

RIGHTS, REVENUE AND RESOURCES

The problems and potential of conservancies as community wildlife
management institutions in Namibia

Brian T. B. Jones

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Executive summary

A decline in wildlife numbers during Namibia's colonial era was brought to a halt on freehold land as a result of changes in legislation that gave white farmers conditional ownership over certain species of game and rights to use others. The result was an 80% increase in wildlife on freehold land and the development of a multi-million dollar wildlife industry. A number of freehold farmers began cooperating in the management of wildlife on adjoining properties and formed common property resource management institutions called conservancies. On communal land however, residents had very little legal access to wildlife and partly due to poaching by South African officials and military personnel and local people, wildlife populations consistently declined. An exception was in the Kunene Region (formerly Kaokoland and Damaraland) where a community-based conservation programme with emphasis on local empowerment, helped to halt the decline in wildlife numbers. Following the independence of Namibia from South Africa in 1990, the new government carried out a number of surveys to assess the attitudes of communal area residents to wildlife, identify problems and seek joint solutions. As a result, the Namibian government introduced policy and legislation to give the same rights over wildlife to communal area farmers that were already enjoyed by freehold farmers. In order to gain such rights, communal area residents have to form a conservancy with clear boundaries, a legal constitution, a representative management committee and registered members. Despite some significant differences between freehold and communal land, the institutional framework for communal and freehold conservancies is similar, closely following the design principles of common property resource management institutions.

Communal area conservancies face a number of problems in becoming established, including: the definition of community and of conservancy boundaries; competing interest groups within communities; competition between new conservancy institutions and established institutions; differences in scale between appropriate social units and resource management units; uncertain land tenure, and unequal levels of support available to assist all the communities wishing to form conservancies.

A number of communities have found pragmatic ways to overcome these problems. These have included: managing to resolve long-standing land disputes with neighbours; subsuming internal differences in order to gain common benefits; and redefining their relationships with existing and emerging institutions at a number of levels. The government has also played a mediating role in assisting with conflict resolution. However for some communities, dealing with these issues has meant long delays in forming their conservancies. While the government has put in place a suitable environment for conservancies to form, it remains to be seen how they will perform in practice.

Early community-based conservation work in Kunene Region and the experience with freehold farmers has shown that individuals and communities are not driven

solely by financial profit. Communities' motivations for managing wildlife include livelihood diversification to minimise the many risks associated with an uncertain environment, and cultural values placed on wildlife.

It is too early to measure impacts of conservancies on wildlife or local livelihoods. However, impacts on wildlife from early community-based conservation activities in Kunene Region have been significant with flagship species such as the desert-dwelling elephants and black rhino recovering well. There are indications of positive trends beginning to develop elsewhere and conservancies are expected to build on these. Income generation and material benefit has so far been small, but probably sufficient to demonstrate that wildlife can contribute to rural development. Early income generation activities included bed night levies from tourism lodges (e.g. US\$8 000 distributed to 370 households in Caprivi in 1996) and benefits from hunting (e.g. US\$25 000 worth of meat and US\$3 000 from the sale of skins in Kunene Region in 1993). Subsequent contracts between communities and private sector operators have yielded larger sums (e.g. more than US \$116 000 to the Torra Conservancy and local residents from a tourist lodge from 1996 to 1998, and US\$30 000 to a San community from trophy hunting in 1998.). Even small injections of cash into poor and marginalised communities can make a relatively large impact.

Communities have also received a number of non-financial benefits which include: new, adaptable institutions with a defined and committed membership; accountable leaders and a participatory decision-making process that includes women; new skills; integrated resource management systems; experience and confidence in dealing with outsiders; recognition from neighbours and outside authorities and increased pride through increased control over their own resources and livelihoods. Furthermore, the continued existence of wildlife (or in some cases its return) is valued highly for cultural and aesthetic reasons.

A number of similar policy and legislative changes in other resource sectors provide the opportunity for conservancies to gain rights over other resources and develop integrated resource management systems at community level, although a lack of coordination between government departments threatens to impede progress.

The development of community-based conservation in Namibia has been evolutionary and dynamic, at both community and national policy level, and many of the conditions necessary for the development of viable common property resource management institutions are now in place.. It is difficult to judge success or failure as conservancies are only now becoming operational. Much will depend upon the extent to which conservancies can fit into nested levels of decision-making and defend their rights at higher levels. Conservancy management committees will also need to remain accountable and responsive to their members.

Much of the progress made so far has been due to the following critical factors:

- Availability of "light-touch", high quality facilitation to assist a number of communities. Such facilitation needs to become more widely available to avoid the development of a few elite "five-star" conservancies that succeed while many more falter and fade.

- Development of local level "projects" simultaneously with work at national level to create the enabling framework.
- Donors providing significant assistance but not allowing their agendas to dominate the process.
- Internal development of the conservancy approach from a joint recognition of problems and solutions between communities, government and NGOs rather than external imposition.
- Evolution of the approach over a long period of time (starting from a community-game guard programme over nearly 17 years) enabling it to adapt and grow with changing circumstances and opportunities.

1. Introduction

Prior to the era of colonial domination in Namibia (which began in 1883) wildlife was regarded as a resource used as part of rural people's livelihood strategies. Control over use was regulated by traditional authorities, religious taboos and low technology methods of hunting. Smaller human populations meant that hunting had a lower impact. This is not to suggest that there was some ideal state of harmony with nature - the important point is that authority over wildlife, rights to use wildlife and rights to enjoy the benefits of use were all located at the local level, and vested in community level institutions. By and large, use of wildlife was not a free for all but governed by some rules.

Successive colonial governments changed this situation by locating authority, rights of access and benefit at the central government level, turning legitimate use of wildlife into illegal use, appropriating land for game reserves and alienating rural people from what had been a part of their livelihood strategies. The result was a general decline in wildlife numbers, both on freehold commercial farmland and on communal land as local people ceased to have any incentive to manage wildlife sustainably. The decline of wildlife on communal land was accelerated during the 1970s and 1980s by a number of factors including drought, heavy poaching by South African government officials and military personnel and by local people.

The response of the post-independence Namibian government to the decline in wildlife numbers has been innovative. It has taken measures to devolve a large measure of authority, and responsibility over wildlife and the right to benefit from wildlife use to landholders themselves, both freehold and communal. On freehold land, where the changes have been in force the longest, there has been a positive and significant impact on wildlife numbers. In many areas of communal land the changes have taken place within the past few years and it is too early to measure impact on wildlife. But in some areas where informal attempts have already been made to give rural people responsibility for and benefit from wildlife management, wildlife numbers have increased considerably.

This case study examines the way in which the Namibian government has used policy and legislative instruments to provide strong incentives for rural landholders to manage wildlife sustainably. It focuses particularly on the institutional arrangements that are being created for wildlife management and the problems inherent in these arrangements. These institutional arrangements are analysed against common property resource management institution design principles. Conclusions are drawn on the impacts the changes in policy and legislation have had, and are likely to have, on wildlife in Namibia and on the potential for the nascent wildlife management institutions on communal land to be vehicles for the sustainable management of other renewable natural resources.

2. Wildlife Conservation and Biodiversity in Namibia - an Overview

Namibia's economy is heavily dependent on natural resources. Two-thirds of the 1,6 million population live in rural areas and are directly dependent upon the soil and living natural resources for their livelihoods (Brown 1997). In 1992, per capita GNP was US \$1 670, but income distribution is highly skewed between urban and rural households, with the quarter richest households accounting for over 70 per cent of total consumption (NPC undated). The aridity of the country is the key factor limiting sustainable development. Average rainfall varies from above 600 mm in the north east to less than 25 mm in the Namib Desert to the west. Rainfall is erratic both temporally and spatially leading to large localised differences in precipitation and large fluctuations annually, with drought a regular occurrence.

2.1. Trends in Biodiversity and Wildlife

According to a recent study of Namibia's biodiversity (Barnard 1998), while Namibia has a wide diversity of habitats ranging from the Namib desert in the west to the riverine floodplains of the north east, the species richness of these habitats is only modest compared to other countries with similar habitats. Namibia's biodiversity is distinguished rather by its high degree of endemism than the richness of diversity.

The study found that major habitats under threat include nearly all wetlands and those savannas which have been heavily converted to livestock farming and have suffered considerable degradation. It concluded that poor land management on farmlands was one of the greatest threats to biodiversity in Namibia.

Although Namibia has 21 protected areas, making up nearly 14 per cent of the land area, the country's ecological diversity is not well represented in the protected area network. The Namib Desert biome is over represented (69 per cent) while other key biomes are under represented. The biodiversity study believes that informal conservation approaches such as conservancies (freehold and communal), private nature reserves and game farms could mitigate the deficiencies in the protected area network.

The general trend for wildlife in Namibia over the past 30 years has been a huge increase in numbers on most freehold land (as a result of legislative change) accompanied by a continuing decline in numbers on most communal land (with some notable exceptions). Wildlife has all but disappeared from the former Owamboland area north of the Etosha National Park, and there have been sharp declines in other regions such as Caprivi. Red lechwe for example declined in eastern Caprivi from around 12000 in 1980 to around 1100 in 1994. There have also been declines in eastern Otjozondjupa Region, the former Bushmanland, since the mid 1980s. By contrast, elephant in most areas have shown a continued increase, as have buffalo in Caprivi (for more detail see: Yaron et al. 1993, Rodwell et al. 1995, and Stander 1995).

The former Damaraland and Kaokoland homelands, now making up much of Kunene Region have been exceptions to the general decline in wildlife on communal land, with populations recovering dramatically from the drought and heavy poaching of the 1970s. The recovery has been ascribed to increased rainfall, better monitoring by government and NGOs and a highly successful community-based conservation programme (see Section 7 for more details). Some evidence exists that the situation in Caprivi is beginning to improve, in areas where community-based approaches have been most effective (see also Section 7.).

The main reasons for the decline of wildlife on communal land include poaching in the past by South African officials and soldiers in the pre-independence period, poaching by local people and habitat loss due to human expansion. In Caprivi the decline of flood plain species such as red lechwe has also been ascribed to changing habitat due to much drier climatic conditions and smaller floods, particularly on the Kwando River.

By contrast, wildlife on freehold farmland increased by more than 80 per cent between 1972 and 1992 rising from 699 227 to 1 194 042 (Barnes and de Jager 1995). There has also been an increase in the distribution of different species and the reintroduction of certain species to districts where they formerly occurred, leading to an overall increase in the diversity of species on freehold land (Lindeque and de Jager undated). The reasons for the contrast in wildlife populations on freehold and communal land are discussed in detail in Section 3.

The last national census was carried out during 1998 and at the time of writing the results were not yet available.

2.2. The Policy Framework Affecting Community-Based Wildlife Management

2.2.1 International agreements

Namibia has signed a number of international agreements that have an impact on community-based wildlife management (CWM). Generally these agreements help to promote community-based approaches to natural resource management - e.g., the Convention on Biodiversity recognises the importance of rural communities in biodiversity conservation, particularly with regard to indigenous knowledge and practices, and the Desertification Convention recognises the role that rural communities can play in combating desertification through improved natural resource management. However, in some cases international agreements have had a detrimental affect on CWM. For example, Namibia became a party to the Convention on International Trade in Endangered Species (CITES) in 1991 with mixed blessings. While CITES provides a vehicle for protection of endangered species, the international politicisation of elephant conservation through CITES for some years worked against Namibia's interests, particularly its attempts to place a financial value on wildlife for rural communities. The ban on ivory trade (now

conditionally lifted for Namibia and other selected southern African countries) meant that the full value from the sustainable use of elephants could not be realised. For Namibia, with a sound record on elephant conservation, a trade ban was not appropriate. As Lindeque et al (1996:164) conclude: "International trade in wild species has an insignificant effect on most fauna and flora in southern Africa compared to the threats from land use and the loss of habitat."

2.2.2 National Policies

The wildlife and tourism policy and legislation relevant to community-based conservation in Namibia is summarised in some detail in Annexe 1. The following provides a brief guide to the main policy and legal instruments.:

In 1992, the then Ministry of Wildlife, Conservation and Tourism (MWCT) approved a policy document which made provision for the establishment of wildlife management units called conservancies. Although the document was concerned essentially with the establishment of conservancies on commercial land it also provided for their establishment on communal land. The extension of the concept to communal land was somewhat theoretical as, at the time, communal area residents had virtually no rights to use wildlife. The document defined conservancies as: "...a group of farms and/or area of communal land on which neighbouring landowners/members have pooled their resources for the purpose of conserving and utilising wildlife on their combined properties and/or area of communal land " (MWCT 1992: 6).

The Policy on Wildlife Management, Utilisation and Tourism in Communal Areas (MET 1995a) provides a framework for giving rights over wildlife to communal area residents through the institutional structure of a conservancy, thus providing the necessary step for implementation on communal land of the 1992 conservancy policy. Two of its primary objectives are :i)to ensure that the same principles that govern rights to wildlife utilisation on commercial land are extended to communal land and ii) to allow rural communities on state (i.e. communal) land to undertake tourism ventures and to enter into cooperative agreements with commercial tourism organisations to develop tourism activities on state land.

The Nature Conservation Amendment Act, 1996 (Act 5 of 1996) amends the Nature Conservation Ordinance of 1975 so that residents of communal areas can gain the same rights over wildlife and tourism as commercial farmers. Instead of the existence of fencing and the size of the farm being the conditions for gaining ownership over huntable game and the right to use other species, the Nature Conservation Amendment Act sets the formation of a conservancy as the condition upon which ownership and use rights over game are given to communal area residents. A conservancy must have a defined geographic boundary, a defined membership, a representative management committee, a legal constitution and a plan for the equitable distribution of benefits before it can be registered by the Ministry of Environment and Tourism (MET). The Act gives conservancies a

concessionary right over commercial tourism activities within the conservancy.

The Act also makes provision for the creation of another wildlife management institution, a Wildlife Council. This is a government/community co-management institution for managing wildlife on communal land where conservancies have not been formed (GRN 1996). The Regulations accompanying the Nature Conservation Amendment Act give more precise definition to certain issues relating to the formation of conservancies and Wildlife Councils. They specify certain issues which must be covered by the Conservancy Constitution (GRN 1996b).

The MET policy on the Promotion of Community Based Tourism was approved in 1995. It provides a framework for ensuring that local communities have access to opportunities in tourism development and are able to share in the benefits of tourism activities that take place on their land. The policy recognises that where tourism is linked to wildlife and wild landscapes, the benefits to local communities can provide important incentives for conservation of these resources. It also makes provision for communal area conservancies to receive the concessionary rights to lodge development within the conservancy boundaries (MET 1995b). This right is further strengthened by the draft Tourism Act (1996) which provides for better coordination and regulation of the tourism industry in Namibia and specifically provides for conservancies to be given concessionary rights over tourism activities (MET 1996).

Additional natural resource policy and legislation which is not specific to wildlife also affects community approaches to wildlife management. For example, the Directorate of Forestry in the MET has drafted policy and legislation that makes provision for the establishment of various types of protected forest area including a category of community forest. The National Forest Policy makes specific mention of the need to encourage the participation of rural communities in forestry management and conservation (Hagen et al. 1998). According to the draft Forestry Act provision is made for the devolution of a large degree of responsibility to community forest committees over areas designated as community forests. The institutional characteristics of such a committee are similar to that of a communal area conservancy (see Annexe 1.)

The Namibian government has also begun a programme of handing over to local communities control and ownership of water supply points (mainly linked to groundwater). Responsibility will be given to local water point committees which will be able to collect user fees to cover the costs of operation and maintenance. Again, it has been proposed that in order to gain recognition the committees should satisfy similar criteria as for communal area conservancies and community forest committees.

The National Agricultural Policy also states the government's intent to enable rural people to have decision-making power at the lowest possible level, but so far, no legislation has been enacted to put this into effect. This is an important gap in the policy and legal framework supportive of sustainable community-based natural resource management, as rangelands remain largely open access and subject to degradation. Similarly, no legislation has yet been passed to put a new land policy

into effect which makes provision for the administration of land through Land Boards similar to the Botswana model. The policy provides for tenure rights to include all renewable natural resources on the land, conditional upon sustainable use and subject to details of sectoral policy. Wildlife and tourist attractions are included among these renewable natural resources. Landholders will include "legally constituted bodies and institutions to exercise joint ownership rights" (GRN 1998:3).

Finally, Namibia's national policy on desertification recognises the need to promote the sustainable and equitable use of land and renewable natural resources and links poverty and population growth with the processes of desertification. It states that strategies for poverty alleviation, including alternative livelihoods for rural communities, should be included into efforts to combat desertification and that people directly dependent upon land and natural resources should be empowered to make decisions regarding their management (Wolters 1994).

3. From State to Private Ownership of Wildlife

3.1. Freehold farmers

In 1968, the Administration of South West Africa (Namibia's former name under South African rule) took a bold move and gave (white) freehold farmers proprietorship over wildlife in the form of conditional ownership and use rights on their farms. In 1975 these rights were incorporated into new wildlife legislation, the Nature Conservation Ordinance (no.4 of 1975.). A farmer meeting certain conditions (land of more than 1000 ha surrounded by a certain type of fencing) could receive "ownership" of certain wildlife species designated as huntable game. These species were an eclectic mix of kudu, oryx, springbok, warthog, buffalo and bushpig and the farmer was free to use them at his own discretion. Farmers were also able to use other species designated as protected or specially protected game (and thus still controlled by the state) through a permit system. Permits were issued by the conservation authorities based on a farm inspection and an estimate of numbers of the species for which the permit was requested. Farmers could also apply for status as a hunting farm giving them rights to carry out trophy hunting.

This change in approach from state ownership to conditional private ownership and use rights over certain species of wildlife had a major impact on trends in wildlife numbers. Prior to the new policy and legislation wildlife numbers, including species such as the endemic Hartmann's mountain zebra were declining. Farmers viewed wildlife as competition for their livestock and therefore a cost rather than a benefit. The wildlife was owned by the state and farmers had no control over it. Even if they wanted to maintain wildlife on their land they were powerless to manage numbers in balance with their livestock. "Biltong hunting" became popular when, during the declared hunting season, hunters from urban areas and South Africa would indulge in killing sprees for meat for making biltong (meat which is salted and dried; regarded as a delicacy in Southern Africa).

Given a degree of authority over wildlife, use rights and the right to benefit from use, many commercial farmers began to view wildlife in a new light (Barnard 1998, Van der Walt 1987, de Jager 1996). They now had the opportunity to develop wildlife as a sustainable income-generating resource. Gradually a wildlife industry developed on commercial farmland based on consumptive uses such as sport hunting, culling for meat, trophy hunting, and live sale, and on non-consumptive uses such as photographic tourism (Van der Walt 1987, Berry 1990), and by 1992 the wildlife industry had become a significant part of the economy contributing more than US \$5.6 million. (Barnes and de Jager 1995). Game ranches have now been established in areas where wildlife has taken over from agriculture as the dominant form of land use and on some of these ranches species which had disappeared from freehold land, such as elephant, rhino and lion, have been reintroduced.

Interestingly economic analysis has shown that although in national *economic* terms, wildlife is an efficient land use with a relatively high economic rate of return, it is not particularly profitable *financially* for individual farmers (or at least, no more profitable than livestock farming) (Ashley and Barnes 1996, Barnes and de Jager 1995). Due to the effects of sales tax, rental fees, market wages and other factors, the rate of return on investment is only about 4-6 per cent annually for livestock, mixed livestock/wildlife and wildlife only (Ashley and Barnes 1996). This would indicate that profit alone is not the only motivation for Namibian freehold farmers turning to wildlife as a major form of land use. Indeed, Ashley and Barnes (1996: 7) conclude that "part of the value of game to farmers lies in the diversification of risk, and aesthetic (non-use) benefits (which are not captured in the economic analysis). Diversification is particularly important when farming in such a variable environment with relatively low profits."

In a significant development, freehold farmers began to realise that the individual farm units (average size of about 5 000 ha) were not large enough in Namibia's arid environment for successful game farming (de Jager 1996). Successful game and livestock ranching in arid, unpredictable environments requires large areas of land on which animals can take opportunistic advantage of pasture growth and water supply. Mobility and flexibility are the key to survival. In the late 1980s a number of individual freehold farmers began to discuss the possibility of pooling their land, human, financial and wildlife resources to manage their land in a more collective manner for wildlife. After long and arduous negotiations, facilitated by conservation personnel, a group of farmers agreed to adopt a model of resource management based on the "conservancy" approach developed in Natal in South Africa. They agreed a constitution and a set of operating rules and criteria for the distribution of income derived from joint wildlife management. Although the government had not then legislated to give formal recognition to freehold area conservancies, the then Directorate of Nature Conservation and Recreational Resorts developed a policy acknowledging such conservancies and establishing levels of support (MWCT 1992).

There are now 12 conservancies on freehold land in Namibia covering an area of approximately 1.2 million ha. Efficiencies of scale have meant that financial rates of

return are more than twice than those of individual ranches with wildlife as a land use (Barnes and de Jager 1995).

3.2. Extending rights to communal areas

The success of the devolution of proprietorship over wildlife to freehold farmers led government planners to believe that a similar approach would work on communal land. It was believed that the incentives of proprietorship and benefit from wildlife would also lead to a change in attitude towards wildlife and halt the decline in numbers, particularly where the benefits could exceed the costs that people incurred due to damage to crops and water points and livestock losses. Further, the development of conservancies on freehold land provided an interesting shift from individual management of land and resources to a more communal approach. In fact, the freehold farmers, had begun to develop a simple common property resource management institution and regime. The planners, searching for a means to give communal area residents rights over wildlife, looked to the conservancy concept as the mechanism.

The 1992 policy on conservancies had suggested that the freehold approach could be extended to communal areas, but did not suggest how this might be achieved in practice. On freehold land, each individual farmer could negotiate as a proprietor of both the land and the wildlife whereas in communal areas the state owned the land and the wildlife. Apart from possible access to permits during an annual hunting season (if one was declared) communal area residents had no access to the use of wildlife on their land. In order to give proprietorship over wildlife to communal area residents, the government planners followed the example of the 1975 legislation and its approach to freehold farmers. The essential principle was that proprietorship and use rights were given if farmers met certain conditions. A policy on wildlife utilisation, conservation and tourism on communal land (MET 1995a) proposed that proprietorship over wildlife be given to groups of communal area residents who formed a communal area conservancy. A conservancy would also automatically gain exclusive rights to commercial tourism operation within its boundaries. In order to form a conservancy, residents would need to define the geographical area of the conservancy, define the membership, elect a representative committee, become a legal body, approve a set of operating rules and a plan for the equitable distribution of benefits. This policy was approved by the Namibian Cabinet in 1995 and applied in legislation during 1996. The details of the policy and subsequent legislation are contained in Annexe 1.

3.3. Differences Between Freehold and Communal Land and Resources

An obvious difference between freehold and communal land is the tenurial and related institutional arrangements. However, a number of disparities exist between freehold and communal land in Namibia, largely because of the country's political

history as a colonial adjunct to South Africa.

Under South African colonial rule, 40.8 per cent of Namibia's land had been allocated to black homelands which supported a population of about 1.2 million, while 43 per cent had been allocated as freehold land to mostly white commercial farmers. 13.6 per cent was designated as conservation areas and a small percentage was unallocated land. This system of land allocation effectively meant that per capita blacks had 54 ha and whites 444 ha. Since independence, a small number of the 6,100 freehold farms have passed into the hands of black Namibians (3 per cent), but ownership is largely still in the hands of Afrikaans and German settler families (89 per cent).

The former white or "commercial" farmland is held under freehold title by individuals or registered companies, while the state owns communal land. Residents of communal land have usufruct rights over the land and its resources such as grazing. Under the South African colonial administration land allocation was the function of government officials although in practice, traditional leaders believed that communal land was owned by the chief or the king and allocated it according to customary law (Corbett and Daniels 1996). However this *de facto* allocation of land by traditional leaders has been eroded by post-independence government policy. The erosion of the powers and status of traditional leaders has combined with other factors to create in most cases an *open access* situation on Namibian communal land. Without secure and exclusive group tenure over communal land, many residents have been unable to guard their land against appropriation by wealthy individuals and settlers from other areas (Jones and Murphree, forthcoming.) (see Section 5.5 for further discussion of this issue).

Significantly for the new conservancy approach on communal land, the former homelands retain the largest populations of big game such as elephant, buffalo, lion, leopard and black rhino. On freehold land, because of extensive conversion to livestock and some arable farms, these species disappeared until re-introductions took place on certain game farms. In terms of trophy hunting, the freehold farms can mostly only offer smaller and more common types of ungulates, for example kudu, gemsbok and springbok, giving the emerging communal area conservancies a comparative advantage. Indeed, there could be potential for partnerships between freehold trophy hunting farms (or conservancies) and communal conservancies in order to offer packages that include small and medium-sized ungulate and big game hunting in different habitats, combined with some cultural tourism.

4. Conservancies as common property resource management institutions

Although there are some major differences between freehold and communal land in Namibia, the similarities in institutional arrangement between the conservancies that have developed on freehold land and those on communal land are striking. Both

types of conservancy are legal bodies with constitutions and rules of operation. Both have committees representing members. Both have rules or criteria for benefit distribution. Both have defined boundaries and a defined membership. In fact both measure up well against the principles for designing long lasting common property resource management institutions. In this section the conservancy principles and practices are compared to the principles for common property resource management as identified by Ostrom (1990) (points 1-8) and Murphree (1993) (points 9-13).

1) Clearly defined boundaries - individuals or households who have rights to use resources must be clearly defined, as must the boundaries of the resource itself.

Both freehold and communal area conservancies have defined membership - on freehold land the farmer/owners and on communal land a self defined social unit, the individuals of which have to be registered by law. Both have defined geographic boundaries - in the case of freehold farmers, the limits of their combined farms, in the case of communal residents, boundaries agreed with neighbours. Wildlife moves across both communal and freehold conservancy boundaries, but is deemed by law to belong to that conservancy upon which it is found at any given time.

2) Rules governing use or provision of the resource must be appropriate to local conditions - rules for using the resource or providing it to resource users, such as restricting time, place, technology and how much can be used, must be appropriate to the resource itself, including availability

The likelihood of rules relating to appropriation and provision being congruent to local conditions is high because decision-making on these issues is vested with the conservancy membership or their representatives. They are not made by outsiders such as state bureaucrats unfamiliar with local conditions.

3) Collective-choice arrangements - most individuals affected by the operational rules should be able to participate in changing the rules.

On freehold land the individual farm owners sitting as a committee represent the decision-making body of the conservancy and thus participate directly in setting and modifying the operational rules. In communal area conservancies members are able to modify operational rules at annual meetings of the conservancy.

4) Monitoring - Monitors of the rules and the use of the resource are either resource users themselves or accountable to the users.

In freehold conservancies the monitors are usually the farmers/owners themselves or their employees. In communal conservancies monitors are often drawn from the ranks of members (for example community game guards) and are accountable to the conservancy committee, which employs them. Individuals also monitor the behaviour of neighbours.

5) Graduated sanctions - resource users who break the rules are likely to face graduated sanctions depending on the seriousness and context of the offence.

Punishments are decided by other resource users, by officials accountable to them, or by both.

Communities forming conservancies have in the past adopted the approach that certain offences can be dealt with by local leaders, while more serious ones should be dealt with by the state apparatus. It is assumed that this approach will continue in operational conservancies.

6) Conflict resolution mechanisms - resource users and their officials have rapid access to low-cost local mechanisms to resolve conflicts among users or between users and officials.

In freehold conservancies conflict resolution is carried out within the membership and by committee members. In communal conservancies, it is also committee members who deal with internal conflicts. The role of traditional leaders, who are often the "patrons" of conservancies, in resolving conflicts is likely to continue and there is also recourse to the MET and regional councillors if conflict resolution at the local level fails.

7) Recognition of legitimacy - government supports, or at least does not challenge, the rights of resource users to devise their own institutions.

Government has a specific policy giving recognition to freehold conservancies and policy and legislation make provision for communal conservancies to be established and to operate.

(8) Nested enterprises - resource use or provision, monitoring, enforcement, conflict resolution, and governance activities are organised in multiple layers of nested institutions, where rights and responsibilities are clearly defined.

Neither freehold nor communal conservancies exist outside of other layers of decision-making and resource use. Central government retains overall responsibility for the sustainable use of wildlife resources and retains a monitoring and enforcement role in addition to the internal activities of the conservancies. Particularly within communal conservancies it is likely that certain resources will need to be managed by a group of conservancies acting over a larger space than an individual conservancy. At the same time, certain management activities will need to take place at lower levels than the conservancy, such as at village or even household level. The system is flexible enough to allow these nested layers of decision-making, authority and resource use to develop over time.

9) Effective management of natural resources is best achieved by giving the resource a focused value - to determine whether the benefit of managing a resource exceeds the cost, the resource must have a measurable value to the community.

Government legislation enables communities to capture the value of wildlife through trophy hunting and other uses including tourism. Whether individuals or households receive sufficient benefit to exceed their own costs depends on the amount of

income and the particular arrangements for benefit sharing within each community..

10) Differential inputs must result in differential benefits - those communities living with the resource and thus bearing a higher cost should receive higher benefits than those who do not bear the cost.

The conservancy approach channels benefits to communities which have wildlife on their land and which are suffering costs from wildlife. Income is not captured by a state agency and then distributed according to criteria unrelated to costs and benefits. Again internal conservancy arrangements will determine whether this principle is followed within the conservancy.

11) There must be a positive correlation between the quality of management and the magnitude of derived benefits - an incentive for good management must reward greater investment in the resource with greater benefits.

Communities that invest in management of their wildlife resource through monitoring, protection and maintenance of habitat will gain increased benefits through an increase in wildlife that can be utilised and the maintenance of a good tourism product. The conservancy system does not provide handouts. Communities need to earn their income.

12) The unit of proprietorship (i.e. who decides) should be the same as the unit of production, management and benefit - the group which manages the resource should also form the local management institution.

The conservancy approach makes provision for this principle to be met. A group of resource users and producers can combine to form a management institution at a local level and they will receive the benefit from management and use.

13) The unit of proprietorship should be as small as practicable - smaller social groups are better at managing themselves and the resource than large anonymous institutions

The conservancy legislation does not specify the size of group that should make up a conservancy. Communities are left to define themselves in terms of size and membership.

The points made above in relation to the principles articulated by Ostrom and Murphree are obviously at a theoretical level. The conservancy approach is designed to be flexible enough to meet most of these principles, but much depends upon what develops in the field in practice. A number of factors have already begun to emerge which have acted as constraints to conservancy formation and the development of viable community level common property resource management institutions. These are discussed in Section 5 and include:

- the definition of community and of conservancy boundaries;
- competing interest groups within communities;

- competition between new conservancy institutions and existing institutions;
 - the potential differences in scale between appropriate social units and resource management units;
 - uncertain land tenure;
- unequal levels of support to communities wishing to form conservancies.

5. Constraints to Developing Conservancies as Viable Common Property Resource Management Institutions

5.1. Definition of community and of conservancy boundaries

The conservancy legislation leaves communities to define themselves and to negotiate the conservancy boundaries with neighbours. This has proved problematic in a number of cases because of existing land disputes and differences between various groups of people.

5.1.1 Land disputes

In the Kunene Region of north west Namibia communities tried to simplify the issues of community and boundary definition by using an existing delimitation of Headmen's Wards. This system had earlier been used to demarcate the areas covered by community farmers' associations. Although communal land, each Headman's Ward in Kunene is made up of a number of named and surveyed farm units which had been purchased by the former South West Africa Administration from white farmers to create the former Damaraland homeland. However, because the conservancy legislation required communities to have clearly identifiable boundaries, a more precise definition of boundaries and group membership was required than for the farmers' associations. The process of boundary identification led to the exposure of some hidden disputes over land that had lain dormant for some time.

In the case of the Torra, #Khoadi//Hoas, and Doro-!Nawas emerging conservancies all three were defining their membership and boundaries at the same time. When Torra drew its boundaries, the two other emerging conservancies objected, saying that Torra had included some of their land. In addition, some individuals on the disputed land registered as members of more than one conservancy. The disputes between Torra and its two neighbouring conservancies were particularly complicated because the definition of community became linked to disputes over land. A conservancy needs to be a defined social unit, but it also needs to be a defined geographical unit. Doro-!Nawas conservancy for example, said people could join another conservancy, but the land they lived on would remain part of Doro-!Nawas.

For some time these disputes over land and community definition delayed conservancy formation in Kunene Region and appeared to be intractable. There had

been other delays and problems and committee members of the Torra conservancy began to lose heart that they would be ever be able to form their conservancy. Several meetings were held in the area by regional councillors and traditional leaders to try to resolve the disputes, but without success. The councillors and traditional leaders ruled that conservancies should conform to the original delimitation of the Headmens' Wards, but this remained unacceptable to the Torra conservancy and several residents.

The Ministry of Environment and Tourism (MET), the government agency responsible for conservancy legislation, was reluctant to intervene in land disputes and so did not directly involve itself in the negotiations between the conservancies. It did however, take a policy decision that in order to prevent further delay in conservancy formation, it would register conservancies without the disputed land which could be added to a conservancy once the disputes were resolved. Ministry officials also played an important role in facilitating disputes over double registration of conservancy members by acting as "eyewitnesses" when residents were given the choice to decide which conservancy they wanted to belong to. Once the officials had witnessed the decision by the residents there could be no further claims and counter claims. This approach also helped to establish a policy that came to be accepted by all parties that residents should have the right to chose which conservancy they wanted to belong to.

Based on this approach established by the MET all three emerging conservancies pragmatically submitted applications to government leaving out the disputed areas. Torra also decided to abandon its claims to three farms it claimed from #Khoadi//hoas, despite the farms falling in a key wildlife and potential tourism area. Torra has good wildlife resources and tourism attractions of its own and so did not need to compete for the resources on the disputed farms.

5.1.2 Community conflicts and politics

Internal community conflicts led to lengthy delays in Sesfontein, to the north of Torra, finalising its conservancy application. One community, Warmquelle, which by geographical criteria should have formed part of the conservancy, was socially divided under two headmen who disputed 'ownership' of the land. The minority group refused to agree to join the conservancy until the headmanship dispute was settled. At the end of 1998, the conservancy committee took a decision to go ahead without involving Warmquelle in its application, simply so that some progress could be made after nearly three years of preparation. Another village in a remote area in the far northern part of the Sesfontein proposed conservancy decided to break with Sesfontein and form its own conservancy, despite having a common headman, on account of their physical isolation (about 80 km from the next nearest settlement in the conservancy).

The established and emerging conservancies of the Kunene Region have relatively small human populations, thus meeting the common property resource management design principle of small social units. In other areas of the country, conservancy

committees have struggled to determine the scale of the "community" that should be involved in the conservancy. In Caprivi Region, the original intention was to develop the Salambala conservancy for the whole of the Basubiya tribal group consisting of several thousand people. Realising the problems that this would provide in terms of decision-making and benefit distribution, the conservancy committee and Basubiya tribal authority agreed that the Salambala conservancy should be smaller and that other parts of the Basubiya tribe would be able to form their own conservancies. Even so, the Salambala conservancy has more than 2000 members, a figure which still raises questions about the practicality of operating such a large conservancy (see Section 5.4 below).

In the Uukwaluudhi conservancy in northern Namibia the tribal authority has insisted on the conservancy comprising all of the tribe's members, even though the area of the conservancy would be considerably less than the total area of the tribal land. This means a conservancy membership of more than 40,000 people. Government officials supporting the Uukwaluudhi conservancy realised that it would be impossible to meet the legal condition of registering the conservancy members. There was some debate about forming a Wildlife Council, but this idea was rejected by the tribal authority which believed it would lose control of the process to the governor and Regional Council. Another proposal was that only village headmen would have to be registered instead of individual members. This suggestion was rejected by the Minister of Environment and Tourism who ruled that MET would accept the conservancy boundaries, but members of the tribe living outside the conservancy borders could still be members. He also ruled that registration of residents outside the actual conservancy borders would not be necessary. The decisions of the tribal authority and the Minister have combined to make future management of the conservancy area extremely difficult because of the large numbers of people involved who will expect to benefit.

5.2 Competing interest groups within communities

5.2.1 Wildlife advocates and livestock owners

Conflicts between those who prefer traditional livestock ranching and those who would like to form wildlife conservancies are becoming evident. In Uukwaluudhi conflict arose over plans by the proto-conservancy (emerging conservancy) committee to fence off a part of the proposed conservancy area for the establishment of a core conservation area for the reintroduction of wildlife. The traditional authority of Uukwaluudhi had some years ago given grazing rights in the proposed core area to people of other tribal groups on neighbouring land. When the Uukwaluudhi traditional authority requested these people to remove their livestock from the area, they refused and insisted that they should retain their grazing rights. The issue was taken up by a local farmers' association and was given attention in the national media. The formation of the conservancy became embroiled in tribal, regional and national level politics as individuals sought to exploit the issue for their own advantage. Ultimately the conflict appeared to have been resolved after intervention from the Namibian President who declared himself in favour of the

Uukwaluudhi conservancy and development of a core area. However, there has been renewed opposition from cattle owners to the fencing off of a core area on a scale which could threaten the future of the conservancy.

Conflict of a similar nature developed in the Salambala conservancy. The conservancy committee also planned to partially fence off a core area for the reintroduction of wildlife. However, a number of people objected to having to move to make way for a wildlife area, and, supported by the local governor, threatened legal action against the conservancy which would have delayed registration of the conservancy. The conflict has since been resolved and the conservancy (now registered) is going ahead with its plans (see Box 1).

5.2.2 Youth and ethnicity

In Kunene Region a number of conflicts between the land managed to gain agreement from different interest groups also became apparent during exception of four individuals who claimed conservancy formation. In the Torra conservancy a group According to residents of the Salambala of young people delayed the conservancy application to politically motivated, belonging to a rival MET virtually at the last minute, claiming the committee opposition DTA Party. Residents say the was unrepresentative. The committee met cultivated land in the area for almost ten years. Representatives of the young people who appeared to be their grievances at a national level, complained by a disaffected teacher, who left the area not long rights were being violated and threatened after. Confident that the youth group did not represent a Governor of Caprivi, also a DTA member, a groundswell of opposition to the conservancy and was in a step which is part of the conservancy application. a small minority, the committee went ahead with its requirement for approval by the MET.

Box 1: Cattle and court action in Salambala

The emerging Salambala Conservancy is a conservation area for the reintroduction of wildlife. It is a fenced area where people live, graze cattle and raise crops. The area is managed by a committee of representatives of the young people who appeared to be their grievances at a national level, complained by a disaffected teacher, who left the area not long rights were being violated and threatened after.

According to residents of the Salambala, a group of young people delayed the conservancy application to politically motivated, belonging to a rival MET virtually at the last minute, claiming the committee opposition DTA Party. Residents say the committee was unrepresentative. The committee met cultivated land in the area for almost ten years. Representatives of the young people who appeared to be their grievances at a national level, complained by a disaffected teacher, who left the area not long rights were being violated and threatened after. Confident that the youth group did not represent a Governor of Caprivi, also a DTA member, a groundswell of opposition to the conservancy and was in a step which is part of the conservancy application. a small minority, the committee went ahead with its requirement for approval by the MET.

The Ministry of Lands Rehabilitation and Agriculture received a petition from the young individuals and petitioned the President.

At a meeting early in 1999 in the Sesfontein proto-conservancy committee, arguing that the conservancy an alliance of local young men and the hold up the development of the more headman for the Sesfontein area acrimoniously conservancy members.

challenged the conservancy committee on a number of key clauses of the conservancy constitution, the deletion of which would have seriously weakened the conservancy.

The committee and NGO observers believed the youths and the headmen had been stirring trouble because the conservancy threatened their own interests in gaining rights to various tourism and wildlife enterprises.

Differences in aspirations between younger people and older people have become clear in several communities forming conservancies. The youth tend to be in a hurry for jobs so they can acquire material goods associated with urban lifestyles. Older people tend to be more patient and to seek indirect cultural benefits rather than money alone.

Ethnic conflict became apparent during the formation of the Torra Conservancy during 1997 when there were allegations that Riemvasmaker people were

dominating the process and that the committee was unrepresentative of Damaras (the other major ethnic group in the conservancy). There were newspaper reports that only Riemvasmaker people were getting jobs in the joint venture tourism operation the community were involved with. Regional councillors took up the issue and used it to delay their endorsement of the conservancy. The proto-conservancy committee dealt with the issue by ensuring that new committee elections were held. Damara-speaking people then gained prominent positions, including the chair of the committee.

5.3 Competition between conservancies and existing institutions

Conservancies are not being formed in an institutional vacuum. A number of other community level institutions exist already or are being formed and there is the potential for conflict between these institutions.

5.3.1 Traditional leaders

In Kunene Region local level traditional leaders have for many years played an important role in conservation, particularly in the development of the highly successful community game guard programme (Jones forthcoming). They enjoyed increased status and prestige through the responsibility they were given for the game guards and conserving wildlife. As communities have begun to form conservancies, however, emphasis has shifted away from the traditional leaders towards elected committees of people drawn from different sections of the community. Some traditional leaders have voiced concern that they were being left out of a process that they had initiated and were missing out on some of the potential financial benefits. To some extent this issue has been dealt with by traditional leaders being assigned the role of "patrons" of the conservancies. It has been accepted that their role is not to sit on conservancy committees but to ensure that conservancy committees do in fact act on behalf of the community. In another case a traditional leader failed to gain election to the conservancy committee and promptly began his own negotiations with a private sector hunter to sell springbok from the conservancy land. The committee responded by giving the headman an honorary position on the committee. Initially in Kunene Region the senior headmen and overall chief of one ethnic group tried to assign to themselves the role of deciding where and how conservancies should be formed. This was resisted by the communities themselves and the MET. At least one headman in the region appears to view an emerging conservancy as a threat to his ability to influence decisions on tourism development and to his own business plans. In the past government sought the endorsement of headmen for private sector applications to develop lodges and other tourism facilities on communal land. Now registered conservancies have more control over tourism than the headmen and emerging conservancies are also consulted about proposed developments.

In Salambala Conservancy the traditional authority has played a significant role in supporting conservancy formation with the son of the former chief emerging as a

strong leader in the conservancy committee. The traditional authority has kept a watching brief over conservancy formation and has supported the land use plans of the conservancy, arranging for alternative land to be made available for people asked to vacate the core conservation area. In Uukwaluudhi also the traditional leadership has played the strongest role in conservancy formation. While this was an advantage in gaining support from the President over grazing disputes (Section 5.2), it has meant that the process of conservancy formation has been driven largely by the traditional leadership and has been relatively top down.

5.3.2 Development Committees, Farmers' Associations and Regional Councils

Other community level institutions with which conservancies may compete are local development committees and local farmers' associations. In Kunene, where local development committees are perhaps strongest, they have mostly played a positive role in conservancy formation. They have been the nucleus around which proto-conservancy organising committees have formed. In relatively small communities the leadership cadre is drawn from a small group of people who tend to be involved in most community institutions. This has possibly helped to reduce conflicts between conservancies and existing farmer's associations, which might be assumed to have different interests. Another factor though, is the recognition by communities themselves, particularly in arid areas, of the importance of integrated resource management approaches (Section 6).

To some extent the conservancy legislation leaves open the possibility of an existing community level institution becoming the representative conservancy committee. In theory all the members of an existing traditional authority for example, could be elected to the conservancy committee. So far such a situation has yet to develop. The closest relationship between a conservancy committee and an existing institution has developed in the #Khoadi//Hoas conservancy in Kunene Region, where the committee of the Farmers' Association took the lead in conservancy formation. There is a large degree of overlap between the two committees and this has facilitated the reduction of conflict between wildlife and tourism and livestock farming as land uses. Significantly there are important differences between the nature of the two institutions - the Farmers' Association committee represents only those residents who are livestock owners whereas the conservancy committee represents all adults within the conservancy boundaries who choose to be members, potentially including all resource user groups.

At the regional level, the Regional Councils formed after independence in 1990, are also potential competitors with conservancies(Box 2). An arena for potential future conflict between Regional Councils and conservancies exists where conservancies interface with constituency development committees being established by Regional Councillors. In one Kunene constituency, residents are concerned that the councillor is dictating who should or should not be on the conservancy committee in an attempt to control it and determine developments which should be the jurisdiction of the conservancy.

5.4 Potential differences in scale between appropriate social units and resource management units

5.4.1 Matching social units with resource management units

The conservancy approach allows communities to define themselves leaving the potential for the formation of conservancies with large or small numbers of members and large or small geographical areas. Yet common property resource management theory and practice would suggest that the smaller the social unit, the more chance there is of success (Ostrom 1990, Murphree 1993). Clearly in smaller units it is easier to develop accountable systems of decision-making and representation, and peer pressure can play a role in the enforcement of resource use rules. Considerable differences are emerging however, in the size of conservancies. In the north west of the country the Torra and #Khoadi//Hoas conservancies each have several hundred members; Salambala in the north east has more than 2,000 members while the proposed Uukwaluudhi conservancy has over 20,000.

While the numbers in the north west are more manageable and practical, residents are spread out over large areas of land, often in small family settlements rather than large villages. It is therefore difficult and time consuming for residents to meet regularly and for committee members to provide adequate feedback to members. In the north and north east, settlement patterns are more concentrated into main villages with satellite settlements clustered around them. It is relatively easier for people to come together to meet face to face more regularly. However, where numbers move into the thousands, the possibility for developing strong accountability of the committee and individual participation in decision making diminishes considerably.

However, even were the ideal small social units to exist for developing viable common property resource management institutions, in many cases wildlife resources require management over a larger geographical area than most conservancies. This is particularly true of the more arid regions of the country such as Kunene Region, where many wildlife species need to be highly mobile in order to survive. This mobility raises questions of 'ownership' of wildlife which moves from conservancy to conservancy and across non-conservancy land.

Box 2: Regional Councils: fear of the

Regional Councils in Namibia have no ways to generate revenue. They also issues, as they currently have few conservancy approach initially sought concerning conservancies. This decision with the CAMPFIRE project where t Namibia's Regional Councils) often refuse and more appropriate levels of management Councils in the conservancy process application to indicate to central government (land disputes) why the conservancy should Resenting being assigned a minor role particular the regional governors, began property resource management theory and practice and the MET. They began to assert th would suggest that the smaller the social unit, the more applications and calling on government chance there is of success (Ostrom 1990, Murphree been informed about the conservancy ap 1993). Clearly in smaller units it is easier to develop to be a minor crisis in the conservancy p accountable systems of decision-making and a meeting for all the regional governors a representation, and peer pressure can play a role in the explained and the voices of the governo enforcement of resource use rules. Considerable Regional Council meetings when conse differences are emerging however, in the size of order to provide technical background conservancies. In the north west of the country the Torra attended a SADC community-based and #Khoadi//Hoas conservancies each have several conference and realised that the Namib hundred members; Salambala in the north east has more initiative. They also heard that Namib than 2,000 members while the proposed Uukwaluudhi neighbouring countries. The result of conservancy has over 20,000. Regional Councils have become more su

5.4.2 Practice informing principle

In an analysis of proto-conservancy development in four communities in northern and north-eastern Namibia, Turner (1996) pointed out that "principle and practice suggest that a successful conservancy, as a successful venture in common property resource management, would have a strong natural resource base (in which wildlife is prominently represented), and form a compact geographical and social unit, with a large enough population to sustain robust social institutions - including a strong and respected leadership and a localised system of justice." However, he noted different degrees to which this 'perfect' match is being achieved. One model is socially stronger conservancies in relatively compact areas developing on weak natural resource bases, and with relatively large human populations. Another is a stronger natural resource base spread over large areas with very sparse human populations, among whom leadership is less strongly developed and poverty levels high. A third model is where distances are great, the resource base promising and the population small, but social and institutional cohesion stronger.

The Sesfontein proto-conservancy has already broken up into two smaller units than was originally envisaged by the founding committee. A number of communities in northern Kunene have resisted attempts by another, less resource rich, community to form a "super conservancy" over the whole of the Sesfontein constituency. The period of conservancy formation and the initial period of operation will see conservancies "testing" the appropriate scale of operation in terms of social cohesion, logistical practicality and resource management. Practice will continue to redefine principle.

5.5 Uncertain land tenure

The conservancy approach provides communities with resource rights but *not land rights*. While a specified group of people gain exclusive access to the use of and benefit from wildlife and tourism on their land, they have no right of exclusion from the land itself. In many parts of Namibia a *de facto* open access system to land prevails - only where traditional authorities are particularly strong and government is willing to back their land allocations, is a system of exclusion possible. This has meant constraints for conservancies developing wildlife and tourism as land use options. While conservancy members might abide by conservancy land use and management plans, there is little to stop outsiders from moving livestock on to conservancy land. The results of this have been seen in the Uukwaluudhi and Salambala conservancies in particular. Murphree (1995: 50) very strongly emphasises the centrality of land tenure for CBNRM approaches: "For long-term sustainability CBNRM requires a fundamental shift in national policies on tenure in communal lands. The core of the matter is strong property rights for collective communal units, not only over wildlife and other natural resources, but over the land itself."

MET planners were aware of this problem when developing the conservancy approach. The conservancy legislation preceded new land policy and legislation that

has been developed for Namibia. The MET planners believed it important to establish the potential for community level resource management institutions that would have to be recognised in land policy and legislation. They worked with a coalition of NGOs and community organisations to lobby government on the land issue to ensure that provision would be made for exclusive group land tenure. The result has been a clause in the Land Policy approved in 1998 by Cabinet which makes provision for "legally constituted bodies and institutions to exercise joint ownership rights" over land (GRN 1998:3). This provides for bodies such as conservancies to become landholders, a vital step towards not only community empowerment, but also sustainable resource management. The policy also makes provision for landholders to gain resource rights on their land according to sectoral legislation. Similar clauses have been included in early drafts of a Land Bill that still has to be approved by Parliament.

5.6. Unequal levels of support

The Namibian conservancy approach has been developed as part of a broader community-based natural resource management programme (CBNRM) spearheaded by the MET. The MET has promoted a partnership of implementing agencies in support of CBNRM that includes Namibian and international NGOs and donor agencies. These organisations have provided different forms of capacity building to communities managing various resources and to those wishing to form conservancies. This support has included institution building, organisational capacity building, business development and management, wildlife monitoring and management and funding support.

The national CBNRM programme began with a series of socio-ecological surveys that used PRA techniques to assess community attitudes to wildlife and conservation, and to build up community socio-economic profiles and resource profiles in strategic communal areas. Most surveys resulted in local community-based projects aimed at enabling local people to benefit from wildlife and be involved in decision-making as much as possible within the constraints of existing legislation. The programme then began to change wildlife policy and legislation in a parallel process to the local project development.

The programme has benefited from receiving substantial funding support from one major donor (US \$14 million from USAID between 1992 and 1999), giving implementing partners a sense of security over a long enough period to develop appropriate programmes. The programme has also benefited from having as a major implementing partner, the NGO Integrated Rural Development and Nature Conservation (IRDNC), which pioneered community-based conservation in Namibia in Kunene Region in the 1980s. Another important factor has been the strong and sensitive support of an international NGO, World Wildlife Fund US and World Wide Fund for Nature International (both WWF), which has provided technical assistance in support of Namibian implementers.

However, despite the considerable financial and technical support which is being provided to CBNRM in Namibia, there is insufficient capacity to meet the needs of all communities likely to want to form a conservancy or receive strengthening of their own resource management. A major constraint in Namibia is the lack of NGOs involved in the CBNRM sector and with a focus outside the WWF and USAID funded target areas - only in early 1999 have new NGOs from the development sector begun to be active in CBNRM. Another constraint is the lack of qualified and experienced Namibians involved in the CBNRM sector. With a population of 1.6 million, a large proportion of which was left poorly or uneducated during the apartheid era, there is only a small pool of expertise to be shared by government, the private sector and NGOs, throughout all sectors.

The government in particular, is hamstrung by the lack of personnel to work in CBNRM and also faces problems in institutionalising within the MET what is still to many personnel a new and unfamiliar process. The MET has not always in the past been able to provide the necessary support to communities and NGOs, and despite the dedication of some individuals much of the burden of field implementation has fallen to NGOs.

6. The Impact of CWM on Wildlife and Communities

Conservancies are clearly at the beginning stage of their development and only time will tell how successful they are in managing wildlife populations sustainably and improving the welfare of their members. However, CBNRM in Namibia has evolved over a long period of time, - going back to the early 1980s in Kunene Region - and so it is possible to look at some of the impacts that community-based wildlife management has had prior to the formation of conservancies.

6.1 Impacts on wildlife

The longest running community-based wildlife project in Namibia has been the IRDNC project in Kunene Region which began in 1982, when conservationists Garth Owen-Smith and Chris Eyre approached local headman about the major decline in wildlife which had taken place due to heavy poaching and severe drought. The headmen agreed that there was a problem and wanted to do something to bring back the wildlife. From this beginning emerged the highly successful community game guard project in which local headmen appointed game guards who reported to the traditional leaders. The role of the game guards was to monitor wildlife and look out for poachers, but not to be a paramilitary anti-poaching unit that worked for government. There is broad consensus in conservation circles in Namibia that the game guard project and subsequent community-based activities in Kunene Region had a significant impact on wildlife numbers in the region (Jones forthcoming, Barnard 1998, Durbin et al 1997). The increase in certain key species from 1982 to 1997 is shown in Table 1. Conservationists ascribe the recovery of wildlife to the work of the game guards combined with improved rainfall and increased monitoring

of wildlife by the MET and NGOs. It is a significant achievement that Kunene Region is home to the largest unfenced population of black rhino in Africa and that this population is growing.

In other areas where CBNRM activities have been initiated, it is too early to discern clear trends in wildlife numbers that might be linked to community-based management, but there are a number of indicators that suggest community-based activities could be starting to have an impact. In the Salambala conservancy, a large herd of zebra returned to the Salambala forest area for the first time in many years and remained there for several months before returning to Botswana. The return of the zebra followed the evacuation of the area by people as part of the conservancy management plan and increased monitoring work by the conservancy game guards. Elephant sightings in the Salambala forest have been increasing steadily over the past three years during which the conservancy committee has been exercising control of the area (C. Weaver. *pers. comm.*1998).

Although there are no indications yet of game numbers increasing in other parts of Caprivi, community game guards have been active in confiscating weapons and having poachers arrested. In West Caprivi, between June 1995 and January 1997, the unarmed game guards confiscated more than 134 illegal weapons (Jones 1999). Good support for the activities of the game guards has come from traditional leaders who have often imposed their own fines on offenders. In a survey carried out in the Kwandu proto-conservancy in Caprivi by Mosimane (1998), 89 per cent of the respondents said the community game guards had been effective in reducing poaching.

Table 1. Increase in wildlife numbers in Kunene Region, 1982-1997

	1982	1986	1990	1992	1995	1997 (est)*
Springbok	650	2 000	7 500			
Oryx	400	800	1 800			
Mountain zebra	450	900	2 200			
Elephant	250			384	415	
Black rhino	65	93		114		130
Giraffe	220		300			

*Estimate based on ground and air sightings

(Source: Durbin et al 1997)

6.2. Impacts on community welfare

Although conservancies are just beginning to operate and conclude contracts with hunting and photographic safari operators, a number of benefits have already accrued to communities participating in the national CBNRM programme.

Early income generation from tourism came from the collection and distribution of bed-night levies by tourism concession holders in Kunene and Caprivi Regions. In November 1996, the Etendeka Mountain Lodge in Kunene Region paid out approximately US\$8000 to 370 households representing about 4500 people in settlements neighbouring the lodge concession land. Between 1993 and 1995 the management of Lianshulu Lodge in Mudumu National Park collected a levy of US\$1.25 per tourist per night for distribution to five communities bordering the park.

The Torra Conservancy in Kunene Region concluded an agreement in 1996 with a photographic safari company for the development of an upmarket tourist lodge on its land. By the end of 1998 the conservancy had received more than US \$40,000 as part of a profit-sharing arrangement, wages to community members had amounted to nearly US \$70 000, and residents had received more than US \$6 500 for providing various services to the lodge (Ashley and Jones forthcoming). The conservancy committee is involved in overall policy-making for the lodge and local people receive preferential employment opportunities. Significantly local people are trained not only for menial jobs but also for management activities. The lodge has received a major international award as one of the world's best ecotourism destinations, with the level of community involvement and commitment playing a major role in the judges' decision.

Other financial benefits to communities have included the wages to community game guards and women resource monitors and proceeds from the hunting and sales of natural resources. In 1993, the hunting of surplus game in Kunene Region by several communities provided meat worth around US \$25,000, and income from the sale of skins worth about US\$3040. The community hunt helped to develop a stronger link between the communities' involvement in conservation and the potential benefits that can be derived from wildlife (Nott et al1993). In 1994, 600 women in Caprivi earned over US \$10,000 from the sale of thatching grass.

Although cash earnings per household from CBNRM activities have been relatively small they "are nevertheless *highly significant because much is earned by cash-strapped households for whom only a few hundred dollars can make a substantial difference*" (Ashley 1998: 17, original italics).

In many cases, the income generation opportunities open to communities have depended upon the goodwill of government or the private sector. The acquisition of conservancy status gives communities direct control over both trophy hunting and photographic tourism concession rights, thus providing greater opportunities to generate income and a position of strength from which to negotiate with the private sector. The Nyae Nyae community (a group of mostly San people) in north eastern Namibia for example, was able to conclude a trophy hunting agreement worth

N\$175,000 (US \$30 000) over two years very soon after its registration as a conservancy in late 1997.

Ashley (1998) identifies a number of non-financial benefits being generated by CBNRM in Namibia including:

- adaptable institutions;
- defined and committed membership;
- accountable leaders and participatory processes for making decisions, sharing information, and including women;
- cohesive social units with a common purpose;
- new skills;
- mechanisms for managing natural resources;
- experience and confidence in dealing with outsiders;
- recognition from neighbours and outside authorities
- pride and a sense of control.

Ashley concludes that CBNRM institutions are beginning to provide the building blocks for local development, especially empowerment, that go well beyond the initial scope of CBNRM. Again, the legal rights acquired by conservancies will further increase communities' sense of empowerment

At another level, cultural benefits are also important to Namibian communities that still place an aesthetic and spiritual value on wildlife. In areas such as Uukwaluudhi in the north and Salambala in the north east, the main expectation of older people is that conservancies will bring a return of the wildlife that has disappeared (Ashley 1998). In a village survey of the Salambala conservancy carried out by Mosimane (1996) more than 37 per cent of respondents cited the return of wildlife as an expectation from the conservancy. The next highest expectation from the conservancy was job creation that was cited by 28 per cent of respondents. George Mutwa, chairperson of the Salambala Conservancy, agrees that financial income is not the only benefit conservancy members are seeking. "They are also looking for cultural, indirect benefits. In the old days people attached great importance to wildlife" (Mutwa *pers comm.* 1998).

7. Communal Conservancies as Institutions for Integrated Resource Management.

Communities are beginning to see the potential that rights over wildlife and tourism bring for enabling them to manage their resources in a more integrated way. A committee member of the Torra Conservancy in the arid Kunene Region explained that gaining rights over wildlife meant that the community could now manage its livestock properly. Although the community was conserving its wildlife, an increase in wildlife populations meant that game animals were beginning to compete with livestock for browse and grazing. In the past, the community could reduce its

livestock holding, but not its wildlife. Now they would be able to achieve a balance between the two. The neighbouring #Khoadi//Hoas conservancy has begun zoning its land with areas designated primarily for wildlife and tourism, others for mixed wildlife and livestock and another area for settlements and livestock.

The conservancy approach provides an institutional model, based on common property resource institution design principles, which can be used for the management of other resources. As described in Section 2.2.2, both the forestry and water sectors are devolving authority to community committees based on the conservancy model. Within the MET a policy decision has been taken that separate conservancy and community forest committees should not be created within one community, but the two approaches should be integrated. There is thus the possibility that the same community institution, such as a conservancy committee or forest committee, could receive rights to wildlife, forest and water resources. Where resources need management and planning at a smaller scale than conservancies, such as with village forest resources or village level water committees, relationships can (and should) be developed between the conservancies and these other management institutions. A number of reports on agriculture in Namibia have examined the institutional arrangements for sustainable agriculture and have also cautiously endorsed conservancies as a model and called for an integrated approach to CBNRM across the different sectors (Hagen et al 1997).

The major barrier to such integrated management is the continued sectoral approach of government. There is not sufficient coordination between the various government departments responsible for the various policies that affect CBNRM. A new approach to integrated resource management is being piloted by the #Khoadi//Hoas conservancy where a number of government departments and donor-funded projects are cooperating in allowing their extension and support efforts to be coordinated through the conservancy and the Grootberg Farmers' Association. Instead of each developing its own programme of support in isolation, the different organisations are channelling their assistance in accordance with the joint vision of the two community institutions. It remains to be seen how effective this innovative approach will be.

8. Conclusions: towards viable common property resource management institutions

The Namibian conservancy approach was developed to meet a number of objectives: to give rights over wildlife and tourism to residents of communal land, to promote sustainable resource management on communal land and to contribute to rural development. In order to give rights to communal land residents and to ensure sustainability of resource use, it was recognised that policy and legislation had to, as far as possible, promote the right conditions for the development of viable common property resource management institutions.

This paper has documented some of the problems faced by communities in developing such institutions. The experience so far has shown that local communities are remarkably resilient in their attempts to overcome these problems. Mostly they have been pragmatic in their approach to overcoming boundary disputes and in trying to define the conservancy community. This would appear to indicate a belief that the benefits of forming a conservancy outweigh the considerable costs.

These benefits are not entirely financial. The case of Kunene Region is important, because it illustrates a community that was prepared to conserve wildlife for many years before financial reward became possible. In Uukwaluudhi and Salambala there is sufficient evidence to show that simply the return of wildlife is an important benefit to rural Namibians. Empowerment, as suggested by Ashley (1998), is likely to increase in importance as a perceived benefit of conservancies. The experience that a mix of incentives for people to manage wildlife sustainably is required has been demonstrated both on communal and freehold land in Namibia.

While many of the problems facing proto-conservancies have resulted in delays in communities gaining approval of their conservancies from government there have often been positive outcomes. Conflicts within the communities and with external institutions have helped to define roles and institutional relationships in a new set of circumstances governing access to rights, revenue and resources. This has occurred in the development of relationships between conservancies and existing community institutions such as traditional authorities, and between conservancies and Regional Councils. There will be an ongoing evolution of conservancies as institutions as communities continue to define and redefine themselves based on different criteria. Disaggregation is likely to occur in some instances on social lines or for the sake of practicality. Aggregation is likely to occur in order to form coalitions for improved resource management and benefit accrual over large areas of arid land. The development of Ostrom's (1990) "nested enterprises" is likely to intensify both within conservancies and without. Conservancies will have to develop mechanisms for accommodating village level and even household level management regimes over certain resources (e.g. forest and water resources) and business enterprises. They will need to continue to refine and redefine relationships with traditional authorities, local development committees and other existing community institutions. They will need to continue to develop and improve relationships with other conservancies and the different layers of government responsible for policy, planning, enforcement and service provision. By and large the right conditions exist for this evolutionary process to take place without major disruptions.

Much will depend upon the extent to which conservancy committees become and remain accountable and responsive to their membership. In many cases in Namibia the level of accountability and representativeness of conservancy committees has reflected the presence of good facilitation by outsiders who have assisted community institution building. NGO and donor support has played an important role in this part of conservancy formation in certain areas of the country. These are the "Five Star" conservancies - not because they have received handouts and unsustainable benefits from outsiders, but because they have received persistent

and consistent high quality facilitation for which resources do not exist to provide for all communities in the country. Without such facilitation there is much more likelihood of small elites trying to capture the rights, revenue and resources of conservancies at the expense of the poor or minority groups. An issue for future research is to track what happens within conservancies that do not receive the five star treatment. Will they emerge from periods of conflict with accountable and representative institutions or will they collapse? What is the minimum level of support from government or other institutions that might help them succeed?

In terms of impact on wildlife, the experiences of community-based conservation activities before the registration of conservancies indicates that communities are capable of conserving wildlife. The success in Kunene Region and the good start made in other parts of the country are significant. It remains to be seen, however, to what extent conservancies throughout Namibia actively become involved in managing their wildlife sustainably or simply remain passive recipients of financial benefits (Jones 1999).

The community-based conservation approach in Namibia as represented by the national CBNRM programme has succeeded in creating a number of the necessary conditions for the development of viable common property natural resource management institutions. The foundation has been laid for integrated natural resource management, including wildlife, within one community level institution, breaking down the artificial sectoral barriers created by government.

The following appear to be the critical factors, which have led to the current achievements:

- ***Evolution over time:*** An important factor has been the evolution of the programme over a number of years and its adjustment to changing circumstances. The socio-ecological surveys of the early 1990s provided policy planners with an understanding of the needs and aspirations of rural people regarding wildlife and a basis for policy and legislative reform. The parallel approach of developing local community-based projects while embarking on the reform of the policy and legislative framework provided the opportunity for field activities to continue to inform the policy development. The early days of the community game guards in Kunene Region showed that policy and legislation should not focus on providing financial incentives alone.
- ***Good facilitation:*** The provision of high quality consistent "light touch" facilitation has been significant in helping communities meet the requirements of the conservancy legislation and in dealing with such issues as accountability. Facilitation has been best provided by field-based NGO staff or capital-based staff who spend a large amount of time in the field and are able to remain in touch with changing community dynamics.
- ***Shared objectives:*** Significantly the localised projects and the policy and legislative reform were based on a shared understanding of problems and possible solutions, developed during the socio-ecological surveys, between government

officials, community members and other implementers such as NGOs. In Kunene Region, in the early 1980s, the community game guard system arose from a shared concern among conservationists and local leaders about the decline in wildlife. What emerged was a jointly developed solution, not one imposed by outsiders. This has also been the experience at the national level, where the CBNRM programme is not imposed by international conservation NGOs or international donors but reflects shared objectives between such agencies and Namibian implementers. Crucially, however, the development of the policy and legislation for CBNRM was an internal process based on Namibian needs and conditions.

- **Community choice:** The conservancy legislation provides an opportunity for CBNRM which communities may accept or reject. It provides a mechanism for communities to gain additional resource rights and additional economic opportunities to add to their existing ones. They are then able to make trade-offs between different forms of land use and decide on the balance for themselves. The approach is not aimed at forcing people to reduce cattle or replace them with wildlife, which often seems to be at the heart of the conservationist agenda.

What has emerged in this paper is a picture of diverse situations in different parts of Namibia as communities have responded to the opportunities provided by policy and legislation in their own ways. It is also clear that these situations and the community responses are dynamic and often evolutionary. In some cases in the Kunene Region this evolution has taken place over a period of more than 15 years (Jones forthcoming) illustrating the need for long term perspectives in community-based natural resource management. Neither donor nor research agendas usually operate according to such time frames and as a result are often flawed in their approach.

A major lesson from CBNRM in Namibia is beware the dominance of donors and the arrogance of academia in trying to categorise and judge the lives of rural Africans and the work of the people at the coalface of conservation. What is one day glibly condemned as a failure because it didn't match the current donor agenda or the current academic fashion is just as likely to contain the seeds of success. In implementing and assessing CBNRM longer-term perspectives are required than are normally exercised by donors and academics.

This paper has said very little about the Nyae Nyae conservancy, whose membership is drawn almost entirely from the ranks of a group of Namibia's "first peoples", the San. The major donor supporting the Nyae Nyae community's CBNRM activities wanted to withdraw its support and apply the funds "more strategically" elsewhere in the country a few years ago, when things started going wrong. Fortunately, the final decision did not rest with the donor. The community recovered from its problems and went on (rather appropriately) to become the first communal area conservancy registered in Namibia.

This case study itself, and the wider Evaluating Eden Initiative, has generated a set of conclusions that will be valid for a very small period within the overall life of

community-based conservation activities. But meanwhile, the activities will continue. Some will fail, but the majority will go through peaks and troughs and achieve varying degrees of success, depending upon the perspective of the observer or the participant.

ANNEXE 1: CONSERVANCY POLICY AND LEGISLATION IN NAMIBIA

Policy on the Establishment of Conservancies in Namibia

In 1992, the then Ministry of Wildlife, Conservation and Tourism (MWCT) approved a policy document which made provision for the establishment of wildlife management units called conservancies. Although the document was concerned essentially with the establishment of conservancies on commercial land it also provided for their establishment on communal land. The document defined conservancies as:

"...a group of farms and/or area of communal land on which neighbouring landowners/members have pooled their resources for the purpose of conserving and utilising wildlife on their combined properties and/or area of communal land " (MWCT 1992, 6).

It went on to state that the idea behind the establishment of a conservancy is that landowners practice their normal farming operations in combination with wildlife utilisation. The landowners would manage their combined land as a unit concerning wildlife, and would share in the benefits from their combined effort.

Policy on Wildlife, Management, Utilisation and Tourism in Communal Areas

The 1992 Policy on the Establishment of Conservancies in Namibia provided for the establishment of conservancies on communal land, but given that communal area residents had no rights over wildlife, did not suggest how communal area conservancies might actually be formed.

The Policy on Wildlife Management Utilisation and Tourism in Communal Areas provides a framework for giving rights over wildlife to communal area residents through the institutional structure of a conservancy. The objectives of the policy are (MET 1995a):

A). To establish an economically based system for the management and utilisation of wildlife and other renewable living resources on communal land so that rural communities can:

- i) participate on a partnership basis with this (MET) and other Ministries in the management of, and benefits from, natural resources;
- ii) benefit from rural development based on wildlife, tourism and other natural resource management;
- iii) improve the conservation of natural resources by wise and sustainable resource management and the protection of ... biodiversity.

B). To redress the past discriminatory policies and practices that gave substantial rights over wildlife to commercial farmers, but which ignored communal farmers.

C). To amend the Nature Conservation Ordinance (4 of 1975) so that the same principles that govern rights to wildlife utilisation on commercial land are extended to communal land.

D).To allow rural communities on state land to undertake tourism ventures, and to enter into co-operative agreements with commercial tourism organisations to develop tourism activities on state land.

Commercial farmers in Namibia are given ownership over huntable game (oryx, springbok, kudu, warthog, buffalo and bushpig) if they have a certain size farm and a certain type of fencing. They are able, as identified landowners, to use protected and specially protected species through a permit system. Legislation also allows trophy hunting to take place on commercial farms under certain conditions. Commercial farmers may buy and sell game on their land.

The policy on wildlife and tourism on communal land makes provision for rural communities which form a conservancy to be given the same rights over wildlife as a commercial farmer.

Nature Conservation Amendment Act, 1996.

The Nature Conservation Amendment Act, 1996 (Act 5 of 1996) amends the Nature Conservation Ordinance 1975 so that residents of communal areas can gain the same rights over wildlife and tourism as commercial farmers. Instead of fencing and the size of the farm being the conditions for gaining ownership over huntable game and the right to use other species, the Nature Conservation Amendment Act sets the formation of a conservancy as the condition upon which ownership and use rights over game are given to communal area residents. The Act puts into effect the MET's policy on Wildlife Management, Utilisation and Tourism on Communal land.

According to the Act any group of persons residing on communal land may apply to the Minister of Environment and Tourism to have the area they inhabit or part of that area declared a conservancy. The Minister will declare a conservancy in the Government Gazette if:

- the community applying has elected a representative committee and supplied the names of the committee members;
- the community has agreed upon a legal constitution, which provides for the sustainable management and utilisation of game in the conservancy;
- the conservancy committee has the ability to manage funds;
- the conservancy committee has an approved method for the equitable distribution to members of the community of benefits derived from the consumptive and non-consumptive use of game in the conservancy;
- the community has defined the boundaries of the geographic area of the conservancy;
- the area concerned is not subject to any lease or is not a proclaimed game reserve or nature reserve.

Once a conservancy has been declared in the Government Gazette the Act gives the conservancy committee, on behalf of the community in the conservancy, "rights and duties" with regard to the consumptive and non-consumptive use and sustainable management of game "in order to enable the members of such community to derive benefits from such use and management" (GRN 1996a: 6). The Act then confers on a conservancy committee the

same rights, privileges, duties and obligations that the Nature Conservation Ordinance confers on a commercial farmer. The Act makes it clear that provisions in the Ordinance concerning fencing and the size of the land will not apply to a conservancy.

The rights over wildlife conferred on a conservancy committee are for the ownership (and therefore use for own purposes) of huntable game (oryx, springbok, kudu, warthog, buffalo and bushpig), the capture and sale of game, hunting and culling, and the right to apply for permits for the use of protected and specially protected game. If a conservancy applies to become designated as a 'hunting farm', trophy hunting (including of protected and specially protected game) can take place on the conservancy.

The Nature Conservation Ordinance does not specifically deal with tourism. However, the Nature Conservation Amendment Act of 1996 gives conservancies rights over non-consumptive utilisation of game. The definition of non-consumptive utilisation contained in the Act includes use for "recreational, educational, cultural, or aesthetic purposes". Conservancies thus acquire rights over non-consumptive uses normally associated with tourism. This is intended, as far as possible within the powers of the Nature Conservation Ordinance, to give conservancies a concessionary right over commercial tourism activities within the conservancy.

The Nature Conservation Amendment Act, 1996, also makes provision for communal area residents who do not form conservancies to benefit indirectly from wildlife, through the formation of Wildlife Councils. A Wildlife Council is established by the Minister after consulting with a local community or communities on communal land. The area covered by a Wildlife Council may not include any conservancy, any land subject to a lease or any proclaimed game park or nature reserve. A Wildlife Council will gain the same rights, and obligations concerning consumptive and non-consumptive use of wildlife as a conservancy (GRN 1996).

Amendment of Regulations Relating to Nature Conservation, 1996

In order to give more precise definition to certain issues relating to the formation of conservancies and Wildlife Councils, the MET introduced new Regulations to accompany the Nature Conservation Amendment Act, 1996. The Regulations require a conservancy committee to provide a register containing the names, identification numbers and addresses of the members of the community to be represented by the committee. They also specify certain issues which must be covered by the Conservancy Constitution (GRN 1996b):

- the objectives of the conservancy, including the sustainable management and utilisation of game within the conservancy in accordance with a game management and utilisation plan, and the equitable distribution of the benefits derived therefrom;
- the procedure for election and removal of members of the conservancy committee;
- the powers and responsibilities of the conservancy committee, including powers to enter into agreements relating to consumptive and non-consumptive use of game;
- provisions relating to the holding of meetings of the committee, annual and ordinary meetings of the conservancy and the recording of proceedings of these meetings;
- the criteria and procedure for being recognised as a member of the conservancy, provided that no-one may be excluded on the grounds of ethnicity or gender;
- the rights and obligations of members of the conservancy;

- the procedure for members of the conservancy to decide on the policy to be followed by the conservancy committee in the equitable distribution of benefits;
- provision for the management of the conservancy's finances, including the appointment of a suitably qualified person to act as treasurer, the keeping of proper accounts, and the opening of a bank account in the name of the conservancy;
- a procedure for dispute resolution;
- a procedure for the amendment of the constitution;
- any other issues the conservancy may wish to include in its constitution.

The regulations also provide more detail about the establishment of Wildlife Councils. In order to form a Wildlife Council, the Minister must hold a meeting in order to inform the community concerned and to consult the community about the functions and objectives of the proposed Wildlife Council. In order to hold such a meeting, the Minister must give notice of the meeting at the Office of the Regional Council, and in one newspaper circulating in the area in question. The Minister may establish a Wildlife Council if he or she is satisfied that the community, together with a Wildlife Council, has the ability to manage and utilise in a sustainable manner the game in the area covered by the council. Wildlife Councils will be composed of (GRN 1996b):

- a) the governor of the region in which the Wildlife Council has been established, or the governor's nominee;
- b) two staff members in the Ministry of Environment and Tourism designated by the Minister;
- c) five other members appointed by the Minister, of whom one shall be nominated by the traditional authority for the area in which the wildlife council has been established, and of whom four shall be persons nominated by members of the community for which the council has been established.

The regulations also provide for regular meetings of the council, and the procedure at these meetings. The regulations state that the Minister will determine how moneys received by a Wildlife Council will be spent, and that no funds of the council, except for operational costs, may be expended or distributed without the Minister's approval.

Promotion of Community Based Tourism

The MET policy on the Promotion of Community Based Tourism was approved in 1995. It provides a framework for ensuring that local communities have access to opportunities in tourism development and are able to share in the benefits of tourism activities that take place on their land. The policy recognises that where tourism is linked to wildlife and wild landscapes, the benefits to local communities can provide important incentives for conservation of these resources.

The policy recognises that in the past, local communities have had little control over tourism activities on their land and little access to direct benefits from tourism. In order to redress this a programme of action included in the policy document states that MET will give recognised communal area conservancies the concessionary rights to lodge development within the conservancy boundaries (MET 1995b).

Draft Tourism Act

The MET is currently preparing a Tourism Act to provide for better coordination and regulation of the tourism industry in Namibia. This draft Act specifically provides for conservancies to be given concessionary rights over tourism activities. It states that upon declaration of the conservancy by the Minister, the conservancy committee will "acquire all rights to operate or lease tourism concessions within the conservancy, for the benefit of the members of the conservancy" (MET 1996, 11).

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