

RESEARCH DISCUSSION PAPER
Number 28
January 1999

Government policies on sustainable development in Namibia

by

Rob Blackie & Peter Tarr



Directorate of Environmental Affairs
Ministry of Environment and Tourism
Private Bag 13306
Windhoek, Namibia

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**DEA Publications Department, Directorate of Environmental Affairs
Ministry of Environment and Tourism, Private Bag 13306, Windhoek, Namibia**
Tel: + 264-(0)61-24-9015 Fax: + 264-(0)61-24-0339, e-mail: jb@dea.met.gov.na

PREFACE AND ACKNOWLEDGEMENTS

This paper draws on results from a thesis in progress by Peter Tarr and the following work conducted within the DEA's Economics Programme:-

- An initial overview, conducted under the auspices of the International Institute for Applied Systems Analysis in Austria, on the Namibian government policies that affect sustainable development.
- A paper presented at a workshop on "Environmental evaluation of economic instruments in the SADC region". Gaborone, April 1998.
- A preliminary review of Namibia's strategies for sustainable development conducted in collaboration with the International Institute for Environment and Development and the Network for Environment and Sustainable Development in Africa.

The authors would like to thank their colleagues for providing information and experiences, which constituted the basic research for these papers. Jon Barnes, Glen-Marie Lange and James MacGregor are gratefully acknowledged for reviewing the draft document.

Rob Blackie was a member of the Environmental Economics Unit in the Directorate of Environmental Affairs during 1996-1998. Peter Tarr is acting Head of the Directorate of Environmental Affairs.

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LIST OF ABBREVIATIONS USED

CBO	Community – based organisations
CBS	Central Bureau of Statistics
DRFN	Desert Research Foundation of Namibia
GRN	Government of the Republic of Namibia
ILASA	International Institute for Applied Systems Analysis
IUCN	The World Conservation Union (formerly, the International Union for the Conservation of Nature)
MET	Ministry of Environment and Tourism
MFMR	Ministry of Fisheries and Marine Resources
MLRR	Ministry of Lands, Resettlement and Rehabilitation
MME	Ministry of Mines and Energy
MoF	Ministry of Finance
MRLGH	Ministry of Regional, Local Government and Housing
NAMWATER	Namibia Water Corporation
NAPCOD	Namibian Programme to Combat Desertification
NAU	Namibia Agricultural Union
NDT	Namibia Development Trust
NEEG	Namibian Evolutionary Ecology Group
NEPRU	Namibian Economic Policy Research Unit
NNFU	Namibia National Farmers Union
PPP	Policies, programmes and plans
SDC	Sustainable Development Commission
TAC	Total Allowable Catch

Abstract

This paper examines the evolution, since 1990, of key government policies on sustainable development in Namibia. Namibia's approach has been largely homegrown, responding to issues that are of concern to the Namibian public and policy-makers. The most successful policies have been those that have either been based on strong community-level institutions such as conservancies, or on high-quality scientific analysis, such as the management of fisheries and Environmental Assessments (EAs). Both examples have involved strong stakeholder participation in the formulation of policies and legislation. While issues relating to land and local governance of natural resources require cooperation from up to four government ministries to resolve conflicts, inter-ministerial cooperation has been variable to date. The degree to which Government institutions allow public participation, cooperation with other sectors within government, and cooperate with other stakeholders, is examined. It is concluded that democratisation of natural resources issues has proceeded reasonably well and that most of the necessary institutions for sustainability are now in place. The major challenges that remain are to encourage public and inter-sectoral debate, identify indicators of sustainable development and improve the capacity of institutions to improve policies and programmes in the light of lessons learnt.

1. Introduction

Upon gaining independence in 1990 the Namibian Government faced an unenviable task. In virtually all spheres, the government it inherited was orientated away from the developmental needs of the country. In the environmental sphere this was as true as in other sectors: policy-making was orientated towards urban and commercial farming areas, and there was a lack of appropriately skilled personnel. More importantly, there was a lack of experience in democratic methods. A series of initiatives appeared from the then Ministry of Wildlife, Conservation and Tourism (now Ministry of Environment and Tourism - MET) to try to reorientate environmental planning. Unusually, this did not involve a formal National Environmental Action Plan (NEAP) which prescribes a wide range of actions to be taken (as in other African countries). Instead it concentrated mainly on institutions and processes rather than specific goals. This gradually led to a series of cross-sectoral programmes, housed within the MET but guided and controlled by steering groups of stakeholders. Parallel with MET efforts, other ministries have developed their own policies and programmes with major environmental implications, such as policies on water, land and fisheries. These policies and programmes are comparable since they face similar constraints in terms of available data and personnel, and the common challenge of developing policies and legislation for entirely new objectives.

2. Key resources for Namibian development

A few key resources are focused on in this paper. These are either important for future growth of the economy (water, fisheries and wildlife) or crucial to the livelihoods of the majority of the rural population (water, woodlands and grazing land). Those essential to future growth are (with the exception of wildlife) mainly based in urban areas, or are large-scale operations within the formal sector. The problems and opportunities in these sectors often involve some degree of state regulation and involvement. However, those sectors which are crucial to livelihoods tend to be rural, small scale and informal. An appropriate state role for developing these resources is in the creation of a legal framework and technical advice, such as through the provision of extension officers.

3. Local environmental problems: natural resource policies in rural areas

This section deals mainly with communal land tenure areas, which constitute about 41% of the country's total land area. Local level environmental problems in these areas affect about 65% of the Namibian population (GRN, 1994). Commercial farming areas occupy the bulk of central and southern Namibia, but are not examined in depth since they are not expected to show much sectoral growth in the future. The number of people living on commercial farms is only about 9% of the Namibian population, and may be falling. In contrast to the commercial farming areas, communal area's contribution to marketed output is rising rapidly (Central Bureau of Statistics, 1998).

3.1 Wildlife and Forestry

In common with most countries, past policies for wildlife and forestry were technocratic, based around preservation in protected areas and dependent on restrictive rules for resource use outside protected areas. Namibia's current policy on wildlife and forestry is less

confining, particularly with respect to resource use (Jones, 1997).

Within protected areas and on commercial farms wildlife numbers have generally been increasing in recent years (Barnes and de Jager, 1996). In commercial farming areas the conditional use rights given to farmers in the 1960s and 1970s have led to increases in wildlife numbers as farmers have switched to mixed game and livestock farming, or less often, to pure game farming operations (Barnes, 1996). Approximately 450 out of a total of 6000 commercial farms are registered as hunting farms. In addition, 150–200 are registered as guest farms, lodges hotels and camps which do not have hunting.

Following the successful example of wildlife management on commercial farms the government in 1996 amended the nature conservation ordinance (Ordinance 4 of 1975) to allow groups of people to register as 'communal area conservancies' with similar rights to those of private farmers. A conservancy is defined as "a group of farms on which neighbouring landowners have pooled their resources for the purpose of conserving and utilising wildlife on their combined properties" (MET 1995). In 1995, the MET published its policy entitled "Wildlife Management, Utilisation and Tourism in Communal Areas" in which it proposed the establishment of conservancies on untitled land in order to:

- Enable people living in communal areas to share responsibility for wildlife management,
- enable them to benefit financially from wildlife management and tourism,
- foster wildlife-based rural development, and
- improve the conservation of wildlife on communal lands as residents develop a vested economic interest in wildlife conservation and its wise utilisation.

Communities that wish to register a conservancy must elect a representative committee, negotiate and agree boundaries with neighbouring communities and draw up a constitution and management plan. Wildlife numbers in Kunene and Caprivi, where these initiatives are most advanced, have been recovering from decades of poaching, so that communities are in a position to benefit substantially from wildlife. The benefits that communities gain are expected to lead to them investing more time and resources in managing and improving their natural resource base. At present, four conservancies have been registered, and at least 10 more are in the process of applying.

The government is currently formulating policies, and contemplating legislative reform, to negotiate with people who live in parks (mainly the Caprivi Game Reserve and the Namib-Naukluft Park) and to build relations with communities living next to protected areas. This will explicitly recognise that land in and around protected areas is subject to a variety of legitimate uses, and that allocating these needs must be done by the government in partnership with the communities.

Forestry has had a much lower profile in Namibia than wildlife, since commercially exploitable forests comprise only approximately 2.5% of the land area (H.Kojwang, undated), and there is only one state forest. The extent of forest resources and their rate of change is still largely unknown in Namibia. At present there are two projects underway to document forest resources, the National Forest Inventory and the Forest Cover Mapping Project. The National Forest Inventory should be completed by 2001. Based on existing

evidence, the system of requiring permits for wood cutting is ineffective and deforestation has occurred in some communal areas. Law enforcement by the Directorate of Forestry of the MET is reasonably successful in the circumstances. In contrast to communal areas, commercial areas effectively suffer the opposite problem, namely bush encroachment (an undesirable increase in woody vegetation).

As is the case with wildlife conservancies, forestry policy aims to promote local protection of forest resources thorough the granting of conditional use rights. For some areas with abundant resources, this will mean the establishment of *community forest reserves* with conditions similar to those of wildlife conservancies. Primarily, though, the Directorate of Forestry intends introducing extension programmes that will promote tree planting, tree nurturing and protection of trees on farms and communal grazing land. Despite this progress regarding the wildlife and forestry sectors, the missing link at present is a clear communal land policy that will encourage investment in communal land.

3.2 Communal land

The legal status of communal state-owned land, which covers about 41% of Namibia is confusing. The applicable law is a combination of laws and precedents from before 1990 that originated in South Africa, Namibia and the 'homelands', as well as the guiding principles of the Constitution, customary law and post-1990 sectoral legislation. This causes problems for residents of these areas since they are not sure that they will have continued access to their land. This, in turn, discourages long-term investment that can generate wealth, such as planting fruit trees, improving grazing or improving housing. Tenure security tends to be strongest in the homesteads and fields of a household and weakest on the communal grazing land (Dewdney 1996, Blackie unpublished). Although the legal situation is vague, security of tenure is usually better for men than for women.

At present the legal vacuum, which will prevail until the Communal Land Bill is introduced, is causing several serious problems. First, allocation of land is made by traditional leaders who are aware that their *de facto* right to do this may be curtailed in the near future. The draft Communal Land Act implies that in the future their ability to allocate land will be restricted to 'customary grants' which will probably be smaller areas than at present. In addition, paying a traditional leader for land may be declared illegal. Hence, allocation of grazing land is rapid at present so traditional leaders can reap the benefits of payment while it is still possible. In the northern and eastern regions of Namibia this has resulted in vast, though unquantified, amounts of land being fenced off into large ranches over the last ten years. Recent estimates of fencing in the densely populated Oshikoto region of northern Namibia indicate that around 25–50% of the communal land has been fenced off into large private ranches (in parts of some regions, enclosure of land is now effectively complete). In addition, subsistence farmers occupying arable land with associated small grazing enclosures occupy another 20% of the area. Remaining open grazing land occupies only about 30–55% of the region (Fuller *et al*, 1996; Cox *et al*, 1998). This has impoverished neighbouring inhabitants of these areas and is causing considerable social tensions occasionally erupting into violence (Cox *et al*, 1998).

The legal situation also means that communities are often unable to improve resource management in their areas. This is because communities are unable to exclude outsiders from using their resources. Systems of common property resource management vary

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widely, so that while traditional systems in some areas are strong and still work effectively, in others they are weak and less effectual. It appears to be the least accessible areas that have the most effective systems, since outsiders can less easily disrupt informal community agreements.

Women's land rights are also a major issue. In practice women are the primary resource managers in areas that supply migrant labour, which is much of the country. However, inheritance systems mean that women are often deprived of their land and homes when their husband dies, hence incentives for long-term investments are reduced. Informal pressure on traditional authorities appears to have reduced this problem in recent years. The Communal Land Act will give enforceable legal rights to widows.

3.3 Commercial farming land

Due to strong individualised ownership of land, incentives to sustainably manage natural resources on commercial farming land are good. However, it is suggested that closed (i.e. fenced-off) grazing systems are ecologically undesirable in Namibia's climate (Brown, 1993 and Robertson, 1998). In support of this theory is the widespread problem of bush encroachment observed in the commercial farming areas and in fenced-off communal areas such as the Mangetti (Quan *et al*, 1994; DRFN, 1998). The country's high rainfall variability means that in practice many commercial farmers mimic pastoralist strategies by moving livestock to other farms, rented, purchased or borrowed from relatives. In addition, some game farmers who have adjacent properties have unified their operations to form larger units, called 'commercial area conservancies'.

Government now has two pieces of legislation regarding farm size. The Subdivision of Agricultural Land Act of 1970 forbids subdivision of freehold land for agricultural purposes. The Agricultural Land Reform Act of 1995 makes provision for the government to expropriate land where the owner has multiple holdings or 'excessive' amounts of land, where the owner underutilises or abandons land, or where land is required for resettlement. Hence, farmers cannot buy multiple properties so as to gain the advantages of mobility which are crucial in such a variable environment. Paradoxically, due to the wide variation in farm sizes, and the lack of a definition of excessive land holdings, means that a farmer with two farms of 5000 hectares is more likely to have land expropriated than a neighbour who has one farm of 20000 hectares.

Declining subsidies for commercial agriculture have meant that farms have diversified into activities such as game farming. Around 450 (out of 6000) farms are registered as hunting farms, and in addition significant numbers are guest farms. However, despite the strong incentives for sustainable resource use, bush encroachment is a major problem in the commercial farming areas of the country.

In line with a policy to encourage sale of farm land for resettlement and to discourage underutilisation, the Agricultural Land Reform Act also made provision for a Land Tax, which will be introduced in the near future. This will be based on the unimproved value of the land, so as to encourage investments in agricultural land, and is expected to trigger sales of large quantities of agricultural land.

3.4 Inland Fisheries

About 100 000 people in Namibia are estimated to derive direct or indirect benefits from inland fisheries (Day, 1997) mainly in the north and north-east. The White Paper on inland fisheries favours management by 'subsistence households' at a local level, with oversight by the government to ensure sustainable use. Accompanying legislation is at present being drafted and aims to resolve two local conflicts. First, subsistence fishers will be favoured over large-scale commercial harvesters, allowing more equitable access to the resource. Second, closed seasons will be allowed so that water quality is maintained in seasonal pools for use by livestock.

4. Formal sector large-scale activities

Namibia's economy as a whole is disproportionately dependent on a small number of exports, which directly and indirectly provide government revenue and lead the rest of the economy. In 1995, minerals, food products and tourism contributed over 90% of export earnings. These sectors are considered below, with the exception of agriculture, which was discussed in section 3.

4.1 Mining

In the past mining was the cornerstone of the Namibian economy, producing 41% of GDP in 1980. Due to growth in other sectors this has declined to below 20% during the 1990s (Central Bureau of Statistics-CBS, 1998). The main mining areas of the country are in the south and west where diamonds and uranium are the major contributors. These areas have very low population densities, being either arid or hyper-arid. Hence, the main concern of the government is to maximise government revenues subject to acceptable environmental standards (e.g. EAs). A recent study concluded that, on the available evidence, the government is being reasonably successful at maximising this revenue (Lange and Motinga, 1997). Similarly, the use of EAs (and follow up activities) generally suggests that the environmental impacts are acceptable. A recent survey indicated that the cost of EAs in relation to total project costs (TPCs) vary considerably. EAs for dams cost between 0,24%-4,8% of TPCs, large-scale mining between 0,01%-5,2%, offshore oil exploration between 0,08%-0,38% and power supply projects between 0,05%-0,55% of TPCs (Tarr, unpublished).

Small-scale miners, however, usually cannot afford the costs of a professionally-conducted EA, so an alternative system of environmental contracts has been devised by the MET and MME. This system requires miners to provide information by completing a questionnaire. They are also required to make environmental commitments and to submit these to the MET. These commitments provide the foundation of an environmental contract. Since the miners themselves propose the conditions, the system satisfies their needs and has led to a high degree of "ownership" and thus compliance. Nevertheless, the negative environmental impacts caused by small-scale mining are significant and cause for growing concern.

4.2 Fishing and marine resources

Fishing and fish processing have risen dramatically in importance since 1990, with the rigorous application of controls on fishing to ensure sustainable harvesting of fish stocks. The sustainable 'total allowable catch' levels have increased since 1990 in response to this policy with variations due to climatic conditions. Fish landings increased from 400,000

tonnes in 1990 to 800,000 in 1993, followed by a decline during 1994–96 (due to adverse climatic conditions) (MFMR 1998). The exploitation of new fish species such as orange roughy and alfonsino, as well as the processing of fish from outside Namibia meant that the fall in tonnage landed of around 35% over the 1994/96 period was accompanied by stable earnings from fish products. Contribution of fishing and fish processing to GDP has risen from 3.9% in 1990 to 8.1% in 1995 (CBS 1998). The fishing industry is labour intensive and provided an estimated 11 000 jobs in 1995, equivalent to about 5% of formal sector employment. Indications in 1998 were that the renewed recovery of fish stocks is underway (MFMR unpublished data).

Since 1990 the government has recognised the crucial role of sustainable management, and in the words of one Fisheries Minister “setting total allowable catches is not so much a matter of balancing conservation against jobs, but rather of balancing jobs now against jobs in the future”. The key message of the 1991 White Paper “Towards Responsible Management of the Fisheries Sector” was that conservative quotas would have to be set in the short term to allow substantial growth in the medium to long term. To ensure that decision-making can be effective, the government has invested heavily in marine surveillance and supporting institutions such as the National Marine Information and Research Centre which undertakes research on the population dynamics of commercially important species of fish. The controls on the fishing industry are among the most comprehensive in the world (O’Toole, 1997). Technical staff of the Ministry make recommendations to the Fisheries Advisory Council (FAC) which consists of representatives of government ministries, industry and unions. The FAC makes recommendations to the Minister. The institutional arrangements are further discussed in section 5, below.

The present system has one overriding strength, in that it is orientated to setting catch levels which allow recovery of fish stocks. However, there are several opportunities for improving the system. Most importantly, excessive capacity in the industry provides a powerful lobby for interpreting scientific data over-favourably. This has arguably led to catch levels which have inhibited recovery of the pilchard stock. Opening the Sea Fisheries Advisory Council proceedings to public debate would make these differences of opinion much clearer and encourage public debate on how to trade-off short-term retention of existing jobs against more jobs in the longer term.

4.3 Water

The policy and legislative framework for the water sector has not changed significantly since the Water Act of 1956, except for the recent commercialisation of bulk water supply. Virtually the only legislation making reference to sustainable water use at present is the Namibian Water Corporation Act of 1997, which requires that water is used sustainably, with exceptions requiring specific Ministerial approval and publication in the Government Gazette. NAMWATER, a government parastatal (responsible for bulk water supply) which began operating in March 1998, aims to put water supply on a commercial footing, and to ensure that water use is sustainable. In the past there has been a strong supply orientation which has been reinforced by extensive subsidies. NAMWATER is aiming for full historic cost recovery (both as a policy and within the powers given to it by the Act) within five years. It will also have to be financially viable in such a way as to be able to raise money for future investments in water infrastructure. To complicate the switch to a more

sustainable system the cost of new water supply options is in the region of N\$4–N\$7 per cubic metre (about double the present costs). Hence, the prices required for full-cost recovery will depend on the success of demand management.

In the near future the entire policy framework will likely change substantially with the instituting of a 'water sector management review', over 18 months from 1998, and an IUCN-funded water demand management study.

Increasing the supply of water in the centre of the country is extremely difficult since most of the existing groundwater sources are close to fully exploited, or in some cases over-exploited leading to falls in groundwater levels (NAPCOD 1996). The crucial issue concerning overexploitation of groundwater is to what extent this is irreversible. The overexploitation of some aquifers may lead to permanent damage to their storage capacity. At present some aquifers which are being overexploited are substantially subsidised if one takes into account the long-term cost of supply. For instance, Kamanjab residents pay only 23% of the cost of provision of water, which is clearly inappropriate for an aquifer exhibiting serious groundwater depletion problems. Desalination has not been considered as an economically viable technology outside the coastal region. Increasing supply often risks ecological damage downstream and will certainly deprive downstream users.

The major supply option considered at present for the central region is a pipeline from the Okavango river. This will require major investments, which will be paid for through increased cost recovery, however, it is not expected for them to be punitive to any water users except those who are using water for low-value irrigated crops. Only two sectors are major users of water: agriculture and households, which make up 75–95% of total water use (Calculated from Lange 1997). Within the household sector, the only consumers likely to be able to restrain demand substantially and quickly are high-income consumers, who consume in the range of 5–10% of total water use. At present in Windhoek and several other towns there are 'stepped' water prices which show some recognition that efficiency and equity concerns need to be balanced. Low income urban consumers will probably continue to be protected by a policy of cheap water for a 'lifeline supply' followed by progressive cost increases as water use increases.

Rising water prices and public education have led to static or falling water demand per capita in recent years, only outweighed by the high rate of urban growth. Overall water demand is growing due to population growth, urbanisation, and income growth. It is not clear, though, whether the development of the economy will be more or less water intensive than at present. Figures from the Department of Water Affairs show that high income residents use vastly more water than low income residents (MAWRD 1993).

Namibia's northern communal areas which supported almost 60% of the population in 1991 (CBS, 1991) have much more accessible water sources. At present large numbers of people in Caprivi and the north-central Oshanas area have access to low-cost water from water pipelines with communal or private taps (particularly when compared to alternative sources such as boreholes). Although urban centres in northern Namibia are at present small (containing 5% of the total Namibian population, compared with 12% in Windhoek alone), decentralisation and a possible second national city (as envisaged in the National Land Policy, 1998) would ease demands on water in the central region significantly. Peace in

Angola, and economic development in Botswana, South Africa, Zambia and Zimbabwe, may accelerate urban and industrial growth.

Outside the 'bulk water' supply and use discussed above, most water use is through small installations, mainly for livestock watering. Commercial livestock farmers overwhelmingly use ephemeral dams and groundwater on their farms, and, hence, pay the full operational cost of water supply. However, they benefit from enormous pre-independence subsidies that gave substantial (often 100%) subsidies for the development of water supply on commercial farms, which have up to 100,000 boreholes on them. Lange (1997) quotes this figure from a Department of Water Affairs database, although it is unlikely that more than 40,000 are in use.

Communal area residents benefit from highly-subsidised water supply, again mainly from groundwater. According to new Government policy, the management of waterpoints will be transferred to elected committees who will be expected to pay 100% of water supply costs within 10 years (MAWRD 1997). The process of consulting stakeholders on this policy took 16 months and ensured that all stakeholders had significant input. Comments from the regional workshops and the Southern Namibian Farmer's Union indicate that although the policy generally has a high degree of support there are some significant points of dissent. Most obviously these were the connections to the land issue, the timescale for implementation, and the role of traditional leaders in management structures (MAWRD 1997). The implication for water use in the future seems clear though. The policy makes provision for disincentive tariffs to ensure the sustainable use of water and for the monitoring of water use. This policy is still in the first year of operation which is concentrating initially on the establishment and training of committees. The long-run success of this policy is very much dependent on the ability of communities to pay for their water. One recently conducted study concluded that most communities, except those on pipelines, would not be able to pay on a per-household basis, but would be able to do so on a livestock-related basis (which is a good proxy for total use since livestock use most of the water provided in rural areas) (Lange 1997). A key unanswered question at present is whether the livestock-rich members of communities will be willing to pay these charges.

4.4 State land

Land managed by the state in Namibia is mainly national parks and game reserves – about 13,6% of the total land area – and is mainly used for tourism. Biodiversity conservation, the most obvious justification for national parks, is rather poorly served by the parks as the recent Biodiversity Country Study showed, since the hotspots of endemism generally occur in the western escarpments of the country which are almost completely unprotected (Barnard *et al*, 1998). Tourism, however, is well promoted by the parks, and management of the accommodation in the parks is to be handed over to a parastatal, Namibia Wildlife Resorts. This, in turn, will pay rental to the government for the use of parks. Recent proposals, still at the stage of consultations, have been to entirely revise the framework for protection of land. This will mean that there are a variety of protected areas from 'People's parks' which will give residents of communal areas rights to charge admission fees and other strong land use rights to more traditional protected areas. Even within the more traditional protected areas, neighbouring communities will get more benefits through controlled access to resources and tourism concessions in some parks.

5. Legislation, Coordinating institutions and policy

Most issues that government deals with are cross-sectoral, and sustainable development is a particularly clear example. Government has had to deal with several dilemmas in this regard. First, the need to democratise government has frequently conflicted with the views of technocrats in government. As the discussion below reveals, the institutions which promote sustainable development in Namibia vary in how they balance democratic representation and technical expertise. Second, there has been some debate on how to combine decentralisation and coordination. Some government initiatives have been decentralised to community or household level, others to regional level, while many are still run from central government. As discussed above, this has led to some contradictory initiatives. However, it has also allowed experimentation with different approaches to development. The discussion below tries to consolidate the key issues that need to be addressed.

Most government policies acknowledge that development in a sector usually involves a range of stakeholders, from the private sector and NGOs to the public sector. Hence many institutions have consultative mechanisms to try to incorporate stakeholders in the policy process as well as in the day to day decisions of government. At the national level these institutions are mainly appointed by a Minister from nominations by interest groups. At the lower levels there is a mixture from wholly elected institutions to wholly appointed bodies. In addition, an important feature is the legal framework and the support given to an institution. Elected institutions which work at local level are those most likely to be accountable to the communities they serve, but they often lack resources and technical expertise. These institutions, most obviously conservancies and Waterpoint Committees, tend to require substantial government and NGO support for training.

5.1 National institutions

There are a number of important bodies for coordination and consultation at national level (Table 1). Although this list is not comprehensive it includes the most important bodies in existence at present.

The public accessibility of these bodies varies. The Land Reform Advisory Commission, which was established under the 1995 Commercial Land Reform Act, includes a presumption against public access to information on its proceedings. The Sea Fisheries Advisory Council and the Council of Traditional Leaders have neither a presumption for, nor against, public access in the legislation. By contrast the envisaged Sustainable Development Commission is required to make its proceedings and decisions accessible to the public.

The procedure for appointment is similarly variable: some give discretion to the relevant Minister as to which organisations to approach for nominations (e.g. for the Forestry Council), while others prescribe that the particular organisation nominate its representatives (e.g. for the Sustainable Development Commission).

Table 1: National institutions for coordination & sustainable development, their membership and their functions.

INSTITUTION	Central Government	NGO and Farmer's Unions	Private sector/ parastatal	Other members	FUNCTIONS
Namibian Planning Advisory Board	6	0	1	1	Advise Cabinet and local authorities on town planning
Standing Committee for Mining and Mineral Rights	4	0	0	0	Recommendations on mining and prospecting
Sea Fisheries Advisory Council	7	0	0	9	Advice to Minister of MFMR
* Sustainable Development Commission	9	3	2	4	Promotes co-ordination and co-operation within government, amongst NGOs, CBOs, the private sector and donors (See Table 2)
Council of traditional leaders	0	0	0	All	Advice to the President on control and use of communal land
Land Reform Advisory Commission	5	2		5	Advice to the Minister of MLRR
Forestry Council	5	3	0	5	Advice to the Minister of MET

* = Institutions not yet in place

5.1.1 The Sustainable Development Commission

The most wide ranging institution is the 'Sustainable Development Commission' (SDC) as proposed in the forthcoming Environmental Management Act (EMA). The SDC will consist of nine government representatives from various government ministries, two private sector representatives, one trade union representative, one town or regional planner, three NGO representatives and two members on the basis of expertise. As with many other stakeholder-based institutions, the purpose of the SDC is to promote integration of different government policies and objectives and evaluate proposals at the strategic and project level (Table 2) The wide range of stakeholders is expected to promote 'buy-in' of the principles of sustainable development.

At the policy level, the SDC will review and guide government policy formation to ensure that it incorporates principles of sustainable development early in the policy formulation process. These principles include public participation, inter-generational equity, sustainable use of natural resources and public access to information. Since a wide range of stakeholders will be represented on the SDC it is hoped that it will be effective through encouraging a culture of participation in government. In addition, the publication of its recommendations, combined with the principles of environmental management (and *locus standi*) which are enshrined in the Act, mean that non-governmental organisations, communities and individuals, will be able to challenge policy-making in the courts. In spite of the SDCs lack of enforcement powers its recommendations are likely to be considered seriously by line ministries since they will always be made public. Should a line Ministry choose to ignore the SDCs guidance, it may be called upon by the public to explain its reasons for this. The EMA promotes the concept of Strategic Environmental Assessments and also requires EAs for projects that are likely to have significant impacts on the environment.

Table 2. A summary of the proposed functions of the Sustainable Development Commission and the Environmental Commissioner.

Environmental Commissioner	Sustainable Development Commission
<ul style="list-style-type: none"> • Maintain a register of all EAs conducted in Namibia and of all decisions taken under the EMA • Provide secretarial functions for the SDC • Supervise EA process & liaise with Proponent and Competent Authority • Review EA reports and make recommendations to the SDC • Respond to environmental complaints and refer these to the SDC where appropriate • Co-ordinate the compilation of State of Environment Reports 	<ul style="list-style-type: none"> • Promoting co-ordination and cooperation within government, amongst NGOs, CBOs, the private sector and donors on environmental issues relating to sustainable development; • Reviewing and advising on the development of policy and strategy for achieving sustainable development; • Promoting the integration of environmental considerations in all aspects of development; • Monitoring compliance by all government institutions; • Advising government on the implications of existing or intended legislation on the environment and promoting legislative reform; • Making proposals on the use of financial incentives and disincentives as well as user fees in order to promote sound environmental management; • Reviewing & commenting on Proposals (PPPs) • Reviewing EA reports and recommending conditions to be imposed should the development proceed; • Co-ordinating pollution control & waste management & coordinating setting of standards & monitoring • Advising on development constraints & options, and recommending mitigatory actions & action plans • Investigating environmentally-related complaints & recommending remedies • Hearing appeals • Acting as a focal point for various international conventions

5.1.2 The Sea Fisheries Advisory Council

The Sea Fisheries Advisory Council provides recommendations to the Minister of Fisheries and Marine Resources (MFMR) on a variety of issues. The most important of these is setting 'Total Allowable Catch' (TAC) levels for various species. The Council includes government officials and independent outsiders, as well as representatives of the employees of the fishing industry. This enables it to try to balance short-term concerns of preserving existing jobs with longer-term concerns of rebuilding fish stocks to their previous levels. There has been some controversy in recent years over whether the decisions taken over fishing levels (especially of the pilchard stocks) have been overoptimistic (NEEG, 1996 and Manning, 1998), and short-term. In 1995 and 1996, the assessment of MFMR scientists was more conservative than the assessment of scientists hired by the industry. The middle way was taken by allocating a TAC that lay between the two recommendations. There has been a consistent effort by the MFMR to increase dialogue with industry, so as to improve the quality of decision-making and promote ownership of fishing policies by the industry (Oelofsen, 1998). Public debate on decisions is at present limited due to limited access to information, including the recommendations of MFMR scientists and the Sea Fisheries Advisory Council (GRN 1992).

5.1.3 Council of traditional leaders

There is some disagreement over how the present powers of traditional leaders compare with their 'traditional' powers. Although the leaders themselves stress that they are now weaker than they were in the past, other commentators have stressed that they may be

stronger now than in the past (Werner, 1997). Traditional leaders have a vital role in providing an institution which operates from the national level, through the Council of Traditional Leaders, down to village level. At national level they have a constitutionally defined role to advise the President on the 'control and utilization of communal land'. The Council was legislated for in 1997, and its membership is based on traditional authorities which are recognised by the Ministry of Regional and Local Government and Housing. The first meeting was only held in 1998, so its role in practice is not yet clear. Two issues are important in terms of the Council. First, the Council has a right to comment on draft legislation relating to communal land. Second, it provides another route by which information can be communicated from government to the population of the communal areas. Informal agreements with traditional leaders since 1990 have already made some progress in reducing discriminatory practices against women in communal areas. For instance, the Uukwambi traditional authority has had a specific programme to involve women in traditional courts and other traditional authority structures (Becker, 1998). However, while this is not dealt with by law, progress will remain very dependent on particular traditional leaders who vigorously promote change.

5.1.4 The Forestry Council

The Forestry Council will advise the Minister of Environment and Tourism on forest policy generally and on the National Forestry Policy in particular. The Minister will have to make yearly reports on the progress in implementing the National Forest Policy, which will have as its main aim the protection of soil and water resources, the maintenance of biological diversity and maximising the sustainable off-take from forests.

5.1.5 Land Reform Advisory Commission

The Land Reform Advisory Commission (LRAC) was established by the Agricultural Commercial Land Reform Act of 1995. Its functions are to advise the Minister of Lands, Resettlement and Rehabilitation (MLRR) on land reform related issues, and to conduct investigations on issues relating to land reform. The advice it must give includes how to define under-utilized land, excessive prices for land, the rights of farmworkers and their families on expropriated land, recommending the future uses of land purchased by the government, and making recommendations on who can be resettled on such land and what they can do. Proceedings and recommendations can only be made public with the specific permission of the Minister, and, hence, very little is actually known about how the LRAC operates.

5.2 Regional and local institutions

As noted in section 3 many environmental problems occur primarily at the local level, and are most appropriately dealt with at that level. Regional-level institutions operate in three distinct ways. Some are entirely dealt with through the Regional Council or municipalities, hence have strong representation from the affected communities. Others have the Governor chairing a largely technical committee. Finally some operate at a regional level, and are entirely staffed by un-elected people with the Regional Officer (the top civil servant in a Regional Council) of the Regional Council attending to allow for some coordination. Table 3 shows some of the proposed and existing regional and local institutions.

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