

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT No. 11 OF 2018

The Forests Act, 2015
(Act No. 4 of 2015)

**The Forests (Community Forest Management)
Regulations, 2018**

ARRANGEMENT OF REGULATIONS

Regulation

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12. Entry into or rejection of an application for Community Forest Agreement
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*Copies of this Statutory Instrument can be obtained from the Government Printer,
P.O. Box 30136, 10101 Lusaka. Price K44.00 each.*

IN EXERCISE of the powers contained in section 105 of the Forests Act, the following Regulations are made:

1. These Regulations may be cited as the Forests (community Forest Management) Regulations, 2018. Title
2. In these regulations, unless the context otherwise requires—
 - “community forest management group” has the meaning assigned to the words in the Act; Interpretation
 - “community resource board” has the meaning assigned to the words in the Wildlife Act, 2015; Act No. 14 of 2015
 - “Director” means the person appointed as Director of Forestry under the Act;
 - “local authority” has the meaning assigned to the words in the Local Government Act; Cap. 281
 - “major forest produce” has the meaning assigned to the words in the Act;
 - “minor forest produce” has the meaning assigned to the words in the Act;
 - “Local Forest” has the meaning assigned to the words in the Act; and
 - “open area” has the meaning assigned to the words in the Act.
3. A local authority shall, for forests within the jurisdiction of that local authority, identify, support and encourage local communities to apply to the Director for control, use and management of areas of forests for purposes of social, cultural and economic needs. Promotion of Community forest management Areas
4. (1) Subject to these Regulations, community forest management may be applied in—
 - (a) open areas;
 - (b) local Forests; and
 - (c) Game Management Areas. Forest Areas eligible for community forest management
- (2) Despite subregulation (1), the Director in consultation with the Minister may consider Community forest management in any other type of forest.
- (3) An area proposed for community forest management shall be free of a forest concession or sawmilling licence.
5. A community forest management group shall consist of individuals who are citizens who reside in the community area and have resided in the area at least for 2 years. Members of community forest management group

Application
for
recognition
as a
community
forest
management
group

6. (1) A community forest management group may apply to the Director for recognition in Form I set out in the schedule.

(2) An application for recognition of a community forest management group shall require—

(a) prior consultations with local users and other right holders of the proposed forest; and

(b) the consent of local traditional leaders.

(3) An application for recognition shall be accompanied by—

(a) a sketch map of the proposed location and area to be established as a community forest;

(b) community forest management group constitution including list of the elected representatives of the group;

(c) consent of the Chief of the area to recognise the applicants as a community forest management group through endorsement of the application or map signifying such consent; and

(d) a statement of intent for the proposed area indicating a balance between forest protection and management, development, utilisation and forest enterprise development in Form I set out in the Schedule.

(4) The Director may request further information in Form II set out in the Schedule.

Rejection of
recognition
of
community
forest
management
group

7. (1) The Director shall reject an application for a community forest management group where the applicants fail to meet the requirements specified in the application form.

(2) Where an application is rejected under sub regulation (1), the Director shall notify the applicant of the reasons for the rejection in Form III set out in the Schedule.

Recognition
of
community
forest
management
group

8. (1) The Director shall, where the applicants meet the requirements referred to in regulation 6, recognise a group as a community management group.

(2) Where the Director fails to respond to an application for recognition of a forest management group within 21 days from the time it was lodged, the application shall be considered approved and the group recognised.

- | | |
|---|---|
| <p>9. (1) The community forest management area shall be for the exclusive use of the local community represented by the community forest management group unless an application for recognition is rejected by the Director.</p> <p>(2) The Director shall, where a community forest management group is not recognised in accordance with regulation 8, not issue a licence or permit for a proposed community forest area.</p> <p>(3) The community forest management groups shall—</p> <p>(a) protect and restrict access to the community forest area by persons not part of the community;</p> <p>(b) control restricted activities within the identified community forest area; and</p> <p>(c) report forestry related offences to the forest officer.</p> | <p>Rights and responsibilities upon submission of an application for recognition of a community forest management group</p> |
| <p>10. (1) A recognised community forest management group shall carry out field appraisals and socio economic survey in the targeted community forest in order to conduct an assessment on the potential user rights by the community and other users of the targeted community forest.</p> <p>(2) The local authority and Director shall assist the community forest management group in conducting an assessment referred to in sub-regulation (1).</p> | <p>Assessment of potential user rights</p> |
| <p>11. (1) A recognised community forest management group under regulation 8 shall within 90 days of recognition enter into a community forest agreement in Form IV set out in the Schedule.</p> <p>(2) The Director may revoke recognition of a community forest management group where an application has not been received within the period specified in Form IV.</p> <p>(3) An application to enter into a community forest management agreement shall be accompanied by—</p> <p>(a) a community forest map showing the boundary of the community forest that has been consented to or signed by representatives of concerned neighbouring communities, Ward Development Committees, and the Chiefs within the area proposed for community forest management; and</p> <p>(b) a community forest management plan which is in accordance with sustainable forest management principles that includes a set of community rules and measures that support proper management of the community forest.</p> | <p>Application for community forest agreement</p> |

	(4) The community forest agreement shall, specify the right to issue community permits and collect revenue for products specified in the community forest management plan.
	(5) The Director may request further information in Form II set out in the Schedule.
Entry into or rejection of an application for community forest agreement	12. (1) The Director shall, within 60 days of receipt of an application under regulation 11, approve or reject an application for community forest agreement.
Approval of application	13. Where the Director approves an application for community forest agreement, the approval shall be by notice in form VI set out in the Schedule.
Rejection of application	14. Where the Director rejects an application for community forest agreement, the rejection shall be in Form III set out in the Schedule.
Appeals	15. A group of persons aggrieved by the decision of the Director may— <ul style="list-style-type: none"> (a) within thirty days from the date of receipt of the decision of the Director, appeal to the Minister responsible for forestry; and (b) within thirty days from the date of receipt of the decision of the Minister, appeal to the High Court.
Assistance with control of restricted activities	16. (1) The community forest management groups shall assist the Director to control restricted activities within an established community forest area. (2) A recognised community forest management group shall select members to be appointed as Honorary forest officers in accordance with the Forests Act, 2015.
Act No. 4 of 2015	
Assignment of rights under community forestry agreement	17. (1) Where a community forestry management group intends to assign some or all of its rights under a community forestry agreement to any other person or group, the group shall apply to the Director for the transfer of rights in Form VII set out in the Schedule. (2) The person or group being assigned the rights shall be subjected to requirements of the approved community forest agreement and additional conditions specified in the Schedule. (3) The community forest management group and the persons to be assigned rights shall specify the benefits sharing arrangements.

(4) The Director may request further information in Form II set out in Schedule.

18. The Director shall, within 60 days of the application approve or reject a request for assignment of rights under the community forest agreement.

Entry into or
rejection of
an
application
for
assignment
of rights
under a
community
forest
agreement

[illegible]

4	<p>Statutory Declaration:</p> <p>I, _____ on behalf of the CFMG, confirm that the residents of the community of _____ in the District of _____ wish to be recognised as a community forest management group for the purpose of communal control, use and management of a community forest area. I confirm that the majority of the community, including all forest users have been made fully aware of the rights and responsibilities provided through the Forests Act, and have had the opportunity to join and participate in the group. I hereby confirm that through free and prior informed consent the community willingly and actively wish to take control, management and user rights over the proposed community forest area.</p> <p>SIGNED _____</p> <p style="text-align: center;"> <i>Name</i> _____ <i>NRC</i> _____ <i>Date</i> _____ </p> <p>CHAIRPERSON COMMUNITY FOREST MANAGEMENT GROUP</p>
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5. Endorsement by Traditional leaders (Headmen or women of the area) and confirmation that the CFMG represented by applicants in the list attached are Zambian citizens who have been residing in the above community for a minimum of 2 years.

	<i>Name of Headman or women</i>	<i>Village</i>	<i>NRC</i>	<i>Signature</i>
a.
b.
c.

(Note signature confirms consensus to the proposed area in accordance with the Forests Act).

6. Endorsement by Local Authority: Ward Development Committee (where established)

<i>Chairperson Name</i>	<i>Signature</i>	<i>NRC</i>
.....

Consent of the Chief

<p>I, Chief _____ give my consent to the above subjects to apply for recognition as a community forest management group for the area _____, village _____, Ward _____ in my Chiefdom.</p>	<p>Name:</p> <p>Signature:</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: 100px;">OFFICIAL STAMP</div>
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Required additional information as attachments

S/N	Information	√
1	Sketch map of the proposed Community Forest Area	
2	Constitution of the CFMG	
3	List of community members supporting the application	
4	Completed application form for nomination of Honorary Forest Officer (s)	

FOR OFFICIAL USE ONLY

Application received by:	District Forest Officer
<p>Name:</p> <p>Signature:</p> <p>Confirming application form is complete including attachments for onward submission.</p>	<p>Stamp:</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: 100px;">OFFICIAL STAMP</div> <p>Date received:</p> <p>Date sent to province:</p>

Verification process completed by Provincial Forestry Officer

Criteria	Checked (√)	Remarks
(a) The applicant has consulted all local users and other rights-holders of the proposed forest area and has received consent of the local traditional leaders to agree a defined area of responsibility with due consultation with adjacent communities and land owners, with signatures on the submitted sketch map signifying consent to the proposed area.		

(b) The applicants are: (a) members of a village in or near a forest; (b) managing a forest or part of a forest; or (c) desirous of managing a forest or part of a forest, and (d) citizens residing in the community area for a minimum of 2 years.		
(c) The intention of the group conforms with the principles set out in section twenty nine of the Forests Act.		
(d) The Sketch map of the proposed location and area to be established as a community forest is suitable to be a community forest area and has sanction of neighbouring communities/ users/ owners (as appropriate) and is attached to this application form.		
(e) The intention of the applicant for the area achieves a balance between forest protection and management, development, utilization and forest enterprise development.		
(f) External stakeholders and issues for attention (eg GMA etc) and consultation are identified and action identified.		List of consultees required
Recommended action: (tick/complete as appropriate)		
Request further information (Specify information required):		
Rejection of application (Specify grounds for rejection):		
Recommended for approval:		
Declaration by: Provincial Forest Officer		
Name: Signature:	Stamp: Date:	OFFICIAL STAMP

Recognition decision by: Director of Forestry

Request further information (Specify information required):	
Rejection of application (Specify grounds for rejection):	
Approval of application for recognition (yes/no)	
Name: Signature:	Stamp: Date: OFFICIAL STAMP
File ref number:	
Copies to:	

Form II
(Regulation 11, 12 and 15)



Republic of Zambia

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Community Forest Management) Regulations, 2018
REQUEST FOR FURTHER PARTICULARS OR INFORMATION

- (1) Here insert the full names and address of applicant
- To (1)
- IN THE MATTER OF (2)
- (2) Here insert the reference No. of the application
- you are requested to furnish the following information or documents in respect of your application for
- (a)
- (b)
- (c)
- (d)
- within days. If you fail to furnish the requested information within the stipulated period, your application will be treated as invalid and shall be rejected.

Dated this day of 20.....

.....
Director



Form III
(Regulation 14)

Republic of Zambia

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Community Forest Management) Regulations, 2018

**NOTICE OF REJECTION OF APPLICATION FOR RECOGNITION OF
COMMUNITY FOREST MANAGEMENT GROUP/COMMUNITY FOREST
AGREEMENT**

(1) Here insert
the full names
and address of
applicant

(2) Here insert
the reference
No. of the
application

To (1)

.....

IN THE MATTER OF (2)

.....

you are notified that your application for recognition as a
community forest management group, has been rejected on the
following grounds:

(a)

(b)

(c)

Dated this day of 20.....

.....
Director



Republic of Zambia

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Community Forest Management) Regulations, 2018

COMMUNITY FORESTRY MANAGEMENT AGREEMENT

THIS AGREEMENT is made this..... Day of 20.....

BETWEEN

Forestry Department

the Director of Forestry or an authorised representative (Name).....

AND

Community Forestry Management Group

of..... (forest area), in (Chiefdom)

..... (District), (Province)

herein represented by(name)

in the person's capacity as of the group, duly authorised hereto

(hereafter referred to as the CFMG) representing the communities of villages

(Names).....

WHEREAS

the Director agrees to transfer management authority of forest resources for the purpose of communal control, use and management of (designated forest area indicated in Annex 1).

The CFMG agree to take responsibility for the control and management of the designated forest area.

NOW IT IS AGREED:

1. COMMUNITY FOREST MANAGEMENT GROUP RIGHTS

- (i) In accordance with section 32 (2) of the Forests Act, 2015, the Director of Forestry confers on the community forest management group the following forest user rights in the community forest concerned:

Rights	√ Tick as appropriate to include in the Agreement
(a) collection of medicinal herbs;	
(b) harvesting of honey;	
(c) harvesting of timber or fuel wood;	
(d) grass harvesting and grazing of animals;	
(e) collection of forest produce for community based industries;	
(f) eco-tourism and recreational activities;	
(g) scientific and educational activities;	
(h) plantation establishment through non-resident cultivation;	
(i) the right to enter into contracts to assist in carrying out specified silvicultural operations;	
(j) development of community forest wood and non-wood Based industries;	
(k) List any other products or activity (specify):	

Form IV

(Regulation 11)

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

2. COMMUNITY FOREST MANAGEMENT GROUP OBLIGATIONS

- (i) The CFMG accepts and undertakes to protect, manage, control and utilize sustainably the forest resources in accordance with terms and conditions stipulated in this agreement and annexes attached thereof. Specifically, to:
- (a) protect, conserve and manage the community forest or part thereof pursuant to the community forestry agreement and the management plan for the community forest;
 - (b) formulate and implement forest management consistent with traditional forest user rights of the local community in accordance with sustainable forest management;
 - (c) protect sacred groves and protected trees in the community forest;
 - (d) assist the Director in enforcing the provisions of the Forests Act, 2015, in relation to illegal harvesting of forest produce;
 - (e) with the approval of the Director, enter into partnerships with other persons for the purposes of ensuring the efficient and sustainable conservation and management of the community forest;
 - (f) keep the Director informed of any developments, changes and occurrences within the community forest which are critical for the conservation of biodiversity;
 - (g) help in fire-fighting within and around the community forest;
- (ii) In accordance with section 32 (1) (h) of the Forests Act, the Director of Forestry requires the community forest management group the following obligations necessary for the efficient conservation and management of the community forest.
- (a) The CFMG shall represent and be accountable to the community of the villages specified in this Agreement and operate in accordance with the agreed constitution as submitted with application for recognition (Form I).
 - (b) Revenues and other benefits accruing from the forest resource shall be equitably utilized by the community in accordance with the benefit sharing arrangements set out in the community constitution, regulations and other annexes to this Agreement.
 - (c) Shall delineate and maintain boundaries of forest areas to be under the control of the local community represented by the CFMG in collaboration with local leaders.
 - (d) The CFMG shall ensure that the community forest area be protected from destructive late fires, pests, theft, poaching, vandalism and other such forms of hazards.

- (e) The CFMG shall coordinate with the traditional leaders to propose and enforce rules governing access, use and protection of the designated forest area in conformity with customary laws and existing regulations and local sanctions as set out in the annex 2.
- (f) The CFMG may not assign rights, convey, sell or otherwise dispose of the community forest area to any other person or group without prior written approval of the Minister.
- (g) The Community Forest area shall not be converted to other land-uses including permanent arable cropping and erection of dwellings, temporary or otherwise.
- (h) The CFMG shall seek authorisation from the District Forest Officer in advance for the issuing of conveyance permits for major forest products from the community forest area.
- (i) The CFMG shall prepare simple financial reports to be presented at regular meetings to the community in accordance with the constitution. Copies of such records of accounts may be inspected by the Director of Forestry or an authorised representative for conformity with this Agreement and its Annexes.
- (j) Shall seek advice and inform the Traditional Authority in the conduct of the affairs and obligations of the CFMG under this Agreement.
- (k) Shall seek support from the Traditional Authority in the control of illegal activities, enforcement of local regulations, hearing cases and ensuring sanction in accordance with accepted customary law.
- (l) Shall seek support from the Traditional Authority with calling meetings of community members to discuss reports, endorse decisions conduct of elections of office bearers and monitor accountability of elected officials in accordance with the approved constitution.
- (m) To seek support from the Traditional Authority with the mediation of resource use disputes when necessary, and liaise with the District Forest Officer, Local Authority and Director of Forestry as appropriate.

3. GOVERNMENT RESPONSIBILITIES

The Director of Forestry may provide to the CFMG, information, training advice and management and extension services for community forestry management. In addition, the Director of Forestry or an authorised representative shall:

- (a) Not issue any licences or permits for the area identified in the Community Forest Map signed by local stakeholders in Annex 1;
- (b) Assign a marking instrument, issue conveyance permits in sufficient number and on a regular basis and within 30 days of request to the CFMG;
- (c) Return to the CFMG, the confiscated goods or proceeds from the disposal of such confiscated goods that resulted from a case reported to the Director or an authorised representative by the CFMG at the discretion of the court, section 101, (2);
- (d) Organize in collaboration with other partners, relevant training courses to enhance organizational, technical and management capacity of CFMG and other members of the community on community forestry management, enterprise development and marketing;
- (e) Where appropriate, raise awareness among buyers and consumers of forest products the benefits of buying community forestry produce;
- (f) Facilitate the undertaking of forest resource assessments, inventory and research activities as necessary.

4. COMMENCEMENT

This agreement shall come into effect on date of signing by both parties, and shall be binding subject to adherence by the signatories to the conditions within the agreement.

5. TERMINATION

- (i) The Director may request the Minister to terminate this Agreement and the devolved authority contained within, in any of the following events;
 - (a) failure to protect, manage and control the illegal activities within its area of jurisdiction and fulfil the conditions and obligations listed in this Agreement; and
 - (b) failure to comply with the provisions of its agreed constitution, including failure to conduct periodic elections of office bearers, account for funds, failure to keep records of permits issued.
- (ii) The Director shall, before terminating an Agreement, notify the CFMG of significant failures and request the CFMG to show cause, within thirty days from the date of the request, why the Agreement should not be terminated.
- (iii) If the CFMG has not responded with effective remedial activities to rectify the issue and subsequently after all efforts to resolve or correct the situation by the Government and Traditional Authorities have failed then the Director of Forestry shall issue a final warning articulating a serious breach of the Agreement and remedial actions to be taken. If after 30 days of a written warning rectifying actions have not taken place the Director of Forestry will request the Minister to revoke the authority to control, use and manage the community forest.
- (iv) The powers stipulated in clause 7 above, shall not be exercised by the Minister unless the Director has tried all practicable efforts to resolve or correct the situation amicably.
- (v) The CFMG may terminate this Agreement with a notice of not less than 60 days if there is serious breach of this Agreement by the Director of Forestry in terms of their stipulated responsibilities, or for any reason the CFMG finds itself unable or unwilling to continue with the activities of the designated community forest area.

6. DISPUTES

- (i) Any of the parties to the Agreement may request that any dispute arising out of this agreement be referred to mediation by a mutually agreed body or person, where the Director or Minister did not invoke the provisions of Section 34 of the Act. If parties fail to agree, the Minister may invoke Section 34 of the Act.
- (ii) In the event of any dispute arising under the Community Forestry Management Agreement, either party may refer the matter to the Minister responsible for forestry. If any party is dissatisfied with the decision passed by the Minister that party may apply for a judicial review to the High Court.

7. ANNEXES

The following Annexes form part of this Agreement:

Annex (1) A sketch map showing the boundary of the community forest that has been signed by representatives of concerned neighbouring communities and the respective Chief.

Annex (2) A community forest management plan for a period of not less than 5 years for the community forest area which includes a set of community agreed rules and measures that support proper management of the community forest.

THE DIRECTOR OF FORESTRY (OR AUTHORISED REPRESENTATIVE)

CHAIRPERSON

COMMUNITY FOREST MANAGEMENT GROUP

CONSENTED TO AND WITNESSED BY:

CHIEF

Dated: _____

Form V
(Regulation 13)



Republic of Zambia

The Forests Act, 2015

(Act No. 4 of 2015)

The Forests (Community Forest Management) Regulations, 2018

**NOTICE OF REVOCATION OF RECOGNITION OF A
COMMUNITY FOREST MANAGEMENT GROUP**

(1) Here insert
the full names
and address of
applicant

(2) Here insert
the reference No.
of the
application

To (1)

.....

IN THE MATTER OF (2)
you are notified that your application for recognition as a
Community Forest Management Group or to enter into a
Community Forest Management Group or to assign rights,
has been approved by the Director on the following grounds:

(a)

(b)

(c)

(d)

Dated this day of 20.....

.....

Director



Form VI
(Regulation 13)

REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Community Forest Management) Regulations, 2018

**NOTICE OF APPROVAL OF APPLICATION FOR COMMUNITY FOREST
AGREEMENT**

To (1)

- (1) Here insert the
full names and
address of
applicant
(2) Here insert the
reference No.
of the
application

IN THE MATTER OF (2)
you are notified that your application for entering into a
community agreement has been approved on the following
grounds:

- (a)
(b)
(c)
(d)

Dated this day of 20.....

.....

Director



Form VII
(Regulation 17)

REPUBLIC OF ZAMBIA

The Forests Act, 2015
(Act No. 4 of 2015)

The Forests (Community Forest Management) Regulations, 2018

**APPLICATION TO ASSIGN RIGHTS UNDER A COMMUNITY
FORESTRY MANAGEMENT AGREEMENT**

Title	We the residents of the community of _____ in the District of _____ and the Province of _____ wish to apply
Declaration	to assign the following rights received under the community forest management agreement dated _____ to the following person or group for the following purpose:
(2) Here insert the reference no. of the application	Reference No. (2)
	The following are the rights to be assigned under the community forest management agreement:
	(a).....
	(b).....
	(c).....
	(d).....
	Details for the persons or group to be assigned rights under the Community Forest Management Agreement,
	(a) Name(s).....
	(b) Address.....
	Nature of the intention or use of assigned right:

	Parties:.....Benefits.....

	sharing.....We confirm that
	subject to the nature of the rights to be assigned, further consultation may be required including other concerned stakeholders. We confirm that the persons or group have been made fully aware of the rights and responsibilities provided through the Forests Act, 2015 and will be required adopt such obligations as may be determined by the Minister.
	Dated thisday of20

.....
Chairperson Community Forest Management Group

FOR OFFICIAL USE ONLY

Submitted to:	<i>District Forest Officer</i>
<i>Name:</i>	Stamp:
<i>Position:</i>	<div style="border: 1px solid black; padding: 5px; text-align: center;">OFFICIAL STAMP</div>
<i>Signature:</i>	Date received:
	Date sent to Province.....

Recommended	<i>Provincial Forestry Officer</i>
<i>Name:</i>	Stamp
<i>Position:</i>	<div style="border: 1px solid black; padding: 5px; text-align: center;">OFFICIAL STAMP</div>
<i>Signature:</i>	Date received.....
	Date sent to the Director.....

Approved by: <i>Director of Forestry</i>	
<i>Name:</i>	Stamp:
<i>Position:</i>	<div style="border: 1px solid black; padding: 5px; text-align: center;">OFFICIAL STAMP</div>
<i>Signature:</i>	Date received.....
	Date:
Subject to conditions:	
File ref number:	
Copies to:	

HON. J. KAPATA,
Minister of Lands

LUSAKA
14th February, 2018