified by sections 34 to 37 should be carried out in any national park or wildlife reserve in the interests of better wildlife management, he shall apprise the Board of all data relevant on the subject and shall request the opinion of the Board.

- (2) If the Board, having considered any matter submitted by the Chief Parks and Wildlife Officer pursuant to subsection (1), is of the opinion that an otherwise unlawful act should be carried out in the interests of better wildlife management, it shall, with the approval of the Minister, issue written instructions to any officer authorising him to undertake the act.

Regulations for  
use of national parks  
or wildlife reserves

41. - (1) The Minister shall, by notice published in the *Gazette*, make provision to the extent necessary for implementing management measures of national parks and wildlife reserves.

- (2) The Minister may, on the recommendation of the Board, make regulations which shall provide for-

- a) conditions under which any person, vehicle, boat or aircraft may enter, travel through, reside in, or be kept in a national park or wildlife reserve;
- b) the prohibition or regulation of lighting camp or picnic fires in a national park or wildlife reserve;
- c) fees for entry into national parks or wildlife reserves or for services or amenities provided therein;
- d) prohibition or control of low flying aircraft over a national park or wildlife reserve;
- e) rules for persons within a national parks or wildlife reserve;
- f) prohibition or control of commercial enterprises within a national park or wildlife reserve; and
- g) the efficient management of a national park or wildlife reserve.

- 3) Any person who contravenes the provisions of any regulations made under subsection (2) shall be guilty of an offence.

#### PART VI - PROTECTED SPECIES

42. The purpose of this Part is to provide the classification of species of wild plants and animals as protected species in order that those particular species of plants or animals are accorded appropriate management priority. Purpose of this Part
43. - (1) The Minister may, from time to time, on the recommendations of the Board and by order published in the Gazette, declare any species of wild plant or wild animal specified in such order to be classified as a protected species under this Act. Declaration of protected species
- (2) Any order made under subsection (1) may apply to an individual species throughout Malawi, or to all or some species in a specified area, or to varieties of a species including sex and age groups.
44. - (1) For the purposes of this Act, protected species of animals shall be classified as game species. Game species
- (2) The Chief Parks and Wildlife Officer shall, after consultation with the Board, and not later than the tenth day of November each year, cause to be published in the Gazette a list of all species that are to be classified as game species under this Act during the following year, and such list shall take effect from the first day of January of the following year.
- (3) The Chief Parks and Wildlife Officer, after consultation with the Board may, at any time, by notice published in the Gazette vary the list, in effect at that time, of game species.
45. Wild plants and animals other than protected species shall not be subject to the restrictions on hunting or taking under Part VII, but shall be subject to all other provisions of any other written law. Animals or plants which are not protected species

#### PART VII - LICENCES TO TAKE OR HUNT WILDLIFE

46. The purpose of this Part is to regulate the hunting and taking of wildlife resources. Purposes of Part Part III
- 47.- (1) Except as otherwise provided by this Act, any person who hunts or takes protected species, except in accordance with the conditions of a licence issued pursuant to this Part shall be guilty of an offence: General prohibition against hunting or taking without a licence
- Provided that any officer shall not be required to possess a licence while acting in the performance of his duties or in exercising his powers under this Act.
- (2) In any proceedings for an offence against subsection (1) the onus of proving that the taking hunting or the was in accordance with a valid licence shall rest upon the accused.

Classes of licences	<p>48. - (1) For the purposes of this Act there shall be the following classes of licences-</p> <ul style="list-style-type: none"> <li>(a) a bird licence;</li> <li>(b) a game licence;</li> <li>(c) hunting licence;</li> <li>(d) a special licence; and</li> <li>(e) a visitor's licence.</li> </ul> <p>(2) The Minister may, on the recommendations of the Board <u>and not later than the tenth day of December each year</u> by notice published in the <i>Gazette</i>, prescribe <sup>not yearly</sup> <del>in respect of the forthcoming year-</del></p> <ul style="list-style-type: none"> <li>(a) the conditions attached to each class of licences;</li> <li>(b) the numbers of each class of licences may be issued during the course of a year for specified areas;</li> <li>(c) the methods by which each class of licences may be issued or offered for sale;</li> <li>(d) the species, sorts or varieties, and the numbers or quantities of each class which may be hunted or taken under each class of licences;</li> <li>(e) the methods of hunting or taking which may or may not be used;</li> <li>(f) the areas and times of the year in or during which hunting or taking is lawful; and</li> <li>(g) the fees payable in respect of each class of licences.</li> </ul> <p>(3) Licences under this Act shall be issued by the Chief Parks and Wildlife Officer, other officers subordinate to him as he may authorise in that behalf and such other persons as the Minister may by notice in the <i>Gazette</i> designate as persons also authorised to issue licences under this Act.</p> <p>(4) Every licence under this Act shall be in the prescribed form and shall be issued upon application made in the prescribed form.</p> <p>(5) No licence under this Act shall be issued to a person who has not attained the age of eighteen years.</p>
Licence not transferable	<p>49. Except as otherwise provided by the Act, any licence issued under this Part shall not be transferable to any other person.</p>
Bird licence	<p>50.-(1) A bird licence shall authorise the licensee to hunt species of birds specified in the licence subject to and in accordance with the conditions prescribed generally for such class of licences or specially endorsed on his licence.</p> <p>(2) Subject to section 52, a bird licence shall only be issued to citizens or residents <u>and visitors</u> of Malawi.</p>
Game licence	<p>51. (1) Subject to the provisions of this Act and the conditions prescribed for such licence, a game licence shall authorise the licensee to hunt species in the licence subject to and in</p>

accordance with the conditions prescribed generally for such class of licences or specially endorsed on his licence.

(2) Subject to section 52, a game licence shall only be issued to citizens or residents of Malawi..

52. Notwithstanding sections 50 and 51, a visitor's licence shall only be issued to a visitor to Malawi on such conditions as the Minister may prescribe, and shall authorise the licensee to hunt birds or game. Visitors licence

53. A special licence shall be issued in respect of protected species and shall authorise the licensee to hunt or to take protected species specified therein subject to and in accordance with the conditions prescribed generally for such classes of licences specially endorsed on his licence and in every case shall be issued for the purpose of- Special licence

- (a) scientific research of the furtherance of scientific research relative to the species;
- (b) scientific or educational or other proper use of the species in zoological institutions, botanical gardens, educational institutions, museums, herbaria and like institutions.

54. A hunting licence shall authorise the licensee to hunt protected species in a specified national park or wildlife reserve and shall be issued only in connection with a professional hunter's licence and subject to and in accordance with the conditions prescribed generally for such class of licence or specially endorsed on his licence. Hunting licence

55. - (1) The Chief Parks and Wildlife Officer may refuse to issue a licence if - Grounds on which a licence may be refused

- a) the applicant fails to comply with any prescribed condition;
- b) any licence formerly held by the applicant under this Act has been revoked by the Chief Parks and Wildlife Officer within the previous twelve months;
- c) the applicant has been convicted of an offence under this Act during the previous twenty-four-months;
- d) the Chief Parks and Wildlife Officer is satisfied on reasonable grounds that the applicant is not a fit or proper person to hold such licence; or
- e) the Chief Parks and Wildlife Officer is satisfied that the interests of wildlife management will be better served by a temporary freeze in issuing of licences of that class.

(2) The Chief Parks and Wildlife Officer shall, if requested by the applicant, notify the applicant in writing of any refusal under this section, and shall state his reasons therein.

Appeal to  
the Minister  
against refusal  
of issuance of  
licence

56. - (1) An applicant who has been refused a licence under section 55 may appeal to the Minister in writing within thirty days after the date of a notice given pursuant to section 57 (2) but the Minister may, on proper cause shown, allow an appeal out of the time prescribed.
- (2) The Minister shall be free to hear the views of the Chief Parks and Wildlife Officer in determining an appeal under this section and may uphold, vary or quash the decision of the Chief Parks and Wildlife Officer.
- (3) The decision of the Minister on determination of an appeal shall be final.

*Revoke*  
Cancellation  
of a licence

57. - (1) The Chief Parks and Wildlife Officer may revoke any licence issued to any person under this Part if he is reasonably satisfied of the existence of any ground that would entitle him under section 55 to refuse to issue a licence to that person.
- (2) The Chief Parks and Wildlife Officer shall notify the licensee in writing of any cancellation under this section and shall state his reasons in writing.

Appeal to the  
Minister upon  
cancellation of  
a licence

58. - (1) Any licensee whose licence is cancelled under section 57 may appeal to the Minister in writing within thirty days after the date of a notice given pursuant to section 59 (2) but the Minister may on proper cause shown, allow an appeal out of the time prescribed.
- (2) The Minister shall be free to hear the views of the Chief Parks and Wildlife Officer in determining an appeal under this section and may uphold, vary or quash the decision of the Chief Parks and Wildlife Officer.
- (3) The decision of the Minister on determination of an appeal shall be final.

Cancellation or  
suspension of a  
licence

- 59 - (1) The Minister may, on the advice of the Board or the Chief Parks and Wildlife Officer, suspend or cancel any licence issued under this Part, either in its entirety or in respect of specified areas, periods, species, or sorts or varieties of species, if the interests of wildlife management so require.
- (2) Upon suspension or cancellation of any licence under subsection (1), the Chief Parks and Wildlife Officer shall notify the licensee thereunder either-
- (a) in the case of an individual licensee, by written notice to him; or
  - (b) in the case of a general suspension or cancellation, by publishing, notices in the *Gazette* and in two consecutive issues of the daily newspaper.
- (3) A notice issued under subsection (2) in respect of cancellation may request surrender of licences to the Chief Parks and Wildlife Officer.

(4) A licensee under any licence suspended or cancelled under subsection (1) may appeal to the Minister in writing within thirty days after the date of a notice given under subsection (2) (a), or thirty days after publication of a notice in the Gazette made under subsection (2) (b).

(5) In determining such appeal, the Minister shall be free to hear the views of the Board or the Chief Parks and Wildlife Officer.

(6) The decision of the Minister on determination of appeal shall be final.

60. - (1) Every licensee under this Part shall -

- (a) have the licence in his possession whenever he is hunting or taking any animal or plant;
- (b) produce the licence for inspection by an officer or police officer upon request; and
- (c) keep a true record, in the prescribed form, of all game species hunted or taken by him during validity of the licence.

Inspection of  
a licence and  
the keeping of  
records

(2) Any person who contravenes this section shall be guilty of an offence.

61. In the case of animals -

- (a) in computing the numbers or quantities of protected species hunted or taken under a licence issued pursuant to this Part, only animals that are killed, wounded, captured or taken shall be counted;
- (b) if any protected species is killed or wounded through accident or error by any licensee under this Part whose licence entitles him to hunt such animal shall be counted as having been hunted under such licence.

Method of  
computing  
numbers or  
quantities of  
animal hunted  
or taken

62.- (1) Any licensee under this Part may employ or use another person to assist Guides trackers him as a guide, tracker or porter in hunting protected species. porters

(2) Any person employed under subsection (1), not being himself a licensee, who chases, drives or employs any weapon against any protected species shall be guilty of an offence.

(3) Nothing in this section shall be construed as preventing the holder of a professional hunter's licence issued under section 92 from assisting his employer.

#### PART VIII- METHODS OF HUNTING AND TAKING, AND RESPONSIBILITIES OF HUNTERS

63. The purpose of this Part is to regulate methods of hunting and taking of animals and with a view to ensuring that wildlife resources are better managed and the opportunity to hunt made available to as many eligible persons as possible.

Purposes of  
this part



Prohibition of use of fires for hunting	<p>64. - (1) Subject to subsection (2), any person who, for the purpose of hunting, taking or assisting another to hunt or take, any wild animal or plant, causes any fire shall be guilty of an offence.</p> <p>(2) The provisions of subsection (1) shall not apply to an owner of private land and any person acting on the authority of an owner of private land causing fire upon his own land:</p> <p>Provided that nothing in this subsection shall be construed as (a) entitling the owner of the private land held under lease; or (b) absolving the owner of the private land or any person acting on his authority from any offence or other forms of liability under this Act or any other Act or law arising from the spread of fire or the movement of any animal to adjoining land or lands.</p>
Prohibition of hunting of dependent young	65. Except as may be authorised under a special licence issued pursuant to section 53, or as permitted under the provisions of Part IX, any person who hunts any dependent young or any female accompanied by dependent young of any protected species shall be guilty of an offence.
Prohibited acts against killing protected species, etc.	<p>66. - (1) Except as may be authorised by the conditions contained in any licence issued under this Act, any person who -</p> <p>(a) for the purpose of or in connection with hunting or taking or protected species, possesses, prepares, makes, buys, sells or uses any poison, birdlime, trap, net, snare or similar substance or device capable of killing, capturing or wounding, any protected species.</p> <p>(b) makes, prepares or uses any excavation, fence, enclosure or any device fixed to the ground or upon plants, capable of killing, capturing or wounding, any protected species, shall be guilty of an offence.</p> <p>(2) The onus of proving that an act under this section was done lawfully shall lie on the accused person.</p>
Regulations for weapons to be used in hunting	<p>67. -(1) The Minister may from time to time, on the recommendations of the <del>Board</del> or the Chief Parks and Wildlife Officer, make regulations specifying the types, sizes, and calibres of weapons which may lawfully be used for hunting any protected species.</p> <p>(2) A person who contravenes the provision of any regulation made under this section shall be guilty of an offence.</p>
Prohibition of hunting during hours of darkness	68. Except as may be authorised by the conditions contained in any licence issued under Part VII, any person who, during the hours of darkness, hunts or assists in the hunting of any protected species shall be guilty of an offence.
Hunting by traditional methods	69. Subject to regulations made by the Minister under this Act or any other written law, nothing in this Act shall be construed to prohibit the hunting of animals by traditional methods in places other than protected areas.

70.-(1) Except as provided by subsection (2) or as may be authorised by the conditions contained in any licence under this Act, any person who-

(a) discharges any weapon at any protected species from or within fifty metres of any motor vehicle, aircraft, or boat:

(b) uses any aircraft or radio communication system to locate any protected species for the purpose of hunting it, shall be guilty of an offence.

use of motor vehicle aircraft or radio communication prohibited

(2) Nothing in subsection (1) shall prohibit the use of a motor vehicle, aircraft or boat for the purpose of driving off any wild animal from the land or water upon which an aircraft is about to land or take off.

71.-(1) The Minister may from time to time, on the recommendations of the Board, make regulations-

(a) prohibiting the use of any domestic animals as an aid to hunting any protected species; or

(b) specifying the conditions under which any domestic animal may be used to hunt any protected species.

Regulations for use of domestic animals in hunting

(2) Any person who contravenes the provisions of any regulation made under this section shall be guilty of an offence.

72.-(1) The Minister may from time to time, on the recommendations of the Board, make regulations-

(a) prohibiting or controlling the use of baits, decoys, calling devices, devices in hides, blinds, stands, or any other substances or devices to bring protected species into closer range of hunters;

(b) Specifying the conditions under which any substance or device may be used to hunt any protected species;

(c) prohibiting or controlling hunting in the vicinity of salt licks, water holes or isolated watering places used by wild animals; or

Regulations for use of substances or hunting

(2) Any person who contravenes the provisions of any regulation made under this section shall be guilty of an offence.

#### **PART IX - HUNTING DANGEROUS ANIMALS, KILLING IN ERROR, WOUNDING AND MOLESTING ANIMALS**

73. The purposes of this Part are-

(a) to authorise the killing without licence of protected animals under circumstances where human life or property is threatened by the animals which circumstances are defined in section 79 and 80;

Purposes of this part

(b) to make provision with respect to the killing or wounding of protected animals through error or accident;

(c) to provide for subsequent action to the wounding of a dangerous animal; and

(d) to prohibit molesting or ill-treating wild animals.

Killing a protected animal in self-defence 74. - (1) Any person may kill or attempt to kill any protected animal in defence of himself or of another person or any property, crop or domestic animal if immediately and absolutely necessary.

Provided that nothing in this section shall absolve from liability of an offence under this Act, any person who at the time of attempted killing was committing any offence under this Act.

Killing a game animal in defence property 75. Any person may attempt to kill or kill any game animal which is causing material damage to any land, crop, domestic animal, building, equipment or other property of which the person is either the owner or the servant of the owner acting on his behalf in of safeguarding the property.

Ownership of carcass not transferable 76. - (1) Except as otherwise provided by this Act, or by the conditions of any licence issued under Part VI, the killing of any protected animal under section 74 or 75 shall not be deemed to transfer ownership of the carcass thereof to any person.

(2) Any person who kills a protected animal under section 74 or section 75 shall, as soon as practicable, report the facts to any officer and shall, unless otherwise entitled to retain the same under the conditions of any licence issued under Part VII, hand over the carcass or such parts thereof as the officer may direct.

(3) Any person who contravenes this section shall be guilty of an offence.

Reports to be made to an officer where protected animals cause damage to property 77. -(1) Subject to this Act, any person having reason to believe that any protected animal is causing or is about to cause material damage to any land, crop, domestic animal, building, equipment or other property may report the facts to an officer.

(2) An officer who receives a report pursuant to subsection (1) shall, as soon as practicable, assess the extent of the threat posed by the said animal and take any necessary action he considers fit in the circumstances.

(3) In deciding what action should be taken to minimise damage to property caused by a protected animal, an officer shall carefully consider the status of the species and if he decides to kill or attempts to kill the animal, he shall do so only as a last resort and if only he has reasonable ground for believing that this course of action will not endanger survival of the species.

78.-(1) If any person kills any protected animal through accident or error he shall, as soon thereafter as may be practicable, report the facts to an officer and shall hand over the carcass or such parts thereof as the officer may direct.

Reports to be made where a protected animal is killed through error or by accident

(2) Nothing in subsection (1) shall apply to any person if such person is entitled under any licence issued under Part VII to hunt a protected or game animal of that species and sort, in the circumstances under which he killed such animal and no offence under this Act shall have been committed in relation to the killing of such animal.

(3) Any person who contravenes this section shall be guilty of an offence.

79.-(1) Any person who in any circumstances wounds any protected animal and fails without reasonable cause to use all reasonable endeavour to kill such animal at the earliest opportunity, shall be guilty of an offence.

Wounded protected animals

(2) Subsection (1) shall not be construed as authorising any person to follow any wounded animal-

(a) into a national park or wildlife reserve, unless the person holds a licence authorising him to hunt the animal in the national park or wildlife reserve; or

(b) onto private land upon which the person has no permission to enter

(3) Any person who believes that he has wounded any protected animal which in such wounded condition has entered a national park or wildlife reserve shall immediately report the facts to an officer who shall as he sees fit, decide whether or not the animal should be killed and shall issue instructions accordingly.

(4) Any person who believes that he has wounded any protected or game animal which in such wounded condition has entered private land upon which he has no permission to enter shall, immediately report the facts to the owner of the land.

(5) An owner of land who receives a report pursuant to subsection (1) shall decide whether or not the person making the report is to be permitted to enter his land for the purpose of hunting the animal, and the landowner's decision in this regard shall be final.

(6) Any person who contravenes this section shall be guilty of an offence.

80.-(1) Any person who, in any circumstances whatsoever, wounds any dangerous animal and fails to kill or capture it within 24 hours after its wounding shall, immediately report the facts to an officer.

Wounded dangerous animal

(2) Any officer who receives a report pursuant to subsection (1) shall take immediate steps to locate the wounded animal, assess its condition and decide, as he sees fit, whether or not to kill it and shall either carry out the act himself or give instructions accordingly.

Provided that if the animal enters a national park or wildlife reserve provisions of subsections (2) or (3) of section 79, as the case may be, shall apply.

(3) The provisions of section 79 (1) in respect to private land shall not apply to a person entering such land in pursuit of a dangerous animal wounded by him:

Provided that he reports the facts to the owner of the land as soon as practicable.

(4) Any person who contravenes this section shall be guilty of an offence.

Dangerous  
animal  
posing threat  
to human  
life or  
property

81.- (1) If any dangerous animal is believed to be threatening or about to threaten human life or property, any person may request any officer for assistance in minimising or preventing the threat.

(2) Where an officer receives a request pursuant to subsection (1) he shall, as soon as practicable, take steps to minimise or prevent the threat, and such steps may include the killing of the animal:

Provided that if the animal is a protected animal the killing shall only be undertaken subject to section 74 or 75.

Molesting or  
provoking  
animals  
prohibited

82. Any person who wilfully and without just excuse or cause -

(a) molests or provokes any protected or game animal in a manner which results or is likely to result in its destruction: or

(b) molests or provokes any wild animal in a manner which results or is likely to result in the provocation, harassment or destruction of any protected or game animal, shall be guilty of an offence.

Protection of  
wild animals

83. A person who causes unnecessary or undue suffering to any wild animal, whether the animal lives in the wild or is being kept in captivity, shall be guilty of an offence.

Use of  
repellent  
substances or  
devices

84. Nothing in this Part shall be construed as prohibiting the use of repellent substances or devices which are not capable of killing or injuring any protected or game animal by a property owner or his servant for the purpose of repelling any wild animal from his property.

#### PART X - COMMERCE RELATED TO WILDLIFE

Purpose of  
this Part

85. The purpose of this Part is to regulate commerce in wildlife and its specimens with the goal of better safeguarding the resource.

86.-(1) Except as otherwise provided by subsection (2), any person who possesses buys or sells, or who attempts to possess, buy or sell any specimen of a protected species shall be guilty of an offence.

Prohibition of possession, sale and buying, of protected species

(2) The provisions of subsection (1) shall not apply to possession of any specimen lawfully acquired under a licence issued under Part VII, by a person who is in possession of a valid certificate of ownership issued pursuant to section 88 (3).

87.-(1) The Minister may from time to time, on the recommendation of the Board make regulations providing for-

Regulations for controlling trade or dealings in protected animals

(a) the control of trade in live animals of such species as the Minister shall prescribe in the regulations and the control of trade in the carcasses, meat and skins of such animals;

(b) the control of industry engaged in the manufacturing of articles derived from protected animals;

(c) the control of the taxidermy industry;

(d) the issue of permits to persons engaged in the foregoing occupations, and for prescribing fees payable for such permits.

(2) Any person who contravenes any regulation made under this section shall be guilty of an offence.

88.-(1) Any person who, under a licence issued under Part VII, takes possession of a specimen for human consumption shall within fourteen days, present the specimen together with his licence to the Chief Parks and Wildlife Officer and if he wishes to retain the specimen he may apply in writing or in the prescribed form, if any, to the Chief Parks and Wildlife Officer for a certificate of ownership in respect thereof.

Certificate of ownership

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

(3) Where the Chief Parks and Wildlife Officer is satisfied that an applicant under subsection (1) is in lawful possession of any specimen, he may issue a certificate of ownership which shall be in the prescribed form.

(4) Where the Chief Parks and Wildlife Officer is satisfied that a certificate of ownership under subsection (3) has been issued through fraud, misrepresentation or error, he may revoke the certificate and the person to whom the certificate was issued shall forthwith upon demand by the Chief Parks and Wildlife Officer surrender the certificate to him for cancellation and a person who, without valid reason, fails so to surrender the certificate shall be guilty of an offence.

(5) Any person aggrieved by the cancellation of a certificate of ownership pursuant to subsection (4) may, within thirty days of its cancellation, appeal in writing to the Minister.

(6) In determining an appeal under subsection (5), the Minister may hear the views of the Chief Parks and Wildlife Officer, or instruct him to reissue the certificate of ownership.

(7) The decision of the Minister on the determination of an appeal shall be final.

Transfer of  
ownership of  
specimen

89.- (1) Any person who transfers or purports to transfer ownership of any specimen of a prescribed species, whether by gift, sale or otherwise shall at the time of the transfer, or the purported transfer be in possession of a certificate of ownership in respect of the specimen.

(2) Upon the transfer of any specimen, the transferor shall surrender the certificate to the Chief Parks and Wildlife Officer who shall thereupon issue a new certificate to the new owner but the Chief Parks and Wildlife Officer shall retain the certificate surrendered to him.

(3) Any person who receives by transfer the ownership of any specimen of a prescribed species shall, at the time of the transfer, obtain from the transferor in respect of the specimen a certificate of ownership endorsed pursuant to subsection (2).

(4) Any person who contravenes this section shall be guilty of an offence.

(5) Nothing in this section shall apply to any transfer of ownership occasioned by operation of law.

Government  
trophy

90.- (1) Any specimen of any protected species the absolute ownership of which has not passed to any person under the provisions of this Act, shall be a government trophy for the purposes of this Act.

(2) Any person who obtains any government trophy by any means shall, as soon thereafter as may be practicable, report the facts to an officer and, if required, shall deliver up the trophy to the officer.

(3) Any person who contravenes subsection (2) shall be guilty of an offence.

(4) Any specimens so received or collected by an officer pursuant to section (2) shall be delivered by him to the Chief Parks and Wildlife Officer and all specimens received by the Chief Parks and Wildlife Officer shall be subject to the provisions of Part XIII.

Dealings in  
government  
trophy

91.- (1) Any person who unlawfully possesses or who purports to buy, sell, or otherwise transfer or deal in any government trophy shall be guilty of an offence.

(2) Except as otherwise provided by section 90, possession by any person of a specimen of a protected species without a certificate of ownership shall, for the purposes of this section, be *prima facie* evidence of the specimen being a government trophy and of unlawful possession thereof by such person.

92.-(1) For the purposes of this Act, there shall be a professional hunter's licence which shall authorise the licensee to conduct business as a professional hunter and to solicit clientele.

Professional  
hunter's  
licence

(2) Upon application in the prescribed form, the Chief Parks and Wildlife Officer may, on the recommendations of the Board and with prior approval of the Minister, issue a professional hunter's licence subject to such conditions as may be prescribed and upon payment of the prescribed fee.

(3) A professional hunter's licence shall not absolve the licensee from compliance with any other written law that may relate to his business.

(4) A professional hunter's licence shall, unless sooner revoked or cancelled, be valid for the period endorsed on the licence which period shall in no case be longer than twelve months.

93. A person who is not a licensee under a valid professional hunter's licence who-

Certain  
prohibited  
acts by non-  
professional  
hunters

- (a) conducts business as a professional hunter;
- (b) advertises himself as a professional hunter;
- (c) solicits any contract or commission under which or for which he is to act in the capacity of a professional hunter; or

(d) for gain or reward, assists any other person to hunt any protected game animal except as a guide, tracker, porter or in some other like capacity.  
shall be guilty of an offence.

94.-(1) The Chief Parks and Wildlife Officer may, on the recommendation of the Board and with the approval of the Minister, cancel professional hunter's licence if the licensee-

Suspension  
or cancella-  
tion of a  
professional  
hunter's  
licence

- (a) is convicted of an offence under this Act;
- (b) fails to comply with any condition of the licence; or

(c) is not, in the opinion of the Chief Parks and Wildlife Officer conducting the business of a professional hunter in a fit and proper manner and the Chief Parks and Wildlife Officer shall forthwith suspend such professional hunter's licence pending consideration of its cancellation under this subsection.

(2) The Chief Parks and Wildlife Officer shall notify the licensee in writing of any decision to suspend or cancel as the case may be, the professional hunter's licence and shall state the reasons for the decision.

(3) A licensee whose licence is cancelled under this section may appeal to the Minister in writing within thirty days after the date of the notice of cancellation given under subsection (2).

(4) In determining any appeal under subsection (3), the Minister may hear the views of the Board and the Chief Parks and Wildlife Officer and may uphold the cancellation or may instruct the Board and the Chief Parks and Wildlife Officer to reinstate the validity of the licence.



(5) The decision of the Minister on the determination of the appeal shall be final.

Restrictions on the professional hunter's licence 95 A professional hunter's licence shall not authorise the licensee to hunt any protected or game animal except as may be necessary in defence of human life or property as provided by sections 74 and 75, or to prevent the escape of an animal wounded by his client, that client being himself a licensee under a licence valid for that animal.

#### PART XI - IMPORT, EXPORT AND RE-EXPORT OF SPECIMENS OF PROTECTED SPECIES AND LISTED SPECIES

Purpose of this Part 96. The purpose of this Part is to control the import and export of wildlife specimens in order to-

(a) assist in managing the wildlife resources of Malawi; and

(b) assist conservation efforts that may be subject to international, regional or bilateral agreement to which Malawi or the Government is a party.

Import, export or re-export permits 97. The Chief Parks and Wildlife Officer may issue to any person a permit in the prescribed form, to import or to export or to re-export any specimen of a protected species or listed species.

Provided that, in the case of a protected species, the Chief Parks and Wildlife Officer shall first require the person to produce a valid certificate of ownership in respect thereof and in the case of a listed species to produce evidence of compliance with the requirements of regulations made pursuant to section 99, or the requirements of this Act or of any other regulations made under this Act.

Importation, exportation to meet customs laws 98. Any person who imports, exports or re-exports or attempts to import or export any specimen of a protected species or a listed species-

(a) except through a customs post or port; or

(b) without producing to a customs officer a valid permit to import, to export or to re-export the specimen, shall be guilty of an offence.

Additional restrictions on imports, exports or re-export of specimens 99.-(1) The Minister may, after consulting the Minister responsible for Trade and Industry, make regulations imposing additional restrictions on imports, exports or re-exports of specimens of a protected species or listed species and for the purposes of such regulations the Minister may incorporate the requirements under any international, regional or bilateral agreement to which Malawi or the Government is a party.

(2) Any person who contravenes regulations made under subsection (1) shall be guilty of an offence.

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**PART XII - NATIONAL PARKS AND WILDLIFE FUND**


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- 100.-(1) There is hereby established a fund to be known as the National Parks and Wildlife Fund (in this Act referred to as the "Fund"). Establishment of the Fund
- (2) The Fund shall consist of -
- (a) such sums as shall be appropriated by Parliament for the purposes of the Fund;
  - (b) advances made to the Fund under section 102;
  - (c) such sums as may be received for the purposes of the Fund by way of voluntary contributions;
  - (d) payments made into the Fund under section 119; and
  - (e) such sums or other assets as may be donated for the purposes of the Fund by any foreign government, international agency or foreign institution or body.
101. The Fund shall be vested in the Minister and subject to this Act, shall be administered in accordance with his directions subject to the provisions of the Finance and Audit Act. The Fund to vest in the Minister  
Cap. 37:01
102. If in any financial year the income of the Fund together with any surplus income brought forward from a previous year, is insufficient to meet the actual or estimated liabilities of the Fund, the Minister responsible for finance may make the advances to the Fund in order to meet the deficiency or any part thereof and such advances shall be made on such terms and conditions, whether as to repayment or otherwise, as the Minister responsible for finance may determine. Advances to the Fund
103. The objects for which the Fund is established shall be the development, promotion, management and administration of the national parks and wildlife reserves in Malawi. Objects of the Fund
104. Without derogation from the generality of section 103, the Fund, may be applied to - Application of the Fund
- (a) research and training which is calculated to promote proper management of national parks and wildlife reserves;
  - (b) the acquisition of land, equipment, materials and other assets and the construction of buildings in order to promote the objects of the Fund;
  - (c) the cost of any scheme which the Minister considers to be in the interest of the management of national parks and wildlife;
  - (d) meeting any expenses arising from the establishment and maintenance of the Fund; and
  - (e) any purpose which the Minister considers to be in the interest of the objects of the Fund.
- 105.-(1) The Minister shall cause to be kept proper books and other records of account in respect of receipts and expenditures of the Fund in accordance with the provision of the Finance and Audit Act. Books and other records of account, Audit and reports of the Fund  
Cap. 37:01

- Cap. 37:01 (2) The accounts of the Fund shall be audited by the Auditor General, who shall have all the powers conferred upon him by the Finance and Audit Act.
- (3) The Minister shall cause to be prepared, as soon as practicable, but not later than six months after the end of the financial year, an annual report on all the financial transactions of the Fund.
- (4) The report under subsection (3) shall include a balance sheet, an income and expenditure account and the annual report of the Auditor General and shall be laid by the Minister before the National Assembly.
- Holdings of the Fund 106.-(1) All sums received for the purposes of the Fund shall be paid into a banking account and no amount shall be withdrawn therefrom except by means of cheques signed by such persons as are authorised in that behalf by the Minister.
- (2) Any part of the Fund not immediately required for the purposes of the Fund may, on the recommendation of the Board, be invested in such manner as the Minister, after consulting with the minister responsible for finance, may determine.
- Financial year 107. The Financial year of the Fund shall be the period of twelve months ending on the 31st March in each year:
- Provided that the first financial year of the Fund may be a period shorter or longer than twelve months as the Minister shall determine, but in any case not longer than eighteen months.

### PART XIII - PENALTIES AND FORFEITURES

- General penalty 108. Subject to the provisions of this Act, a person who is convicted of an offence under this Act for which no other penalty is provided shall -
- (a) In the case of a first offence, be liable to a fine of not less than K200 but not more than K500 and to imprisonment for a term of three months;
- (b) in the case of a second or subsequent offence, to a fine of not less than K500 but not more than K1,000, and to imprisonment for a term of six months.
- Offences relating to game species 109. Any person who is convicted of an offence involving -
- (a) taking, hunting, molesting or reducing into possession any game species; or
- (b) possession of, selling, buying, transferring, or receiving in transfer any specimen of game species, shall -
- (i) in the case of an offence committed in a protected area, be liable to a fine of not less than K800 but not more than K2,000 and to imprisonment for a term of one year;
- (ii) in the case of an offence committed in an area other than a protected area, be liable to a fine of not less than

K50 but not more than K2,000 and to imprisonment for a term of one year.

- |  |  |
|--|--|
| <p>110. Any person who is convicted of an offence involving -</p> <p style="padding-left: 20px;">(a) taking, hunting, molesting, or reducing into possession any protected species other than game species; or</p> <p style="padding-left: 20px;">(b) possession of, selling, buying, transferring or accepting in transfer any specimen of protected species other than game species;</p> <p style="padding-left: 20px;">(c) contravention of provision of this Act which provides for the conduct of a licensee under a professional hunter's licence; or</p> <p style="padding-left: 20px;">(d) contravention of sections 32, 33 and 35 of this Act, shall be liable to a fine of K10,000 and to imprisonment for a term of 5 years, and in any case the fine shall not be less than the value of the specimen involved in the commission of the offence.</p> | <p>Offences relating to protected species other than game species</p>                                      |
| <p>111. Any person who is convicted of an offence under section 98 or under regulations made pursuant to section 99 shall be liable to a fine of K10,000 and to imprisonment for a term of 5 years, and in any case the fine shall not be less than the value of the specimen involved in the commission of the offence.</p>   | <p>Offences relating to import, export or re-export of specimen of protected species or listed species</p> |
| <p>112. If any person is convicted of an offence under this Act in respect of any excavation, fence, enclosure or any other device fixed in or on the ground or upon vegetation, which the person has made, used or had in his possession for the purpose of hunting in contravention of this Act, the court shall, in addition to any other penalty imposed, order the device to be destroyed or obliterated in such manner as the court may specify, and any expenditure incurred, if any, shall be recoverable from the person as a civil debt owed to the Government.</p>  | <p>Offences relating to devices</p>  |
| <p>113.-(1) Upon the conviction of any person of an offence under this Act where it considers forfeiture to be necessary, the court shall, notwithstanding any other written law and subject to the provisions of section 108 and in addition to any other penalty imposed, declare any specimen, domestic animal or any firearm or other weapon, trap, net, poison, material or any motor vehicle, aircraft, boat, or any other article taken by or used in connection with the commission of the offence to be forfeited to the Government.</p>  | <p>Forfeiture as an additional penalty</p>   |
| <p>(2) Upon the conviction of any person of an offence referred to in section 99, the court may, in addition to any other penalty imposed, declare any specimen, domestic animal or article as specified under subsection (1) to be forfeited to the Government.</p>   |  |
| <p>(3) The disposal of any specimen, domestic animal or article forfeited to the Government under this section shall be subject to the provisions of Part XIV.</p>   |  |

Conditional  
order of  
forfeiture

114.-(1) When a court is required under subsections 115 (1) and (2) to make a declaration of forfeiture in respect of any article the ownership of which requires registration under any written law, the court shall make a conditional order of forfeiture in the prescribed form.

(2) Upon the making of a conditional order of forfeiture pursuant to subsection (1), the Chief Parks and Wildlife Officer shall, within thirty days thereafter, cause to be published in the *Gazette* and in two consecutive issues of a local newspaper in general circulation, a notice of the order.

(3) If ownership of the article is registered in the name of any person other than the convicted party, the Chief Parks and Wildlife Officer shall, within seven days after publication of the notice in the *Gazette* cause a copy thereof to be sent to the person concerned.

(4) Any person who wishes to claim right of ownership in the article may, within sixty days of the last publication of the conditional order, lodge with the court a written application for discharging of the order, setting out his claim of ownership in the article.

(5) Upon an application made under subsection (4), the court shall set a date for a hearing of the application and serve notice of the hearing on the applicant and on the Government.

(6) In any hearing of any application made under subsection (4), the burden of proof shall be upon the applicant, and the conditional order shall not be discharged unless the applicant proves, that he was not privy to the offence and that the article was, at the time that the offence was committed, being used for that purpose without his knowledge or consent.

(7) If any application made under subsection (4) fails to win discharge of a conditional order, the court shall declare the article finally forfeited to the Government.

(8) Where upon any application made under subsection (4), a court is satisfied that an article is owned jointly by, or is the subject of a rental agreement between the applicant and the convicted person, and the applicant has discharged the burden of proof in accordance with subsection (6), the court shall declare forfeited all of the estate, interest or rights of the convicted person therein, and shall order them to be disposed of as it deems fit.

(9) Any right of any claimant under any rental agreement to repossess any article which is subject to a conditional order of forfeiture made under subsection (1) shall be suspended pending determination of any application made under subsection (4).

115.-(1) If any article the ownership of which requires registration under any written law is seized as a result of an offence under this Act and the person responsible is unknown and cannot be found for the purpose of charging him with the offence or having been charged, fails to appear to answer the charge, the Chief Parks and Wildlife Officer may apply to the court for a declaration of forfeiture

seized goods  
may be  
subject of  
forfeiture  
order

(2) Upon receipt of an application from the Chief Parks and Wildlife Officer under subsection (1), the court shall make a conditional order of forfeiture in the prescribed form and the provisions of subsections (2) to (9) of section 114 shall apply.

116. If any licensee under any licence or the holder of any licence or the holder of any permit or certificate issued under this Act which involves the licence, permit or certificate, the court shall, in addition to any other penalty imposed, order the person to surrender it forthwith to the Chief Parks and Wildlife Officer to be dealt with by him in accordance with the provisions of this Act.

Surrender of  
licence,  
permit and  
certificate in  
event of  
conviction

#### **PART XIV - DISPOSAL OF GOVERNMENT TROPHIES, FORFEITED SPECIMENS, DOMESTIC ANIMALS AND OTHER ARTICLES**

117. Where the Chief Parks and Wildlife Officer take possession of any government trophy or any confiscated specimen, domestic animal, or article, he shall cause receipt thereof to be recorded in the prescribed register and shall safeguard it until such time as it may be disposed of in accordance with the provisions of section 118 and shall be recorded by the Chief Parks and Wildlife Officer in the prescribed register.

Disposal of  
specimens  
by the Chief  
Parks and  
Wildlife  
Officer

118.-(1) Where the Chief Parks and Wildlife Officer takes possession of a dead specimen of a protected species he shall at his discretion either -

Disposal of  
dead or live  
specimens, of  
protected  
species or  
listed species

(a) destroy the specimen;

(b) donate the specimen, without requiring payment, to a recognised scientific or educational institution;

(c) sell it in whole or in parts; or

(d) retain the specimen in his official custody either permanently or pending disposal in accordance with paragraphs (a) or (b) or (c) of this subsection.

(2) Where the Chief Parks and Wildlife Officer takes possession of a live specimen of any protected species or of any listed species and such specimen is, in his opinion, capable of normal survival in its natural habitat, he shall cause the said specimen to be returned to the said habitat:

Provided that if the specimen, in the opinion of Chief Parks and Wildlife Officer, requires to be withheld temporarily from the wild for the purpose of better ensuring its eventual survival, the Chief Parks and Wildlife Officer may direct that the specimen be so withheld.

(3) Where the Chief Parks and Wildlife Officer, takes possession of any live specimen of any protected species other than game species or listed species and such specimen is, in his opinion, permanently incapable of normal survival in its natural habitat he may -

(a) donate the specimen, without requiring payment, to a recognised zoological botanical, scientific or educational institution; or

(b) retain the specimen in his official custody either permanently or pending disposal in accordance with paragraph (a).

(4) Where the Chief Parks and Wildlife Officer takes possession of -

(a) any live game animal which is, in his opinion, incapable of normal survival in its natural habitat.

(b) the meat of any game animal; or

(c) any live domestic animal,

he shall dispose of the animal or meat as he considers fit:

Provided that if disposal is by sale, any sums received shall be payable in accordance with the provisions of Part XII.

Money from  
sale of  
specimen  
to be paid  
into the Fund

**119.** Whenever the disposal of specimens or articles under this section is by sale, all monies realised shall be payable only to a Fund established under this Act.

Specimens or  
articles to be  
held by Chief  
Parks and  
Wildlife Officer

**120.** Any specimen, domestic animal or article held in the custody of the Chief Parks and Wildlife Officer under this Act shall be held by him solely in his official capacity, and nothing in this Act shall be construed as giving the person holding the office of Chief Parks and Wildlife Officer any private right of ownership over any specimen, domestic animal or article.

## PART XV - MISCELLANEOUS

General  
indemnity

**121.-(1)** No action shall lie against the Government for the recovery of any damage caused to any person or property by any animal in a national park or wildlife reserve.

(2) The Chief Parks and Wildlife Officer or any other officer shall not be held liable in damages or otherwise to any person by reason of his exercise or non-exercise in good faith of the powers vested in him under this Act.

Implementation  
of agreements

**122.** The Minister may, by an order published in the *Gazette*, specify the measures for the proper implementation of relevant provisions of any convention on national park or wildlife management to which Malawi or the Government is a party.

123. The Minister may make regulations for carrying this Act into effect and, without prejudiced to the generality of the foregoing power, such regulations may-

Regulation

- (a) provide for returns to be furnished to the Minister or the Chief Parks and Wildlife Officer by holders of licences, permits, certificates or records issued or maintained under this Act;
- (b) prescribe forms to be used under this Act.
- (c) prescribe for the remission in special cases of any fees payable under this act;
- (d) provide for the remission in special cases of any fees payable under this Act;
- (e) provide for the furtherance of public knowledge concerning the management of wildlife by such means as may be considered appropriate; and
- (f) provide for the furtherance of public knowledge concerning the management of wildlife by such means as may be considered appropriate; and
- (g) provide anything required to be prescribed under this Act.

#### PART XVI - REPEAL AND SAVINGS

124. -(1) The following Acts are hereby repealed -

Repeal and  
savings  
Cap. 66:03  
Cap. 66:04  
Cap. 66: 06  
Cap. 66:07

- (a) the Game Act;
- (b) Wild Birds Protection Act;
- (c) Crocodiles Act : and
- (d) National Parks Act.

(2) Any subsidiary legislation made under the Acts repealed by subsection (1) in force immediately before the commencement of this Act-

- (a) shall, unless in conflict with this Act continue in force and be deemed to be subsidiary legislation made under this Act:
- (b) may be replaced, amended or repealed by subsidiary legislation made under this Act.

(3) Any subsidiary agreement or similar arrangement made pursuant to the provisions of the Acts repealed by subsection (1) shall continue in force until terminated in accordance with terms and conditions thereof.

Passed in Parliament this fifteenth day of April, one thousand, nine hundred and ninety-two.

R L GONDWE  
*Clerk of Parliament*