

"It's good to feel like we own the land..."

**The People's View of Community Land
Rights under CBNRM in Botswana.**

**Tara Gujadhur
September 2000**

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The Community Based Natural Resource Management Support Programme is a joint initiative by SNV Botswana and IUCN Botswana. It is built on SNV's experience in CBNRM pilot projects at the grassroots level and on IUCN's expertise in information sharing, documentation of project approaches, and establishing dialogue between Non-Governmental Organisations, Government and private sector on a national, regional and international level. The three main objectives of the programme are: 1) to establish a focal point for CBNRM in Botswana through support to the Botswana Community Based Organisation Network (BOCOBONET); 2) to make an inventory of and further develop CBNRM project approaches and best practices, and disseminate knowledge regarding implementation of CBNRM activities through the provision of information and technical advice to CBNRM actors; 3) to improve dialogue and co-ordination between CBOs, NGOs, private sector and Government. For more information, visit the Internet on <http://www.cbnrm.bw>

Foreword

This document is the third in the Occasional Paper Series of the IUCN/SNV CBNRM Support Programme. The Papers intend to promote CBNRM in Botswana by documenting experiences and lessons learnt during the implementation of the concept by the practitioners in this field. Stakeholders such as Government agencies, NGOs, private sector and CBOs who are involved in CBNRM are often too busy implementing to share experiences on success and failure with others. The CBNRM Series hopes to fill this information gap.

Relevant CBNRM related information on legislation, planning, management, human resource development and natural resources monitoring, will assist in bringing together all stakeholders who have an interest in what the concept stands for: social and economic empowerment of rural communities and natural resources conservation. Fully informed stakeholders can understand each other's specific opportunities, problems, roles and responsibilities and dispel feelings of mistrust due to misinterpretations of regulations and procedures or unrealistic expectations. The Series is aimed therefore at all practitioners who deal with CBNRM in Botswana and to provide them with information that should assist them in successfully applying the concept.

The publications are distributed free of charge to all institutions involved in CBNRM in Botswana and to a selected readership in Southern Africa. All documents are also freely available for downloading on the website of the CBNRM Support Programme: www.cbnrm.bw

This issue of CBNRM Occasional Papers deals with land, natural resources and the rights to use them. The subject is not addressed through an analytical description of the existing relevant legislation and regulations and the subsequent impact on the implementation of CBNRM projects, but rather through the perception of the different stakeholders involved in a natural resources management project in /Xai-/Xai in north-western Botswana. Interviews were held with members of the /Xai-/Xai community as well as with key persons from Government and NGOs. The selected quotes were compiled in different sections and give a fascinating multiple-angle view of how the people in a small village in Botswana perceive their rights to use the land and the natural resources in order to build up their lives. I trust that you will read this document with much interest.

Tara Gujadhur, who prepared this report, was attached to the CBNRM Support Programme. She developed an intimate knowledge of /Xai-/Xai over the past three years and was able to capture the essential elements of the topic under review and put the quotes into perspective by providing factual information and analysis. Final analysis, conclusions and required actions are left to the reader and especially to the stakeholders themselves.

We hope that this publication will assist the people in /Xai-/Xai in their endeavour to utilise in a sustainable manner the natural resources they claim to be rightfully theirs. We further hope that the document will contribute to the ongoing dialogue between all stakeholders with the aim to strengthen CBNRM efforts to the benefit of the environment and people of Botswana.

Nico Rozemeijer
Advisor
CBNRM Support Programme

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I would especially like to thank the community of /Xai-/Xai and the Cgaecgae Tlhabololo Trust. Over the past three years I have intermittently popped up and persisted in asking many questions and everyone was always patient with me. I hope I've given at least a little bit back. And I hope to return one day. /Xai-/Xai is a very special place to me.

Thank you to Mosimanegape who was always willing to be my translator, and was extremely good at it. Charlie, thank you for having me around and housing me, and Peggy for teaching me to make magonya, among other things. Thank you to Jan Broekhuis for the map.

Acronyms

CBNRM	Community Based Natural Resources Management
CBPP	Contagious Bovine Pleuro Pneumonia, also known as cattle lung disease
CBO	Community Based Organisation
CHA	Controlled Hunting Area
CTT	Cgaecgae Tlhabololo Trust
DFID	Department for International Development (UK)
DLUPU	District Land Use Planning Unit
EU, EC	European Union, European Community
DWNP	Department of Wildlife and National Parks
NG4, NG5	Ngamiland 4, Ngamiland 5 (CHAs)
NMMAG	National Museum, Monuments and Art Gallery
QMC	Quota Management Committee
WMA	Wildlife Management Area

INTRODUCTION

Land tenure lies at the heart of the CBNRM concept – to a certain extent CBNRM is an endeavour to reverse the trend of colonial and post-colonial governments taking land and the control of land out of the hands of rural communities for the protection of natural resources. However, in Botswana, more and more questions have been raised as to the actual ownership and exclusion rights of communities under CBNRM policy. This is a normal turn of events – the concept of CBNRM itself has been more or less tested, and now stakeholders are looking to improve the practicalities of its implementation.

Several issues and criticisms have been raised regarding CBNRM policy and community rights in Botswana¹.

1. As yet, there is no actual head-lease from Tribal Land Boards given to communities. There have only been verbal agreements or letters awarding user-rights. Thus, community rights of utilisation and exclusion are unclear. What are user-rights in comparison to ownership rights?
2. A 15 year lease period is too short for communities to feel concrete ownership and secure tenure over the land and resources. In order for communities to use the resources sustainably, they must be given actual ownership rights, not just responsibilities.
3. The 1,1,3,5,5 year sub-lease pattern is restrictive. Stakeholders (particularly the private sector) have said that it limits the investment and training opportunities in a community area, and does not encourage sustainable utilisation of resources.

This paper hopes to explore these issues of community land and natural resources tenure under CBNRM in Botswana by using the words and expressions of stakeholders themselves. The /Xai-/Xai community in western Ngamiland (controlled hunting area NG4) is used as a case study.

/Xai-/Xai is one of the few communities managing their resources that are not in a gazetted Wildlife Management Area – though NG4 and NG5 have been planned as a WMA. What extra rights would the WMA status confer upon the community? Why has the gazetting of the WMA been stalled? How much security do the residents feel? To explore this topic and the surrounding context, interviews were held with /Xai-/Xai community members, District authorities, advisors to the project and land officials. It is hoped that by presenting statements from those who are directly involved in and affected by CBNRM policies and practices, some light will be shed on the underlying motives and reasoning that drive the land and ownership issue.

Outline of the Paper

The format of the paper is based on the "learning history" managerial tool developed by MIT's Center for Organisational Learning in the US². It seeks to provide a different approach to institutional learning, based on the ancient art of storytelling. Using the quotes and words of people involved in a project or an event, a facilitator draws out the underlying themes and perceptions of the event which affect its outcome.

This learning history is formatted into two columns. The column on the left offers background information; the column to the right contains the quotes from interviewees. Boxes are interspersed throughout the paper to analyse and identify issues that are being discussed in the quotations.

¹ These are not necessarily the views of the author.

² For more information, see: <http://ccs.mit.edu/lh> or Kleiner, A and G. Roth. 1997. "How to Make Experience Your Company's Best Teacher" in *Harvard Business Review*, September – October.

The main topics of the paper are based on major issues that have been raised in discussions on CBNRM resource tenure in Botswana. They were also dictated by the direction the interviews took. Questions about WMA gazettement of NG4 and NG5 brought up issues of livestock development and consultation. The management and "ownership" of Gcwihaba caves, a National Monument in NG4, was also a central point of debate for the community.

The paper will first go over general background information on CBNRM in Botswana as per current policy. This is followed by information on the /Xai-/Xai community in NG4, the case study for this paper. Under "The People" the interviewees are introduced. Then, the learning history itself begins, with discussion of the head lease, WMAs, /Xai-/Xai's WMA zonation, security of tenure, Gcwihaba caves, and the independence of communities. Final analysis of the issue is left up to the reader.

BACKGROUND

Overview of CBNRM Process for Communities³

In the mid-1980's to the early 1990's several policies⁴ were formulated which called for the increased involvement of rural communities in wildlife conservation and utilisation. The result is that since 1995, communities in Botswana that form a representative and accountable entity can be awarded community management of a yearly wildlife off-take quota by the Department of Wildlife and National Parks. If this entity is then legally registered (usually as a Trust) then the Trust can apply for a lease over their Controlled Hunting Area (CHA) from the Tribal Land Board. Communities must also submit a Land-Use and Management Plan for approval to the Land Board, detailing the resources in the community CHA, their utilisation and future objectives and goals of the Trust. However, an actual community lease has yet to be signed. So far, Land Boards have only awarded leases verbally or through correspondence. A draft "Community Wildlife Management Lease" is at the Botswana Attorney General's office and in the process of finalisation.

A community lease over a CHA is 15 years in length, reviewed every 5 years. Once a community has this head lease, they can enter into sub-leases with the private sector. In these sub-leases, a company will pay a Trust for rights to hunt animals on the quota, use the land for tourism-related purposes, and/or conduct photographic tourism. However, current guidelines stipulate that communities must first enter into two 1 year sub-leases, and then a 3 year sub-lease. Thus, Trusts are restricted to agreements with the private sector for use of the land and resources in a 1,1,3,5,5 year pattern. This was designed to protect communities with little experience in contracts from being trapped in a bad agreement.

Controlled Hunting Areas are administrative boundaries used for allocating community wildlife quotas as well as community leases over land⁵. CHAs have been designated for different uses under different management regimes, such as a photographic zone in a Wildlife Management Area (WMA) under commercial management, multipurpose zone (both hunting and photographic use) in a livestock area under community management and multipurpose zone in a WMA under community management. In other words: CHAs are the specifically zoned "production units" a wider area such as a WMA is composed of. In WMAs, conservation and utilisation of wildlife are designated as the primary land-uses. Draft WMA regulations are currently being reviewed, and are hoped to be approved by the end of 2000.

/Xai-/Xai and CBNRM

The village of /Xai-/Xai is situated in the North West District of Ngamiland, about 300km west of Maun (a six hour drive) and 10km east of the Namibian border. It is accessible by an infrequently travelled dirt road from Nokaneng passing through Qangwa and Magopa. /Xai-/Xai is located in Controlled Hunting Area Ngamiland 4, simply known as NG4. NG4 along with NG5 is zoned as a Wildlife Management Area, but has yet to be gazetted⁶ as WMA. It is currently a Community Multipurpose Area in a Livestock Area. Just north of the village are the Aha Hills with two sinkholes, and to the south-east are the Gcwihaba (or Drotsky's) caves.

³ For more details on CBNRM policy and practice in Botswana, see: Cassidy, L. 2000. Draft Paper on Land and Natural Resources User Rights of Communities Involved in CBNRM (Revised Draft of 18 June 2000). The paper will be published in the Occasional Paper Series of the IUCN/SNV CBNRM Support Programme towards the end of 2000.

Rozemeijer, N. and C.J. van der Jagt. 2000. Community-based natural resource management (CBNRM) in Botswana: How community-based is CBNRM in Botswana? in *Empowering Communities to Manage Natural Resources: Case Studies from Southern Africa*. Sheona Shakleton and Bruce Campbell (Eds). SADC Wildlife Sector – Natural Resources Management Programme, Lilongwe, Malawi.

⁴ The Wildlife Conservation Policy (1986), the National Conservation Strategy (1990), the Tourism Policy (1990), the Tourism Act (1992) and Wildlife Conservation and National Parks Act (1992)

⁵ The entire Botswana has been subdivided into 163 CHAs. The national CHA map superimposes the national land use zoning map that divides Botswana in communal livestock/arable areas, ranching areas, Wildlife Management Areas and Protected Areas.

⁶ "Gazettement" requires that a policy be approved by the Cabinet and printed in the Government of Botswana Gazette.

The population of the village is about 400. Bushmen (Basarwa, San or preferably, Ju/'hoansi⁷) constitute about 70% of the population, and Baherero 30%, though the Baherero are the more wealthy inhabitants.

In December 1992 the community of /Xai-/Xai requested SNV Netherlands Development Organisation, through the Department of Wildlife and National Parks (DWNP), to start a Community Based Natural Resources Management (CBNRM) project. In September 1994 the project started when SNV posted a Natural Resources Management Advisor (NRMA) in /Xai-/Xai.

The interim Quota Management Committee (QMC) was established in 1996 and gained control of the wildlife off-take quota for NG4 and NG5⁸. For the year or so the QMC was operative, it managed and distributed the quota among the community, underwent a great deal of training and exchange visits and wrote their constitution in pursuit of a legal Trust.

The Cgaecgae Tlhabololo Trust (CTT) was legally registered in 1997, after filing their Notarial Deed of Trust (constitution). The constitution designates Trust objectives, requirements for being a member of the Trust (18 years of age and a resident for 5 years), the Board election process and meetings, among other things.

A Land-Use and Management Plan was drawn up in a series of participatory meetings among the entire community of /Xai-/Xai in 1996 and 1997. Residents contributed their knowledge of the land, natural resources distribution and how it could best be used. From this, zones for hunting, livestock grazing, gathering and photographic tourism were set aside. Campsites and a future photographic lodge site were designated, and a general plan of activities decided upon.

The CTT received approval of their Land-Use and Management Plan and lease application from the Land Board soon after being registered. This allowed them to enter into commercial agreements with safari companies for the use of their area. Starting in 1998, the community tendered and sold a percentage of their quota to a hunting safari company.

In 1998, when /Xai-/Xai first tendered out their quota they received BWP 40,750 and in 1999 they received BWP 70,000. However, in 2000, /Xai-/Xai were awarded two new valuable species on their quota by DWNP: six elephant and two lion. They also got four leopard on their quota, up from two leopard in previous years. Thus, they are now receiving an average of BWP 380,000 a year. This is even though /Xai-/Xai only tenders out about 30% of their quota. The bulk of the quota is retained for community hunting, which is an important part of the culture and subsistence of the Ju/'hoansi.

In 1997 the community started directly operating cultural photographic tourism packages, where small groups of tourists are taken into the bush by vehicle or horses for a two or three day trip by a group of 12 -15 Ju/'hoan residents. The men take the tourists out for tracking and snaring animals, and the women show them gathering and identifying veld products. Both the men and women do traditional dancing and storytelling in the evening. This type of tourism was embarked upon because it was seen that simple trophy hunting and photographic tourism would not provide the community, and women especially, a great deal of employment or autonomy.

⁷ Ju/'hoansi is a term referring to the specific tribe of Bushmen in the area. It is name they use to refer to themselves, and is most commonly translated as "the real people".

⁸ /Xai-/Xai has been given the quota for NG5 provisionally each year by DWNP. /Xai-/Xai does not have a lease over NG5, and has no guarantee for receiving NG5's quota in the future.

THE PEOPLE

The following people were interviewed for this publication. They were all interviewed individually between January and June 2000. Some details are given on /Xai-/Xai residents.

Government:

Mohutsiwa Gabadirwe. Curator of Geology, National Museum, Monuments and Art Gallery.
Utlwanang Maswibilili. District Officer – Lands, District Administration.

Dan Mughogho. Senior Wildlife Biologist, Department of Wildlife and National Parks, Maun.
John Passmore. Tourism Advisor, Northwest District Council.

Andrew M. Pitse. Board Secretary, Tawana Land Board.

Ian Tema. Senior Lands Officer, Department of Lands.

NGOs:

Charles Motshubi. Natural Resources Management Advisor to /Xai-/Xai Project, SNV
Netherlands Development Organisation.

Mosimanegape Taunyane. /Xai-/Xai Project Assistant, SNV Netherlands Development
Organisation.

/Xai-/Xai Community:

Kutakohungu (City) Korujezu. 28 yrs. Ex-Treasurer and long-standing member of the Trust,
City resigned from the Trust Board in mid-2000 because of family obligations.

Mariam (Mattey) Tjitunga. 23 yrs. Mattey is Vice-Secretary of the Cgaecgae Tlhabololo Trust
Board, member of !Kokoro Crafts and !Kokoro Semausu, ex-manager of !Kokoro
Semausu and Village Development Committee Secretary. She has been involved in
the CBNRM project since the very beginning, and is an active member of the
community (evident by all the positions she holds!).

Tshao Tshao. 27 yrs. Tshao is one of the Trust Managers, and oversees the CTT's self-
operated cultural tourism activities. He took over this job in 1999 when his brother left
the position.

Xixae Xaowe. 69 yrs. Instrumental in the early formation of the Quota Management
Committee, he was elected to the CTT Board in 1999. Xixae is also an active member
of !Kokoro Crafts and !Kokoro Semausu.

Kgadu N!a Xuma. 64 yrs. Kgadu is a member of !Kokoro Semausu and !Kokoro Crafts and
an active participant in community meetings. She is one of the few Bushmen who own
cattle in /Xai-/Xai. Kgadu N!a is also respected as a traditional healer.

Xaashe Xuma (no relation to Kgadu N!a). 42 yrs. Xaashe is employed as one of the Trust
Managers. He oversees the running of !Kokoro Semausu and !Kokoro Crafts and
advises the CTT Board among other duties. Xaashe speaks Ju/hoan, Setswana,
Seherero, Afrikaans and a bit of English (though he won't admit it), and worked on the
Environmental Impact Assessment of the Setata fence.

"THIS LEASE ALLOWS US TO IMPROVE OUR STANDARD OF LIVING..."

As explained in the introduction, the head lease from the Tribal Land Board is a community's legal proof of tenure over a CHA.

However, at the time of writing this report (September 2000) no lease has been signed between a community and Land Board or government department. Only letters and verbal "go-aheads" have been issued. The "Community Wildlife Management Lease" has been drafted and is being reviewed by the Attorney General's office.

The head lease from Land Board is a 15 year lease, reviewed after every 5 years.

Once communities have this lease, they can enter into sub-lease agreements with the private sector. However, for protection of communities, current guidelines stipulate that communities must first start with two 1 year sub-lease agreements before proceeding to a 3 year and then 5 year agreements.

Motshubi: *...apparently there is no lease. They [the community of /Xai-/Xai] have an idea that they have some kind of control over the land, but what sort of limits do they have? Especially in regards to giving them some exclusivity on the area. To what extent can they exclude others from using the area?*

They have rights to conduct photo tourism and hunting safaris. Those are quite clear. But if someone from Qangwa comes in and decides to settle themselves and establish themselves in /Xai-/Xai and make use of the resources, not necessarily wildlife, but other resources, it is not clear.

N!a: *I don't really understand how much ownership the Trust has over the land because I don't know what rules have been written down giving rights.*

Tshao: *It's not fair for the community that the lease has not been written down. A lease should be given to the community so we can sign it and be clear. A letter giving us the go-ahead for activities is not enough. I think the government should attempt to provide the lease. It should state clearly what the community has the right to do and what it cannot do.*

Pitse: *The draft Community Wildlife Management Lease is at the AG's [Attorney General's] chambers, and we hope that it will be released by the end of this year. It is meant to be used throughout the country.*

Tema: *The 15 years lease is not too short. Commercial leases are for 15 years, but after every 5 years the intention to renew has to be given. For community leases it is for a full guaranteed 15 years. Even for photographic tourism 15 years is enough.*

Xuma: *It is quite a long period, it's quite ok. We can manage our area, make amendments and do activities well in that time. We are the ones who set up the 15 years period. In this period we could send a child from the community to be trained as an advisor, to do something beneficial.*

Pitse: *The community lease is for 15 years, 5 years renewable. It is not like the individual commercial leases where every 5 years the lessee must state their intent to renew. If after 5 years, the community has not done anything drastically wrong or the land use is not being changed, then it will automatically get 5 more years. Even after 15 years, chances are the lease will continue and be renewed. This was created for citizen empowerment.*

A major criticism of the head lease is that it does not provide enough security and long-term tenure for a community. Furthermore, since sub-leases are restricted in a 1,1,3,5,5 year pattern, it is alleged that the short period of tenure for the private sector and community will encourage exploitation of the resources. Many of the quotes refer to this issue of the length of the lease.

Korujezu: *15 years for the lease is enough, starting from 1998. Maybe after 15 years, we don't do anything wrong, so we would get the lease again. So it's enough.*

For a head lease to be granted by the Land Board, communities are supposed to submit a Land-Use and Management Plan detailing their resources, management of the resources and planned activities. However, in practice, only a few communities have produced plans. Many have simply used the plans that are prepared by safari operators tendering for their area, or zonal land-use plans produced by district authorities.

Pitse: The lease period is reasonable as far as I'm concerned. I know people say that it encourages people to exploit the area because the lease period is short. However, if a community does not do good management of an area, after 5 years when the lease is reviewed, it could not be renewed. A longer lease, such as 50 years, would leave out the valuable policies of government that are just now starting up. The communities can be innovative in working within this lease period. There is nothing to worry about!

Taunyane: At this present moment, the community has not even signed a lease. We as the community do not know what is in these documents. If there was a document the community could know the extent of their rights. I also think that long-term management plans should be drawn up for this area. If there is a management plan, then the community could be more positive about their land-use in 50 to 100 years. As it is, 15 years renewable, it is not so safe for the community.

Motshubi: I think it's quite ideal for me. I feel it's secure, provided the community does nothing wrong, it will still get it. If you look at it from the private sector point of view, perhaps it's too short but for the community it's fine.

Passmore: I have a tendency to agree that the lease period may be too short. It's quite a high amount of money to pay for one year or so. But, there should be safety clauses in agreements so that communities can get out if a partnership goes bad. The lease should be 5, 5, 5 years instead of 1, 1, 3, 5, 5. It's also important that DCEC [Directorate of Corruption and Economic Crime] thought that communities should have their own Land-Use and Management Plans.

Maswibilili: I think that the lease is OK. It stipulates everything. However, for companies that want to invest in an area, perhaps the lease period is too short. I think it should be extended. It is too short a period for a company to really invest in an area. I don't agree that a company would take over an area if it had a longer lease.

Tema: The 15 year lease is a community's security of tenure. The lease is only for them. The only way they could lose it is if they used it as collateral, and the leased area has to be disposed of by way of sale (to repay creditors), or if the community does something drastically wrong in the management of the area they hold under lease agreement.

Xaowe: The head-lease is very good. I am very happy about it. I think this lease allows us to improve our standard of living. If they took it away, it would be like shooting an arrow through my chest.

Pitse: There are four ways that the head lease with a community would end. First, the community could decide to terminate the lease by its own choice. However, it is expected to give six calendar months notice in writing of its intention to terminate.

...Second, the lease may be cancelled by the Land Board if the land is needed for public purposes, as stated in Section 32 of the Tribal Land Act. In such a case, the Head of State would have to say that the land is needed for the general public. Just for an

example, maybe a public hospital is needed, and it can only be built in that area. Or maybe Mines and Minerals find diamonds. Government may say that the land should be mined for the nation. Of course there would be compensation in such a case.

...The third way is if the community committed a serious breach of the lease terms, one that worried the Land Board. For example, about the composition of the Trust. If the community gave false information about the composition of the Board of the Trust to the Land Board just to get the lease, then that would be considered a serious breach. However, only a serious breach would result in the termination of a community's lease. In most cases, the Land Board would work with the community to remedy a problem, not take away the lease.

...The other way, of course, is if the lease period ends.

Another worry for communities and NGOs, especially since the terms of the lease have not been finalised, is under what conditions the lease can be taken away. If Land Board decides to change the land-use of an area, can it simply terminate the lease? The Tawana Land Board Secretary clearly spells out the conditions of termination of a lease. The 15 years are more or less guaranteed, unless some drastic circumstances arise. Changes in land-use or discovery of other valuable resources could mean a lease is discontinued, but it is hoped that serious consultation with communities would be performed in such a case.

Generally, the community of /Xai-/Xai seems to feel secure with the length and their understanding of the terms of the lease, though they would like it to be written down.

The Draft Community Wildlife Management Lease (as it currently stands) does not confer any *ownership rights* over the land. It gives a community *exclusive rights* to use an area for commercial tourism-related activities, and hunting and game capture. The lease is also being designed to allow for a situation whereby the community is given the right to commercially harvest plant resources and exclude outsiders from doing so. The community's rights of subsistence already exist, with or without the lease.

Tjitunga: Yes I think the community owns the land of /Xai-/Xai. We do things ourselves. The lease allows us to do hunting and tourism and get money for tea and everything. The lease is okay.

N!a: The lease is a good thing. It has given us some freedom to do tourism. The lease has given us control. But the problem is here. The Ju/'hoansi youth should be the people in the board, but they are always getting drunk. So they are not standing up for their rights.

Xuma: I am highly satisfied with the lease. We have a lot of freedom. We can gather freely, during the hunting season we can hunt freely without fearing the game scouts. We appreciate it.

Tshao: I believe that the community are proud owners of the land. We have a lease, so the government cannot go back on its word, it's impossible for such a thing to happen. The community is dependent on this land and tourism activities, and I think government knows that it is what we survive on.

The lease itself does not actually give a community ownership rights over the land. However, it does provide the community with legal basis to commercially utilise the resources in the CHA, and exclude others from doing so. Furthermore, depending on what the community includes in its Land Use and Management Plan, zones for gathering, livestock and tourism can be enforced. Most importantly, the lease is a powerful symbol to the community of their sanctioned authority and responsibilities over their environment.

"THE EXTRA SECURITY OF A WMA..."

Wildlife Management Areas constitute 22% of Botswana's land. WMAs are land that used to be designated "reserved" under the Tribal Grazing Land Policy of 1975, to reserve land for future developments or because it was unsuitable for cattle grazing and more suitable for wildlife utilisation. With the Wildlife Conservation Policy of 1986, these "reserved" areas were turned into WMAs for the conservation and sustainable utilisation of wildlife.

Most community managed areas are in WMAs, but not all. Chobe Enclave (CH1/2), the first community in Botswana to be given CBNRM rights (in 1993), is not in a WMA. /Xai-/Xai has been zoned as a WMA, but has not yet been gazetted. The next section will discuss this issue.

Tema: The Tribal Grazing Land Policy in 1975 identified a number of different land uses, including Wildlife Management Areas, which would act as corridors or buffer zones around National Parks. A district would prepare a land-use plan for the whole district, and many departments are involved, Land Board, Animal Health, Agriculture, Wildlife, etc. Then, this land-use plan is referred to the Land Development Committee, which is advisory to districts, to make sure the land-use plan incorporates all the appropriate government policies. Then the Land Board or Department of Lands may have to consult communities about the plan. Then the Land Board consults the District Council. The Council does not have to agree with the Land Board, if the Land Board feels that the plan is the best for the area, then it can go ahead and request formal gazette from the Minister of Lands and Housing, but must also indicate the concerns as raised by the council. He is the final approval authority. A Wildlife Management Area may be part of this planning exercise. After the formal gazette of the entire plan has been approved by the Minister, the relevant departments may gazette lands that are designated for their own management (as per their own acts), like WMAs, under their own authorities and codes, like Department of Wildlife. The Tribal Land Amendment Act of 1993 also empowers Land Boards to gazette land use plans.

This land use plan is flexible – changes in land-use are taken into account. Degazette has to be requested from the Minister where changes of use are envisaged.

Pitse: A Controlled Hunting Area may be zoned or become part of a WMA if the DWNP identifies the need to do so. The CHAs within the WMAs are zoned as commercial (leasehold areas), community multipurpose and photographic. WMAs are planned through a process of consultation. Joint decisions are being made among DWNP, communities and Local Authorities to assist in making decisions on the best use of each community wildlife resource.

...It is not often easy to overturn gazette of a WMA because prior to gazette a thorough study and consultations are taken. It's based on the understanding that all the parties were in favour of the gazette.

...A community could lobby for a WMA. Even the Tribal Land Act says that you can apply for changes of use. Even Land-Use Plans are reviewed from time to time. It is up to the community initiative to have this done.

The extra security of a WMA would be that the community would be able to manage the natural resources occurring there for their own and the nations benefit and that the land use cannot easily be changed or converted into something else. The Land Board could not change the land use at will. Even DWNP could not just switch the land use.

A community's rights are enshrined within the lease they have with the Land Board and the provisions of the Tribal Land Act. If in a WMA, a community will have more restrictions on its activities. But

according to the Tribal Land Act, if an area is not zoned for grazing then its primary use is not livestock. So a farmer could not just move in all of his cattle.

The question being answered here is whether a community which is *not* in a WMA has protection from cattle intrusion and related vegetation degradation. Does the head lease from the Land Board provide any rights to exclude a livestock farmer who is not using that area for tourism or wildlife consumption, but is affecting it nevertheless? According to the statement from the Tawana Land Board Secretary, a CHA that is zoned for community management (like NG4), even if it is in a livestock area, cannot be used for large-scale grazing, as it is not zoned for grazing. Moreover, the lease itself stipulates that further ploughing, livestock introduction and settlements should be avoided, as confirmed below. However, this only holds true for an area that is a WMA or planned as a WMA. Thus, if plans for NG4/5 to become a WMA are abandoned, this rule will no longer apply.

...A community multipurpose livestock area deals with the question 'What came first?' Perhaps there were some boreholes and ploughing, etc. so the area was designated multipurpose. However, more of the same should not be allowed. We cannot allow intensification under the lease.

Tema: If NG4 was actually gazetted as a WMA rather than just planned as a WMA as it is now, it wouldn't give the community anything more. The use of the area has already been decided...WMA regulations are a very powerful legal instrument, but also constraining.

However, it has been stated by other interviewees that gazettelement itself is very difficult to overturn. Thus, a proposed change in land-use of a gazetted WMA would be a large undertaking. Since NG4 and NG5 have only been planned as a WMA – nothing has yet been formally approved – a change in land-use is much more likely.

WMA gazettelement of a community area does bring along the added burden of WMA regulations (currently in draft form) which control livestock numbers, limit cultivation and regulate access to and development of the WMA, among other things. However, regulations also provide protection for resources that a community relies on for income.

"PART OF THE AREA FOR A WMA, PART OF THE AREA FOR GRAZING"

/Xai-/Xai is in NG4, which is currently a community-multipurpose area in a livestock area. NG4 along with NG5 has been zoned a WMA under the Land-Use and Development Plan for Western Communal Remote Zone of March 1994. It has not yet been gazetted.

The District Land Use Planning Unit (DLUPU) is an interministerial committee which provides advice and input on district land-use to the respective Tribal Land Board.

Tema: *NG4 and NG5 had been proposed a WMA under the western communal remote zone land-use plan in 1994. In late 1996, early 1997 the Department of Wildlife and National parks wanted to gazette NG4/5 as a WMA, but the Ngamiland DLUPU [District Land Use Planning Unit] felt that it might not be possible to gazette NG5 as a WMA given the high prevalence of livestock watering boreholes in the southern part of the area. Those farmers would have to be relocated, and the number of cattle is probably not acceptable under the WMA regulations, so the Ngamiland DLUPU advised to leave it as a mixed-use area, and Land Board to not allocate any more boreholes in the area in order to secure the area as a significant wildlife habitat*

Mughogho: *Who are these cattle owners in the area of NG5? They are not from the community in the area, they are from Maun.*

Pitse: *To establish a WMA, there has to be an extensive consultation. People have been allocated boreholes in NG5, but also wildlife is abundant in the area. DWNP suggested that this area of NG4 and NG5 be looked into as a WMA. Now, the borehole allocation in the area has been frozen.*

The issue raised in interviews was /Xai-/Xai's WMA status. However, this discussion brought out all sorts of issues from fencing, to livestock development to community rights.

The District Technical Committee, also known as the Technical Committee, comprises officers from District Council and Administration, Land Board, DWNP and is chaired by the District Officer Development (DOD). It provides advice and guidance to Trusts particularly regarding joint ventures.

The TGLP of 1975 aimed to reduce overgrazing and increase cattle productivity through fencing of commercial ranches for large cattle owners and leaving unfenced communal areas for small-scale herds. However, a dual-rights system ensued, where ranch owners who had degraded their fenced ranches moved their cattle back to the communal areas.

Maswibilili: *Agriculture wants NG5 for livestock. Their argument is that there are boreholes in the area. The EC [European Community] forces us to fence cattle. DWNP were asked by the District Technical Committee to look at the fencing component of Agriculture's plan for livestock farming in NG5.*

Mughogho: *Towards the end of 1998, the Ministry of Agriculture started to implement the Agriculture Development Policy of 1991. This policy aims to increase the efficiency of livestock production by the utilisation of fence structures. The fenced farms would be designed at 8 by 8 km, which is supposed to be the most efficient size. The fences are to avoid a situation like under the TGLP [Tribal Grazing Land Policy], where people moved their cattle to other open communal areas when they overgrazed their own areas. Fences are supposed to make cattle owners take care of their own land.*

...In Ngamiland three areas have been designated for this fenced livestock farming: Tovera, Hainaveld and NG5. I think DLUPU and Agriculture decided on these areas. Hainaveld was the first area to be used under this new farming policy, and Tovera was supposed to be second. But for some reason, NG5 was then decided to be second. Tovera was suspended because the community wanted to form a Trust.

...DWNP thought that NG4 and 5 should be a WMA. We argued that we think we should do a study first, to look at the resources in the area, the wildlife numbers, their distribution, to see if the area has potential for other things than livestock. The study started in July 1999, and we have two years, so by the end of next year we

9 WMAs in Ngamiland, Chobe, Ghanzi, Central and Southern districts have been gazetted. 5 WMAs in Kgalagadi, Makgadikgadi, Kweneng and NG4/5 have not yet been gazetted.

will have to submit a report to Agriculture. They have been pushing for us to be faster, but we need at least two years. So nothing in the land-use should change there until the end of next year...

Maswibilili: Most WMAs countrywide are just proposals and not yet gazetted. In NG4 gazettement was delayed because of NG5. Cattle barons have wanted NG5 for cattle grazing. They are still pressurising the Land Board to dezone NG5 as a WMA. Until those studies by Wildlife are finalised, it will stay how it is.

NG5 is the main topic when it comes to discussing the WMA status of NG4 and NG5. NG5, or part thereof, is wanted for a fenced livestock area by Ministry of Agriculture, which seems to be the main hindrance to WMA gazettement.

Since the 1975 Lome Convention, Botswana has received preferential treatment and subsidised prices for beef exports to the European Community. The EC requires strict disease control, which has resulted in the proliferation of veterinary cordon fences.

Mughogho: The whole argument is based on the assumption that the EU [European Union] quota will be the same. However, this agreement is going for review, I think next year. Now, there is a lot of disease-free beef coming from Argentina and eastern Europe, so I think it is very likely that our quota will be reduced.

...Hainaveld was the first area to be fenced and used under this new Agriculture Development Policy. But cattle are not always profitable anymore. A lot of people are selling those farms now to syndicates and are turning them into game farms. That could also happen in NG5. There is no provision in the policy for not selling the farm to a syndicate. If these farms are sold to syndicate, then who will lose? The locals.

Maswibilili: With cattle concentration in NG5 it will drive wildlife away. Of course it will affect very negatively on the /Xai-/Xai people.

N!a: Turning NG5 into a cattle area would really impact us negatively. Animals move up and down between NG5 and NG4. Winter they are in NG5, summer they are in NG4. The animals would be in trouble, and our quota would go down. We would have no eland. It would be very bad.

Maswibilili: People in /Xai-/Xai are marginalised. Only through CBNRM can they create employment and generate income. That is the only way for them to avoid destitution. And that is one of the main objectives of a WMA – to create employment and generate income through natural resources management.

Xixae: No one came to consult us about livestock development in NG5.

Maswibilili: Consultation with the communities was done, but the people there are not against the area being a WMA. It is people this side who want it disowned so they can graze cattle. However, the water there in NG5 is very saline. It's going to be a very big hindrance for livestock farming.

Mughogho: I'm not sure why they chose NG5, because DWNP argued on behalf of NG5 that the water is of bad quality and livestock production would be low. We said that there is lots of wildlife in NG5 and the area would be better used for natural resources management and tourism. They said that the range is good for livestock, but maybe the range is good because there is no livestock there now. But 60% of the boreholes there now are

blanks.

...We have done 3 aerial surveys, and ground surveys, using transects. We have also done a borehole inventory and cattle post inventory. Water Affairs was doing the work for us on this. There are about 60 boreholes in the area, though some are just allocated sites or wells, and less than 40% of them work.

Korujezu: For cattle farmers in NG5, maybe they will lack water. They will need a borehole. If government decided NG5 was to be a livestock area, then I would agree, if people from /Xai-Xai will be able to use it. If government drills a borehole for us so we could use it then I would agree.

...If NG5 was fenced for livestock, I think our tourism would be ok, because NG4 would be just for wildlife and tourism. If there was a borehole for us and NG5 would be fenced then all our livestock could go there. Then NG4 would be only for wildlife and for government projects, like the school, kgotla, clinics.

Maswibilili: It appears that Council and Land Board are not for the WMA gazettement of NG4 and 5.

...The fact that boreholes are there does not mean that it should be a grazing area. What is already there should not determine the future land-use. Boreholes can be reallocated or owners can be compensated. The fact that boreholes exist in NG5 is immaterial.

Pitse: The boreholes in NG5 are not the main reason for the WMA not being gazetted yet. Consultation with the stakeholders is the issue. Once a WMA is gazetted it is difficult to degazette. We also have to look at the national benefit. Owners of boreholes can be reallocated boreholes or be compensated.

Tema: NG5 is pretty much dead as a WMA, because it would be a non-starter to reallocate those boreholes.

...We could realign the CHAs, but lots of the wildlife is in the south of NG5, where the boreholes are. Part of the objective of WMAs is to conserve wildlife, so it wouldn't solve anything.

The reasons for the delay in WMA gazettement of NG4 and NG5 range from: the presence of boreholes and livestock in NG5; the lengthy consultation process; and the planned fencing and livestock development of NG5. Even with the saline water in NG5, it seems that NG5 is very much wanted for livestock rearing. Cattle are an extremely important part of the mainstream Batswana culture, much more important than wildlife. This may influence whether NG5 is kept for wildlife or for livestock development.

The Cgaecgae Tlhabololo Trust has a head lease over NG4, but it receives the quota for NG4 and NG5. The NG5 quota is given to them provisionally each year, and is not guaranteed.

Motshubi: I think the viability of /Xai-/Xai depends on NG5, that's where most of the wildlife is, that's their traditional hunting land.

Korujezu: You know NG4 and NG5. When we are given animals on the quota, like 4 kudus, then maybe 2 will be in NG4 and 2 in NG5. We won't get 5 kudus for just one area, because maybe there is not so much there. Last year I got a kudu for NG5, so I went there but I didn't kill it because I didn't see it.

Xuma: I hunt in NG5 and NG4. It would be a difficult case if NG5 was turned into a cattle area, because it would disturb the animals, their mobility would change. Then we would not have animals to

hunt in NG4!

Mughogho: *NG5 is a good habitat for zebra, gemsbok, eland and other wildlife during the wet season. NG5 and NG4 have the great concentration of eland and kudu in all of Ngamiland. Livestock will have a very negative impact on these animals.*

Xuma: *I know that there are some farms 30km from NG5, who want to make NG5 a farmland. I really don't like this idea. It would be bad. I really oppose it. The two fences, Setata and Kuke are killing animals like crazy. If the government turns NG5 into a farming area, it will kill many more animals. We are fighting now to have Setata taken down. My second reason for opposing it is that it would make it difficult for us to gather veld products. Also for wildlife, it would lead to a drastic drop in our own development in the future.*

N!a: *Should NG5 be fenced, it wouldn't affect our cultural tourism. But it would affect our hunting. Fences kill animals.*

Xaowe: *We prefer the land to be used for wildlife, but we haven't come together to discuss the issue. Now I'm very worried about NG5 being turned into a livestock area. That would affect me greatly. I would not like that land to be used for cattle.*

...My own opinion is that it would be very bad because all the wildlife would be killed by those [people] who live there, and we in /Xai-/Xai would be at a disadvantage. It would be a tremendous problem because NG4 could not accommodate all the wildlife. They like to graze in a bigger area, and maybe they would starve if NG5 was fenced.

Xuma: *I know about 4 boreholes in NG5. I think NG5 is a suitable place for wildlife. There should be free movement of animals, from NG5 to NG4, NG4 to NG5.*

Taunyane: *There is no NG4 without NG5. Animals depend on NG5, and would be killed if the area was fenced. It would be very drastic for /Xai-/Xai. NG5 has more animals than NG4. Eland, giraffe – they are all in NG5. There are big big pans in NG5, which gather water, and the animals depend on them during the dry season.*

Regardless of the effect that fencing and livestock development of NG5 would have on the community of /Xai-/Xai, it seems obvious that wild animals would be the greatest losers in such a scheme.

Mughogho: *The highest concentration of animals in western Ngamiland is in NG5.*

Tema: *In 1997 or 1998 the communities of Tsau, Sehitwa, Molatswane and those wrote to their MP, who is now the Minister of Lands and Housing, to ask for the use of NG5 as a WMA. The district was never really involved in the discussions pertaining to their request. We never gave them any solid answer...It is not a dead issue.*

Taunyane: *I think the WMA status is preferable. It gives people options. They can make money from tourism, and invest it in some cattle and goats.*

The (draft) WMA regulations state that primary wildlife needs are the foremost consideration for a WMA, but that limited livestock grazing is permitted.

N!a: According to my own thinking, I think the area should be kept as a multipurpose area. If we keep it for livestock, then life will be difficult for the Basarwa. If we keep it for wildlife and chase away the cattle, then it will be difficult for the Herero.

Korujezu: Nowadays I prefer that our area stay a multi-purpose area, because not everyone here understands how to conserve wildlife. We can't yet be based only on a wildlife area, because it would be difficult for people to understand. Hereros, they need a wildlife management area. But they also need livestock. The livestock, they are for themselves. They just want wildlife for community development and to give them some meat. In the future, I think it should be changed to WMA. When we change, people with livestock should be given a small area for grazing.

Maswibilili: I would like to strike a compromise. Part of the area for a WMA, part of the area for grazing.

It seems that the community of /Xai-/Xai is not extremely interested in the idea of WMA gazettement of NG4. They do not see any added benefits that they do not already have, and would prefer to keep their options open. This may be due to the fact that land-use designations are rather abstract – most of the interviewees, including board members, did not know what a WMA was or meant. Thus, there is some hesitation. It is unclear to /Xai-/Xai residents whether they would still be allowed to keep cattle or plough fields, and how much responsibility they would have to take for wildlife.

However, they were all very strongly opposed to the idea of the fencing and livestock development of NG5. This is a very concrete threat that would greatly impact their hunting and tourism enterprises, which is very easy to understand. But, the gazettement for WMA status of NG4 and NG5 may be the only way to retain NG5 as a wildlife habitat in its present form. Who will explain this land-use planning concept to the community? Who will lobby government for WMA status?

"WE DO AND DON'T HAVE TOTAL CONTROL OVER THE LAND..."

N!a: *Even though we've been given the area, I see loopholes. The land is still owned by Land Board. I see that though we have the lease, Land Board still has rights. If the Land Board wanted to come here and do something, we, the Bushmen, could not say no.*

Xaowe: *The Cgaecgae Tlhabololo Trust is a good thing. The Trust is the medium for Ju/'hoansi to use the land beneficially for their own lives. It's not clear to me whether we can make decisions without the approval of Land Board. We could make decisions independently as long as it goes with the mother law. I would be scared that our decisions would conflict with the law. The extent of our rights over land and decisions is not clear to me.*

What are the rights of the community to exclude others from use of the area? Are they really "owners" of the land? Can they build on the land? Must they consult government for every development? Must government consult the community when wanting to do public works in a community managed CHA?

Pitse: *A community's rights are enshrined within the lease they have within the Land Board and the provisions of the Tribal Land Act. If in a WMA, a community will have more restrictions on its activities. But according to the Tribal Land Act, if an area is not zoned for grazing then its primary use is not livestock. So a farmer could not just move in all of his cattle.*

Tema: *If a cattle farmer wanted to move cattle into NG4 he would need a water point. Land Board would not allocate him a water point because NG4 is a proposed WMA in a working document. So it's still planned as a WMA. A community can only have rights to exclude other resource users if they have title or lease to a given piece of land. Otherwise the resources remain communal and can be used by any citizen.*

Korujezu: *We would not let someone with a lot of cattle into our area. Maybe someone with 200 head of cattle comes. We have one area which is a hunting area. There cannot be cattle there, so we would tell them. We decided the area, but the Land Board approved our Land Use and Management Plan. So if the person with the cattle will not leave, then we will go to the lawyer and tell him the problem.*

Tshao: *I would like the Trust to have more power, to work independently. As the community, we have the power to eject a cattle farmer. As a community we made the Land-Use and Management Plan. The government approved this Management Plan so then we have the support of government and could eject a cattle farmer if he is in a hunting area.*

The interviewees seemed to be quite confident of their rights to exclude others from using their resources who do not fit the Land-Use and Management Plan. When a community submits a Land-Use and Management Plan, it essentially becomes part of the head lease, and thus can be used to enforce land-uses.

Xuma: *To a certain extent, I feel that we do and don't have total control over the land here. The government can still come in and*

The Setata fence was erected in 1996 and bisects the southern tip of NG4 and the top half of NG5. This fence and others were erected to control an emergency outbreak of CBPP – Contagious Bovine Pleuro Pneumonia, also known as cattle lung disease. During this emergency situation, more than 300,000 cattle were slaughtered in Ngamiland.

An Environmental Impact Assessment of veterinary cordon fences funded by DFID started in mid-1999. The draft report on those results is now being discussed among various stakeholder groups.

do what it likes. Like the Setata fence was constructed without informing the community. We just found it up. I think, If the government wants to make cut lines or other things, then it should get the opinion of the community first.

Pitse: The Setata fence was erected along with the Ikoga and Samochima fences to prevent the spread of CBPP. At /Xai-/Xai the fence seems to have restricted movement of wildlife between NG4 and NG5 causing overgrazing and reduced fertility. It has to some extent reduced the viability of the CBNRM project in /Xai-/Xai in terms of both consumptive and non-consumptive wildlife utilisation. Access to veld products has also been impeded to some extent by the fence, for example at Semboyo. However, this issue mainly concerns the design of the fence, which does not have stiles and rights of access.

Tshao: To us as the community the Setata fence is doing us no good. It is killing animals and restricting the movement of animals. At the time of construction of the fence, we were not consulted at all. This was completely not fair to the community. But the community sat down with a consultant, and discussed the fence and wrote a letter to government. Now sections of the fence have come down.

Maswibilili: Myself, I would like to see Setata removed as it disrupts traditional wildlife movements into part of NG4 and all of NG5.

Pitse: Communities are normally consulted on decisions that affect the land in their area. For example, the Environmental Impact Assessments of the veterinary fences. The consultants have taken the views of the community on board...However, for Setata fence, the communities were not consulted. Because the outbreak of CBPP was a national emergency, a disaster, we did not consult to the extent we usually would. This was just because of the crisis situation.

Taunyane: I always feel that these decisions have been made for the top Bras. The government thinks it knows too much. The community knows how to manage the area. They have lived here for thousands of years, and the resources are still here, so what does that show you? Government should combine expectations with those of the community. Consultants should work with community members. They know what is going on. Like Setata fence, it was killing many animals, everyone in the community saw it, yet government still denied it. What does that mean?

Xuma: As a community we can influence the government. Like the Setata fence, we communicated with government and told them how the fence affected us, the community, and even the environment and animals. It so happened that the government saw our side, so they brought down some of the fence. They did not bring down the whole fence, but they opened up passages for the animals to pass, which shows the government did hear us.

N!a: To a certain extent, government does not always consult us well. Like for Setata fence, they did not ask us. Same for surveys, and the same for cut lines. Cut lines sometimes destroy veld product areas that we depend on. All the government has to do is consult us. Maybe we would be positive about it, but we should have the right to be negative. We should be able to negotiate.

The Department of Geological Surveys is under the Ministry of Mineral Energy and Water Affairs.

Korujezu: *The community is not consulted so much. Like people from surveys. They will come to the kgotla and look for people to work for them. They also make cut lines. But they don't inform us. The CTT should be told. But they don't tell us. They don't meet with CTT.*

Xuma: *The government does not consult us. We just find that people are working in the area. The geological surveys are being done without informing the Trust Board. I think that is not good.*

Tjitunga: *Sometimes the community has the rights, sometimes we don't. The surveying company comes in and just makes cut lines and does everything that we don't understand, but its government work, what can we say. Many companies came in 1997 and 1996. GS [Geological Surveys] and another company – sometimes they are government, like GS. I think it would be better if they came to consult with the community, and tell us, those people are coming to do this, this and this, and then we can say if its possible or not possible.*

Pitse: *GeoFlux was doing a water point survey, to see how many water points we have in the district. The client actually was Land Department, because we are working on a land inventory, which must include water points. The community was consulted, but the nature of the study was that GF had to go through first to do reconnaissance. The community was only consulted later.*

Tshao: *As a Trust we should be given more control over the land. For instance, surveying companies just come in and make many cut lines. If we, the Trust, had more control, then we could negotiate with them to say only a certain number of cut lines are to be made.*

The interviewees stressed consultation in their comments about government. They seem to feel that they would not mind government's activities in the area, but the fact that they have been given a lease should mean that they are always consulted about modifications and studies in the area. It would enhance the Trust's understanding of their control and decision-making power if they were able to work with government on an equal standing.

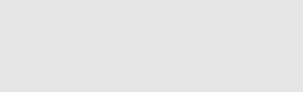
The (draft) Community Wildlife Lease allows entry into community CHAs by authorities for construction of public works, who should endeavour to cause minimum disruption. DWNP should consult the community before permitting scientific research.

Motshubi: *The only problem I have with government is with regards to agricultural developments, those are never well communicated with community. Like boreholes, or fences, those are the kinds of things I'm looking at.*

Taunyane: *The community is not good at standing up to government on its decisions.*

...*The government should adopt the consultative approach with the community. I can't say the government should do this or not do that, I just think they should consult the community as a method. I also think that the government should approach the bottom-up approach. You see the government imposes project plans on the community, which may conflict with what the community is doing. If the government adopted a bottom-up approach it would be easy for them to work together. The community could present their plans and ideas to the government, and they can work together.*

Xuma: *I think we will have some control over the land in the future. Even if the government changes its mind some time in the future, perhaps in some years, then I think we as the community can*



negotiate with the government to tell them what tourism activities do for us here.

"IF MUSEUMS TOOK GCWIHABA..."

Gcwihaba (or Drotsky's Caves) are about 35 km south-east of /Xai-/Xai in NG4. They are accessible by a road through /Xai-/Xai or directly from Tsau. The Cgaecgae Tlhabololo Trust has put up signs on both roads asking visitors to report to the community and pay entrance and camping fees.

Motshubi: *Another resource that is unclear what their rights are is the caves in the area like Gcwihaba. Can people really benefit from, or charge people for using the caves? That is still not clear. I think the community would feel let down, even though their rights are not clear as to what degree they can manage the area. They are under the impression that they can manage this area, even though they are not sure of their limits.*

Taunyane: *Unfortunately, the community hasn't signed the parent lease with the Land Board yet, which they could use to negotiate with Museums about Gcwihaba.*

Xuma: *In the past, we used Gcwihaba for food. We would go there to eat honey because it was a place for honey bees. Nowadays we use it to earn money. Tourists like the area. Now, before tourists enter they must pay. We can use the money for development. We combine it with tourism for Aha and Koanaka Hills, which are Nqumtsa and Nqumqoma.*

...The community has decided on management of the caves. Nowadays the area is in a conservation area, no hunting. It has been kept according to this decision of the community, for tourists to come and have a nice time.

Gabadirwe: *The Cgaecgae Tlhabololo Trust has indicated its interest in incorporating the caves into their management plan, but we still have to find the best way to protect Gcwihaba.*

Xixae: *For Gcwihaba, when we talk of the past, each and every person could just come and enjoy it, but we made the decision that now if people, like tourists, visit the caves they have to pay. Our aim is to use the funds for our own development. It would be a gigantic problem if government took Gcwihaba away from us. The money that we get from there has contributed meaningfully to our lives.*

Gcwihaba caves are a National Monument, and thus National Museum, Monuments and Art Gallery (a government entity) has jurisdiction over the area. Meetings between the /Xai-/Xai community and NMMAG are ongoing to discuss management of the caves. Tsodilo Hills, famed for Bushmen rock art, are being managed by NMMAG.

Pitse: *For Tsodilo we sat down with the Museums Department and legal drafts people to draft a specific lease for Tsodilo. It won't hurt the interests of the community. We would do the same exercise for Gcwihaba. During the lease production we tried to represent the community's interests. The Land Board and government or Museums still has interests of the community and community consultation in mind.*

Xuma: *I do not like to hear at all that Museums may want to take Gcwihaba. Like Tsodilo has been fenced. Some time ago, government wanted to fence Gcwihaba, but the community refused because we did not want to lose the money. If a fence was put up and we were to share the money with government in an agreement then it would be okay. For Tsodilo, the community was involved*

Kgosi in Setswana means "chief".

The (draft) Community Wildlife Management Lease only gives user-rights over wildlife and plant natural resources. All natural caves are National Monuments, thus, under the jurisdiction of NMMAG.

and was in agreement when they fenced the area. The Museums said it was going to employ everyone from the community. But only 1 person is employed, and he is the son of the Kgosi. Also the Kgosi gets P100 a month. The Museums don't share the money. Tourists just pay in Gaborone and come in with a permit, and say 'we are allowed to come into the hills'.

Maswibilili: I don't think Museums will involve communities.

Gabadirwe: Our museum policy is to involve communities to protect the monument. We should be able to protect the monument and benefit the community.

Korujezu: Eh! It would be a problem for us if Museums took Gcwihaba and fenced it. Unless there was an agreement with government from the community, that government would like to help us manage it. Maybe if the Gcwihaba was fenced, and tourists came, and they paid P100. The P40 would be for the government and P60 for /Xai-/Xai. Then it would be good. But if government wants to manage it for itself, then I won't agree. Gcwihaba is where we get money. I don't want it to get like Tsodilo. The people of Tsodilo don't get any money. Government takes it themselves. Even though Tsodilo is theirs, the community's. Gcwihaba is in NG4, it belongs to the community.

...We have talked with BDF [Botswana Defence Force] and the Museum about Gcwihaba caves. Sometimes there are tourists that come and don't stop in /Xai-/Xai. They just camp at Gcwihaba and go. We put the signs on the road, so they should know that they must report to us in /Xai-/Xai. Once there were five cars of tourists and they just drove through. We tried to stop them but they just drove on. They were driving fast so we did not get their license number, and we did not have pen or paper. That is why we want BDF to help us. One person from /Xai-/Xai will stay there, at Gcwihaba, and BDF will help to support us... Yes they sounded like they supported us, but they have not come back yet.

Xuma: I am concerned with the government giving us more control over the land. For Gcwihaba there are tourists that come in without stopping in the village, and they destroy the area, breaking the stalagmites and stalactites. We wanted to fence the area, but the Museum would not allow us. If we had more control, then we could do these things easily, and activities would follow.

Gabadirwe: The Museum is still trying to work out management of the caves. The monument is being vandalised, by tourists we assume, so we must decide how to stop this.

...The monument is the museum's responsibility. The original state must be maintained. At the moment there is vandalism, no one is controlling the site.

N!a: It would be very bad if Gcwihaba was fenced and used by government. It is an important part of our tourism and gives us income. People still gather from that area also. The same thing happened when the border with Namibia was put up. We used to move freely and gather from other areas, but now we can't because of the fences.

Xuma: When government makes a decision it should confirm with

the community in the area. It has given us this area so we can utilise it. Doing these things like taking away Gcwihaba would be bad.

The Cgaecgae Tlhabololo Trust has the right to exclude tourists from NG4, but does not necessarily have the right to exclude tourists from Gcwihaba. The CTT could discuss with NMMAG the possibility of the community controlling access to Gcwihaba (since all tourists must pass through NG4 to get to Gcwihaba) and charging a fee, as is the current practice. Meetings between CTT and NMMAG are ongoing.

"CONTROL OVER LAND...MAKES THEM PROUD"

A Land Use and Management Plan is required for a community to be awarded the head-lease from the Land Board. The Land Use and Management Plan should outline the resources in the CHA and the Trust's plans for development and utilisation. This Plan becomes part of the lease once approved.

Xuma: *The Trust has helped us have more control over the land. Now we can make some decisions on how to use the land to improve our lives.*

Tjitunga: *The government has the power to do things. Government covers us, the whole community. But if we have something to do in the community, we can do it, under the government.*

Xuma: *There are some restrictions on what we can do with the land. For example, we need to have a license to do tourism activities, and we must renew it every year. Also, residential plots must be applied for from Land Board and approved by them. But I think the government is fair in these dealings, because none of our applications have been rejected. There may be delays there and there, but these are technical things that cannot be done in just a day.*

Pitse: *A community would invite tenders for a lodge if they wished to allocate it. However, it should be noted that it can only be a lodge that has been approved by the Land Board in the community's management plan. The same scenario would apply for a borehole. However, the borehole would have to be on ancillary use to the uses prescribed in the management plan. Basically, if a community is not modifying anything that has already been stated in the land-use plan then it does not need to seek approval by Land Board again.*

Tema: *Well, a community has to make a Land Use and Management Plan before being granted the lease. This will detail all the plans the community has for the area, so when it comes time to implement something, like a borehole, they still need to get approval from the Land Board but it has already been accepted. If a borehole has been approved as part of the management plan which has been approved by the land authority, then it is not necessary to seek further Land Board approval; but if the borehole had not been proposed, then permission has to be sought from the Land Board.*

Mattey: *We have a management plan for NG4, to manage our area, to see what we can manage. It says zones for hunting, and shows a map of the roads, and where Mongongo trees are, or Morula. So if a tourist comes, if they need something, then we can tell them where to find it. It helps us to find all the things. We have the information from the community. We had a meeting here in the Trust Hall, and everybody had groups, and the Board sat down with the groups. The community knows about NG4, so they could tell us where to find the Morula, here and here and here...*

...I would like to make some more campsites in our areas, and a lodge in Aha. In our management plan we have planned a lodge in Aha, and we want to do it.

Tshao: *The Trust owns the land, now. To a certain extent we own the land. But for some things we need to consult the Land Board, like for allocation of plots. But we can roam the land, hunt and gather freely, so we have some control.*

Quotas for wildlife offtake are set by DWNP. In other countries, such as Zimbabwe, there is participatory quota setting, which allows the community to provide input into the setting of the quota. DWNP is currently researching this possibility for application in Botswana.

Korujezu: *The Trust has good control over the land, but not too much. Many people like the Land Board and Department of Wildlife, we don't understand their instructions. The land is from the Land Board, but if we're tendering for the quota, then they take money for the land rental. We are confused how much money the safari operator should pay. We have Aha and Gcwihaba, and it is written that they are conservation areas. No hunting allowed. But we are confused. The safari operator said that they were allowed to hunt 500 metres from Gcwihaba. If there was a tourism officer here or Land Board was here then we could ask them, and understand more...*

...Also, our Tourism Manager has problems because sometimes tourists come and we ask them to pay, but then they will just show us a big book, and say that they have paid in Gaborone, and that they can move around and camp anywhere in all of Botswana. We lost more money from this. We need education.

N!a: *Even though we could be given total control over the land, the government should still have a say. We cannot compare with the past, because the population was a bit low. If the people had complete control, there may be conflicts, so government should have a say. The government has done quite a few good things when it comes to land use. For example the government designated /Xai-/Xai as a tourism area, which is good. It could have designated the land for cattle, which would have been bad for us. They also gave us a few cattle and said we could keep them the way we want as long as it does not interfere with the tourism activities.*

Maswibilili: *...If you impose a land-use plan on a community, then it won't be successful.*

N!a: *I think the government and community can work together to have a good relationship for the better of the community. As I see it, the government is trying. They have the old age pension scheme, allow hunting and tourism, which is only for the community's sake. It's the people who are letting themselves down by spending their money on useless things.*

Taunyane: *I really think the community feels they have control of the land, to some extent. Though there are some things they wish they had more power over, like to be involved in quota setting. They have not been given full responsibility. So that is a bit awkward. Though they do feel that they have control over land, which makes them proud.*

Xaowe: *It's good to feel like we own the land. Even before we were given the lease we felt like we owned the land. I was born here, my great-grandparents were born here. We depend on the land, so we felt like it was ours.*

N!a: *It is very very important to us to own land. Generally most of the Basarwa feel like the land is theirs. Deep deep down in our hearts we know the land is ours. The government is the custodian.*

Xaowe: *As the community and as the Trust we are always sitting together to discuss things and it feels independent. Bit by bit we feel like we are being independent.*

Publications available under the CBNRM Support Programme

- CBNRM workshop and conference proceedings:
 1. L. Cassidy and M. Madzwamuse (Eds). 1999. Community Mobilisation in Community Based Natural Resources Management in Botswana. Report of Workshop Proceedings. Francistown, Botswana, December 9-11 1998.
 2. L. Cassidy and M. Madzwamuse (Eds). 1999. Enterprise Development and Community Based Natural Resources Management in Botswana. Report of Workshop Proceedings. Maun, Botswana, March 9-12 1999.
 3. L. Cassidy and S. Tveden (Eds). 1999. Natural Resources Monitoring and Community Based Natural Resources Management in Botswana. Report of Workshop Proceedings. Mokolodi, Botswana, June 10-11 1999.
 4. L. Cassidy and R. Jansen (Eds). 2000. National Conference on Community Based Natural Resources Management in Botswana. Report of the National Conference Proceedings. Gaborone, Botswana, July 26-29 1999.

- CBNRM Occasional Papers:
 1. T. Gujadhur. 2000. Organisations and their approaches in Community Based Natural Resources Management in Botswana, Namibia, Zambia and Zimbabwe.
 2. C. J. van der Jagt, T.Gujadhur and F. van Bussel. 2000. Community Benefits through Community Based Natural Resources Management in Botswana.
 3. T. Gujadhur. 2000. "It's good to feel like we own the land..." The people's view of community land rights under CBNRM in Botswana.

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