

Conservation Bye-laws for Magumwi-Machile Site in Machile Important Bird Area

Sesheke District



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COMMUNITY BY-LAWS – IBA MANAGEMENT & CONSERVATION – MAGUMWI-MACHILE

ARRANGEMENT OF SECTIONS

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PART I PRELIMINARY

1. Short Title

These By-laws shall apply to Magumwi – Machile Area, an area which is part of Machile Important Bird Area in Sesheke District and shall be applied in accordance with relevant Acts governing natural resources. They shall be cited as Magumwi-Machile Conservation By-laws.

2. Interpretations

In these By-laws, unless the context otherwise requires -

“Magumwi-Machile” means all of Magumwi area in Machile IBA in Sesheke district.

“Relevant Acts” mean; Wildlife Act, Forest Act, Fisheries Act, Local Government Act, Lands Act or any other Acts under the laws of Zambia

“Relevant court” means, Traditional Court/Kuta, Local Court, Magistrate Court, Supreme Court, High Court or any other court in Zambia

“Chief” mean; His Royal Highness Senior Chief Iyambo Yeta,

“Wildlife Act” means; National Park and wildlife Act, Chapter 201 of the laws of Zambia

“Forestry Act” means; Forest Act, Chapter 199 of the laws of Zambia

“Local Government Act” means; Local Government Act, Chapter 281 of the laws of Zambia

“Fisheries Act” means; Fisheries Act, Chapter 200 of the laws of Zambia

“Management or Conservation Plan” means a Plan for Magumwi–Machile area. A plan developed with input of the wider stakeholders and meant for sustainable management of this part of the IBA and natural resources found therein, bird species included

“Cooperating partners” means all stakeholders found in Machile IBA. These are individuals, community based organizations and government departments

“Species conservation” means wise-use of specific birds and wildlife species in the IBA. Special interest and focus is given to the Black cheeked love bird.

“Poison” means any toxic and life threatening substance

“Breeding areas” mean, special areas set aside as breeding/proliferation sites for birds and fish

“Prescribed licenses” means licenses issued under any relevant Act

“Non-resident” means, an individual or individuals who are not permanent residents of Magumwi-Machile catchment. May be an individual coming from areas outside the IBA in pursuit of livelihood alternatives

“Site Support Group” means a committee appointed to oversee matters pertaining to birdlife and conservation in the IBA.

“Permission” means, authorization

“Letter of reference” means a letter of introduction issued to non-residents

“Offense” means, an act done in contravention of the provisions of the by-laws or any relevant Acts under the laws of Zambia

PART II ESTABLISHMENTS AND MANDATE

3. These bye laws;

- a) Recognize, empower and vest power of execution of any or all of the provisions of the by-laws to local community organs which are herein recognized as critical

stakeholders and community based partners in development and IBA management;

b) Partners identified in this regard include but are not limited to;

- i. His Royal Highness – Senior Chief Iyambo Yeta
- ii. Silalo Indunas
- iii. Site Support Group (Machile-Magumwi Conservation and Producer association)
- iv. Headmen and headwomen
- v. Councilors
- vi. Village Committees
- vii. Neighborhood watch committee
- viii. Ward Councils (where existing)
- ix. Area Development Committee
- x. Productivity Committees (where existing)
- xi. Government departments and ministries

4. The stakeholders of Magumwi may; were they deem necessary establish a wider stakeholder representative organization, institution or organ to appropriately coordinate development and conservation effort in the catchment.
5. In pursuant of section 4, stakeholders of Magumwi-Machile area may establish a board, committee or any structure with clearly defined offices and responsibilities as they may deem fit and appropriate in advancing IBA management, natural resources conservation and development in general.

PART III POWERS TO ENFORCE THE BY-LAWS

6. In exercising the powers and provisions of these by-laws, the traditional courts, local courts, any other court and/or specific committees and groups so empowered under these bye laws shall have powers to enforce any or all of the provisions of these bye-law
7. In pursuant of the provisions of these by- laws, the relevant provisions and regulations provided for under the Wildlife Act, Forestry Act, Fisheries Act and the Local Government Act shall co-exist and be read in tandem with these bye law
8. In pursuant of section 3, 4 & 5, relevant community organs may confiscate any plant/s, equipment and appliance/s , may apprehend any person/s, and bring such plant/s, equipment, appliance/s and such person/s to a relevant court where it is suspected that an offense has been committed under these bye-laws
9. In pursuant of section 8, officers operating under the specified acts shall under these bye laws be recognized as cooperating partners in both IBA management, conservation and development
10. In pursuant of the provisions of these bye laws and those stated in section 8, all cooperating partners in section 3 and those from government organs shall at all times function and operate within the confines of relevant laws, legislations and these bye law

PART IV REGULATIONS ON WILDLIFE AND BIRD LIFE

11. Hunting and killing of any wildlife including birds for whatever purpose and without a prescribed license constitutes a serious offence
12. Massive and indiscriminate killing of birds for whatever purpose without a prescribed license is a serious offence
13. The use of any of the following in hunting and killing wildlife or birds is an offence
 - a) Snaring of any kind
 - b) Hunting with dogs
 - c) Poisoning
 - d) Digging of trenches and use as traps
 - e) Hunting with unlicensed fire arms
14. Anyone who employs any of the following in hunting and killing birds other than for official research and/or other reasons permissible in relevant acts shall be guilty of an offence
 - a) Use of fishing nets to catch birds
 - b) Use of alcohol to intoxicate birds
 - c) Use of natural glues or gums
 - d) Use of chilly
 - e) Use of lamps against water birds
 - f) Use of strings for mass killing of birds
 - g) Destroying of nests for purpose of collecting young birds

PART V REGULATIONS ON FORESTRY, WOODLANDS AND GRASSLANDS

15. A person shall be guilty of an offense under this bye law if he/she cuts trees for whatever purpose along a stretch of 600 meters on the periphery of any stream
16. All households or families living within the periphery of streams shall on an annual basis attempt to plant a tree each
17. No person/s shall make charcoal without a prescribed charcoal license
18. In pursuant of section 17, any person/s intending to make charcoal shall in the first instance obtain a written consent of the Silalo Induna prior to obtaining a prescribed charcoal license from the forestry department.
19. Nobody shall set fire on surrounding forests, woodlands and grasslands other than in a controlled manner and at an appropriate period. Depending on land-use and land-use classifications, controlled burning shall commence on May 1st and expected to be completed by the end of August of each year.
20. Up-rooting of trees for whatever purpose is prohibited.
21. No title for land shall be offered on land on the periphery of streams and any major water bodies

PART VI REGULATIONS ON LIVESTOCK, GRAZING AND AGRICULTURE

22. Grazing of livestock shall be controlled and subject to close scrutiny to avoid possible damage to property and proliferation of soil erosion

23. Livestock shall be headed by shepherds and never left to loom without the watchful eye of a shepherd
24. All livestock owners shall ensure that his/her livestock have secure and strong kraals
25. All gardens along streams shall be secured from livestock by a strong fence.
26. Anyone who fails to secure his/her garden by fencing shall be guilty of an offence
27. Anyone who fails to secure his/her livestock by a well secured kraal shall be guilty of an offence
28. All livestock entering the area from faraway places shall not be allowed to settle or graze from the area in the absence of: a stock movement permit, permission and inspection by the village headman/headwomen and any special committee entrusted with such a task.
29. The use of any land for whatever purpose shall be controlled and subject to scrutiny to avoid any form of land degradation
30. In pursuant of section 22 and 29, land-use and resource management planning shall be important components in the planning of conservation and development for the people of Magumwi – Machile area.
31. In pursuant of section 30, all households in Magumwi-Machile area shall at all times abide by and support local resource management, conservation and development planning
32. In pursuant of section 30 and 31, The Species Conservation Plans and Natural Resources Management Plan (LMP) shall amongst other documents be recognized and adopted as a property, working documents and resource management/conservation plans for the people of Magumwi – Machile area.
33. The use of agricultural chemicals close to streams and swamps is prohibited
34. Construction and use of dip tanks within and along streams is prohibited
35. Subject to provisions of conservation and management plans; streams, swamps and their peripheries shall not be used for commercial agriculture

PART VII REGULATIONS OF FISHERY AND WETLANDS

36. Fishing in streams of Magumwi-Machile area shall be regulated in accordance with the provisions of the Fisheries Act.
37. Use of the following gear, tools and/or appliances is prohibited;
 - a. Mosquito nets
 - b. Explosives
 - c. Electrical appliances and lamps in guiding birds or fish towards nets or any trapping instruments or gear
38. The use of any type of poison to kill fish is prohibited
39. There shall be designated areas and special ponds within the area specifically reserved for birds (black cheeked love bird) and fish breeding.
40. In pursuant of section 39, at no time shall any person/s fish from areas designated as fish breeding ponds and sites
41. The use of fishing methods namely “Kutumpula”, “Chikukula”, “Lunsanka”, “Mupima” “Dolosay” and “Vidoe” are prohibited
42. The fish bleeding season and the fishing ban shall be observed and adhered to by all people regardless of social status and/ or standing.

43. No person/s who are non-residents and/or coming from outside Magumwi-Machile catchment shall enter the IBA for hunting or for any other activity other than travelling through the area without the expressed and written permission of respective village headman/woman and relevant committees.
44. In pursuant of section 43, at no time shall a non-resident of Magumwi-Machile be given a permit for any activity in the IBA or area without responsible indunas and committees having agreed prior.
45. Subject to section 44, any person/s desiring to be considered for a permission to enter the IBA for hunting of birds or fishing or for any activity other than travelling through shall be required to produce a letter of reference from a relevant institution and/or leaders from the area he/she/they are coming from
46. Local hunters and fishers shall not entirely depend on hunting or fishing for livelihood sustenance, but shall also take measures to diversify into other sectors of the local economy
47. Culture and traditions of the local people of Magumwi-Machile area and the Lozi culture in particular is recognized and upheld.

PART VIII REGULATIONS ON PUBLIC HEALTH

48. Sanitation is of great importance; as such the following regulations shall apply:
 - i. Every family or homestead shall have a toilet, a rubbish pit and a rack for utensils
 - ii. Every family or household shall strive towards building good housing; houses made entirely out of grass are discouraged

PART IX PENALTIES AND FINES

49. Any person/s who contravenes any or all of the provisions of the pieces of legislation in section 7 or any or all of the provisions of these bye laws shall be guilty of an offense
50. Any person/s found guilty of contravening the provisions of section 11,12,13,14,19 and 20 shall be liable; upon conviction to a fine not exceeding One Million Kwacha (K1,000,000) or upon conviction by a relevant court to a prison term not exceeding six (6) months or to both a fine and imprisonment.
51. Any person/s who contravenes the provision of section 37, 38, 41 and 42 by fishing and/or using any or all of the tools, appliances and/or gear prohibited there under shall be guilty of a serious offense and liable upon conviction to a fine not exceeding Five Hundred Thousand Kwacha (K500,000)
52. In pursuant of section 43, 44, 45 and 46 any person/s who illegally enters the IBA for hunting of birds, fishing or cutting of trees or for whatever purpose shall be guilty of an offence and liable upon conviction to a fine not exceeding Five Hundred Thousand Kwacha (K500,000) in addition to confiscation and forfeiture to the community of any plant/s, equipment, goods and/or anything relating to the offence.
53. Subject to section 43 any person/s who welcomes and offers refuge to an illegal immigrant in the IBA shall be guilty of an offense and liable, upon conviction to a fine not exceeding Three Hundred and Fifty Thousand Kwacha (350,000)

54. Any person/s who for whatever reason abrogates section 11, 17 and 42 and embark on hunting of birds or wildlife, or fishing without a prescribed license or fish during the fishing ban period; shall be guilty of an offense and liable to legal actions as provided for under the wildlife and fisheries Act
55. In pursuant of section 39 any person/s found upon or hunting birds or fishing from areas designated as breeding sites shall be guilty of a serious offense and liable; upon conviction to a fine no exceeding Five Hundred Thousand Kwacha (K500,000)
56. Any person/s who hunt wildlife and/or birds in the IBA without a prescribed license shall be guilty of an offense and liable, to prosecution under the wildlife act;
57. In pursuant of section 58 (i) any person/s who fails to erect a toilet and or fails to maintain his/her homestead in a manner that is clean shall be guilty of an offense and liable; upon conviction to a fine not exceeding Fifty Thousand Kwacha (K50, 000).