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**Communities and natural resources:  
Trends in equitable and efficient use**

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## 1. Introduction

At present around two thirds of Namibia's population lives in the rural areas. About 80-90% of this population live in the communal areas, mainly in northern Namibia. Government policies have been reorientated since 1990 towards this population in most sectors to try to reverse the past neglect of these areas. In parallel to this many parts of government have also tried to change the way that they provide services from a "normal government" system of top down provision to systems that rely on much greater orientation to what people want the government to provide. This has also led to a shift away from the government as a "provider" of services to the government as a "facilitator". In some cases this has meant the government outsourcing services, in others it has meant the government empowering people to provide the services themselves. Although most commentators have agreed that this will lead to more efficient provision of services there are doubts among many people over whether it will necessarily be more equitable. This discussion paper is a brief summary of what is happening to natural resources management in rural areas as part of this trend, and also attempts to assess how equitable and efficient these trends are. It should be noted that in common with most other government policies pre 1990 policies were extremely top down and authoritarian. These relied mainly on policing and punishment for exploitation of natural resources. Even where government policy was relatively benign, such as the construction of water pipelines in northern Namibia there was very little consultation with communities over what they wanted.

## 2. Why communities?

Many people in Namibia believe that the communal areas are inherently an inefficient way of using land and that they should be subdivided into ranches like the "commercial farming areas". In fact worldwide experience shows that small family farmers are more efficient than large farmers. In addition there are now more than 20 studies of lands in southern and eastern Africa that compare open "communal" lands to "commercial" farmlands and find that the communal areas are more efficient. Similarly some ecologists (e.g. Robertson 1998) consider closed ranching systems to be more destructive than open communal systems. However it was a necessary justification of the apartheid distribution of land that freehold farming was more efficient and less environmentally damaging.

what is efficient?

(land was "distributed" before apartheid)

In fact not only are commercial farmers fairly unprofitable but commercial farmers have continually received subsidies in the past (Schmokel), and to a certain extent continue to receive them through low interest loans from the Agribank. The gradual withdrawal of subsidies has led to the virtual bankruptcy of a high proportion of commercial farmers. The forthcoming land tax will probably cause many to become bankrupt. By contrast communal farmers have received very few subsidies, apart from water supply, in the past but have maintained profitable farming systems despite being cut off from markets by the red line. In central and southern Namibia communal lands, worse or equivalent to the land on neighbouring commercial farms, continue to support much higher densities of people and livestock than neighbouring commercial areas. For instance former Namaland supports 73

what is profitable?

people for every 100 square kilometres compared to 52 in commercial parts of Mariental district and 56 in the commercial areas of Keetmanshoop district.

*Similarities between communal and commercial systems*

*In the popular debate over land use in Namibia commercial and communal systems are usually seen as polar opposites. However recent research, both of present day and historical Namibia, shows that there are many similarities in the systems. Across the world the efficiency of family units in farming is probably the oldest and most researched fact in economics. More recently the efficiency of large scale pastoral systems in Africa has also become a much noted fact. Reflecting these incentives farmers have found a variety of ways to cope with them. In Namibia's climate the overriding need is to adapt to the variability of rainfall and available grazing. In communal areas farmers have traditionally used seasonal movement of their cattle to support large herds in good conditions. In commercial areas in the early part of the 20<sup>th</sup> century farmers are known to have done exactly the same<sup>1</sup>. The government encouragement of fixed farm boundaries, plus increasing competition for grazing as the livestock populations recovered from the destruction of the early 20<sup>th</sup> century led to the emergence of other ways of coping. Many farmers own more than one farm so that herds can be moved to whichever holding has had the best rain in recent years<sup>2</sup>. In 1988/9 more than 1/3 of commercial farmers owned more than one farm. Others move their herds to where family or friends have grazing, or rent grazing from other farmers. All though gain from exclusive access to their own farm since it gives them something to offer in return during years when they have excess grazing. This applies equally to communal and commercial farms as a recent study shows<sup>3</sup>.*

*The other problem that large scale farmers face worldwide is the problem of motivating their workers. One common solution is to sublet land, a complaint made during 1921 by the Reservations Commission in Namibia, since the income from subletting to small scale family farmers is larger than the income the farmer would get from farming himself. For similar reasons farmers today allow their workers to keep livestock. About 11% of the cattle in commercial farming areas are at present held by farmworkers, and about 60% of farmworkers have access to grazing land for their cattle<sup>4</sup>.*

In addition the distinction between communal and private ownership is rarely clearcut. All societies have always had some resources held in common and others owned privately. For instance in the communal areas of northern Namibia homes and fields are privately owned in practice while grazing land is not. Some resources are impossible to privately own, such as air<sup>5</sup>, or rights of way. Most though can be subdivided or sold, while there may be good reasons to keep them as common property. There are a number of advantages of communally owned resources:

- It is impossible to subdivide some resources such as rights of way or a natural spring.
- It is inefficient to divide some resources such as grazing land.
- Equitable access is much easier to maintain in a communal system, and combined with security of tenure will lead to investments in land improvements.

*Dubious*

Some resources are used inefficiently if they are subdivided. For instance if one took a large piece of grazing land that contained some year round grazing (eg a wetland patch) and some seasonal grazing and separated them into separate parcels it might mean it becomes impossible to sustain a herd of cattle from either piece. The mobility of herds in pastoralist systems means that some pieces of land that cannot be permanently used, such as land that is barren desert for 19 out of every 20 years, can be productively used.

It is also very costly to divide some resources. For instance land needs to be fenced, boreholes have to be drilled. One borehole may produce enough water for a village, but if this is fenced off for private use then another borehole may have to be sunk at a cost of anywhere between \$37 000 and \$196 000 each<sup>6</sup>. The cost of this is enormous. In communal areas of Namibia there are about 200 people for each waterpoint, in the freehold farming areas in the region of one to five people (data constraints make it difficult to make this figure more accurate).

Hence for the following resources management systems at a community level are important: Grazing land; Water; Wildlife; Inland fisheries. There are also good reasons for including forests and tourism rights. For forests and trees the costs of fences to subdivide land may be prohibitive. For tourism fences are damaging to wildlife and are aesthetically unpleasing. People usually prefer individual tenure for fields and gardens and homesteads. This is because there are no advantages ("economies of scale") to large scale cultivation or habitation, but many disadvantages due to the difficulty of finding incentives for people to work hard when they do not get the full reward of this work. For this reason collectivisation of agriculture has failed worldwide. Communalisation of commercial farm land through an appropriate land reform process can be expected to bring large gains in terms of welfare and output, due to the advantages of having natural resources such as water and grazing land operated in this way. This is worthwhile for grazing land and some other resources because the difficulties of managing a resource as a group are outweighed by the advantages, in this case much lower likelihoods of not being able to feed one's herd during dry years.

*Grassroots views on Common Property Rights*

*Surveys, interviews newspaper reports all confirm that the principle of secure access to communal land is still very popular in rural Namibia. Partly it is seen as a safety net for the poorest members of society, partly as a more efficient solution. A farmer from Oshikoto explains: "this area can support only 1 household now, when it used to support 30 when there were cattle posts here"<sup>7</sup>. Different aspirations of different groups of farmers are clear. Larger farmers aspire to make large incomes from sales of livestock. As such they feel that fenced off grazing land enables them to control breeding and reduce transmission of diseases.<sup>8</sup> Smaller farmers tend to use fewer inputs in their farming, and in the northern communal areas are usually attempting to build up their herds to a level that is less vulnerable to drought. Most farmers in the northern communal areas have a small number of cattle which means they are vulnerable to having all their draught animals wiped out by drought. For these farmers the most important objective is to have access to enough grazing to ensure that their cattle survive since they do not have the cash, or access to credit to enable them to buy feed for their livestock.*

*Not only do people support the need for a mixed individual and communal system in the communal areas they also demand a system that allows them to manage all natural resources together. During the consultations on the government's policy on rural water supply the following comments were made by the regional workshops: at*

- *Omaheke: "Communities should be given the right by law to own land and water sources".*
- *Otjozondjupa: "Land and water resources should be under the control of the communities and under the overall control of the traditional leaders".*
- *Hardap: "The communities are convinced that a water point cannot be divorced from the land round it... and also feel that water point ownership should go hand in hand with land ownership"*

*Similarly at the 1996 Farmer's Conference, organised by SARDEP, the following views were stated as the most pressing constraints faced by farmers:*

- *No communal land bill*
- *Traditional leaders selling land to farmers*

*Actions recommended included "All illegal fences must be removed".*

### 3. Trends

#### 3.1.1 The Land Policy

In September 1997 the government's Land Policy was introduced to the National Assembly and eventually approved in early 1998. The Land Policy sets out the principles of land administration and legislation. The focus of the rural section is on two forms of land allocation. Firstly traditional authorities will have a right to allocate land under customary rules and will be held by the immediate family as a whole. This will strengthen tenure rights for widows in particular and women in general. Secondly Land Boards will be appointed from various stakeholders to allocate land on a leasehold basis. They will be required to take into account the views of communities in the area where the leasehold is to be allocated.

#### 3.1.2 Land reform

Since Independence land (and the natural resources on it) has continued to be a major issue. The government held a Land Conference in 1991 to agree on a strategy for the newly formed Ministry of Lands, Resettlement and Rehabilitation. Consensus was reached on a number of issues including the need to promote women's rights, halt illegal fencing of communal areas and redressing injustices in access to land.

As a result of low funding for land reform the results of the resettlement process so far have been modest. According to the Ministry of Lands 20,000 people have been resettled since 1990, approximately 1% of the total population, or about 2% of the communal area population. However only about 2,000 have been resettled on commercial farmland (Shanyengana 1998). The government allocated N\$20 million per annum for purchasing land for resettlement from 1995 onwards. This allowed the purchase of 49 farms over 1990-98 (out of over 6000 commercial farms), still meaning that only a small proportion of commercial farmland will be resettled in the foreseeable future.

But not  
resettlement  
farms remain  
vacant.

Land tenure in the resettlement schemes has not been legally clarified at present. However the plans of the MLRR are to subdivide commercial farms and give 99 year leases to the occupants. This will achieve a high degree of tenure security but may be an inefficient way of using the land compared to conversion to a communal system. The Land Policy prioritises expanding communal areas, mainly to lower the support costs of resettlement, however this may also encourage sharing of resources with relatively densely populated communal areas so will probably be more equitable and efficient than the current system of resettling people on isolated farms.

#### 3.1.2 Communal area land tenure

Since Independence there has been uncertainty as to the legal rights of government, people and traditional leaders which has often led to conflicts over communal land, which are frequently reported in the press. It is unclear to what extent traditional leaders have the legal right to allocate land under the present circumstances. A legal judgement to the Ministry of Lands (van Zyl 1992) and a speech by the President in March 1997 have promoted the view that traditional leaders as such have no legally defined right to allocate land. However the

practice is that this does occur which seems likely to be legitimated in the upcoming Communal Land Bill. Research undertaken in the communal areas of Namibia indicates that payment to traditional leaders for land (despite being illegal) is almost universal.

*and weak*

The ongoing debate over tenure of natural resources reflects how sectoralised/decision making is within Namibia. Resources in communal areas mainly fall under four ministries: The Ministry of Lands, Resettlement and Rehabilitation is the lead ministry with general responsibility for land issues including registration, taxation, tenure and dispute resolution; Water supply and agricultural extension (including programmes that support rangeland management) fall under the jurisdiction of the Ministry of Agriculture, Water and Rural Development; Forests and wildlife as well as the environment generally fall under the Ministry of Environment and Tourism. General systems of local government fall under the Ministry of Regional and Local Government and Housing (MRLGH). In the recent past these ministries have cooperated through the Inter-Ministerial Standing Committee for Land Use Planning (IMSCLUP). The IMSCLUP had no legal standing so it is planned to replace it with a Land Use and Environmental Board (LUEB) which will enforce cooperation over natural resource issues. Although the LUEB is mentioned in the Land Policy it is not clear whether it will be created in the near future. An institution that will have wider scope but more limited enforcement powers is the Sustainable Development Commission. This will bring together a wide range of stakeholders and ensure that processes of policy formulation incorporate principles of sustainable development such as access to environmental information, fair and equitable access to natural resources, community involvement in natural resource management and sustainable use of natural resources (For more information on this see Research Discussion Paper 27).

The Communal Land Bill which will clarify these legal issues has been awaited since the National Land Conference in 1991. In early 1996 drafts of the Land Policy and Land Bill was circulated for comment. The orientation to individual tenure based on allocation by Land Boards at a Regional level was unpopular with many stakeholders. The Namibian NGOs and community organisations felt that the role of communal land tenure was underplayed and that the issue of privatisation of communal resources was not adequately dealt with (e.g NNFU 1997)<sup>9</sup>. In addition traditional authorities resented the perceived movement of authority from them to Regional Land boards and during consultations rejected this.

Relating to the lack of a legislative framework is the privatisation of communal resources (mainly land and water resources) in the northern and eastern communal areas. In the regions of Okavango and Oshikoto this was sparked by the creation of fenced off farms on the northern boundaries of the freehold farming areas in the early 1980s (known as the Mangetti farms). In total there were approximately 150 of these. Attempts by the traditional authorities to prevent expansion of these areas led to the allocation of land around these farms for medium to large scale use, which included the right to fence off grazing<sup>10</sup>. The process was legitimated by the tribal authorities in Ondonga who charged for the right to fence off land and registered such land. By the end of 1996 more than 100 farms were registered in Ondonga by the traditional authority alone<sup>11</sup>. An important fact, noted by researchers both in Oshikoto and in the former "Hereroland" areas of eastern Namibia is

that the process of privatisation of natural resources is not due to the collapse of land allocation powers of traditional authorities. In fact pre-Independence policies of indirect rule using traditional authorities strengthened traditional leaders beyond their previous powers. Although no comprehensive data is available it appears from anecdotal evidence that much, if not most of the land that has been privatised has been allocated by traditional leaders to large scale farmers. However it is also clear that some land has been fenced off without permission from any traditional leader.

Since 1990 the fencing off of private farms in communal areas has taken off, sometimes without permission of the traditional authorities. At first this land was seasonal grazing land, so removal of it caused problems but no major conflicts. However for the area best documented, Oshikoto, conflicts are becoming increasingly common. A major study of the issue (Cox, Kerven, Werner & Behnke 1998) quotes informants who had witnessed or been victims of violence for using land which has been fenced off. Similarly press reports conflict and violence over land disputes have been common<sup>12</sup>.

Government policy on fencing of communal land has been severely constrained by the lack of a communal land bill and National Land Policy. As of 14<sup>th</sup> March 1997 the President declared a moratorium on fencing of more than 10 hectares of land to be retroactive to that date when the land bill was put into effect. However no census of fenced areas has been undertaken to enforce this ban, so fencing off of grazing land is continuing<sup>13</sup>. Evidence is that in the interim period before the Communal Land Bill the fencing off of grazing land has accelerated dramatically. Members of farmers unions in the Okongo area of Ohangwena reported that a public meeting in 1997 which was addressed by the Minister of Lands, Resettlement and Rehabilitation was told that the present law could not prevent fencing but that a new law would soon be forthcoming. The result of this was a rapid acceleration of fencing of land in the Okongo area. The extent of fenced off land outside Oshikoto, which has been mapped twice, is unknown. However it can be confidently stated that it is occurring, or has already occurred, on a large scale in the Ohangwena<sup>14</sup>, Oshana<sup>15</sup>, Omusati<sup>16</sup>, Oshikoto<sup>17</sup>, Otjozondjupa<sup>18</sup> and Omaheke<sup>19</sup> regions. These regions contain almost 3/4 of Namibia's rural population. The only areas of high population density that do not appear to be experiencing this problem are Okavango<sup>20</sup> and Caprivi.

### 3.2 Water

The MAWRD's policy on community management of rural water supply has recently been finalised after an extensive consultation process. This makes provision for the management of every water point in the country's communal areas (about 5100) by the community using it, with the intention of achieving full cost recovery within 10 years. The Directorate of Rural Water Supply aims to move away from being a provider of water and towards being a facilitator, in a similar way to agricultural extension officers. Notable features are the legal status which will be given to committees, so that they can punish people who do not abide by community decisions, an emphasis on full representation of the whole community on the committees and a commitment to cross subsidisation of the poorer members of communities<sup>21</sup>. Control of water points is a powerful way of controlling land so this policy is of great significance. During the consultation process there were clearly different opinions on the desirability of taking on full responsibility for waterpoints, but equally it



was clear that most participants felt that the system would be more responsive to their needs. However unlike other government initiatives on community management of natural resources participation in the programme is not voluntary. This both makes the programme applicable across every rural community and makes implementation much more difficult.

From 1998 onwards communities will start to take responsibility for operating and maintenance costs, and from 2003 communities will start taking responsibility for capital costs as well. It is planned that the Rural Water Extension Officers will under the jurisdiction of the Regional Council in the near future.

### 3.3 Wildlife

The MET Community Based Natural Resource Management Programme, which devolves rights to wildlife to communities, is the most radical in Africa. This programme aims to devolve the same rights to communities that commercial farmers have, which are hunting rights and exclusive tourism rights. The enabling legislation, the Nature Conservation Ordinance Amendment Act, was passed in 1996. These community based institutions, called conservancies, have only recently been registered so it will be some years until the contribution to community development can be fully assessed. However it is already clear that the process is extremely democratic, involving the registration of all members of the community, a constitution which provides for equitable distribution of benefits and negotiation of boundaries with neighbouring communities. It is also clear that in the areas of Kunene such as Sesfontein and the Torra conservancy, where tourist numbers are high and growing, which have very low populations and livestock potential conservancies will be making a substantial contribution to household incomes in the near future. Mainly this is expected to be payments from upmarket tourism lodges, but community operated businesses and hunting will also make a contribution. In other areas such as Caprivi the contribution to livelihoods of wildlife based income will be relatively smaller but will still be important<sup>22</sup>. As of July 1998 four conservancies had been registered, covering about 2-3% of the land area of Namibia, and 1% of the population. On the basis of developing conservancies at present more than 10% of Namibia could be covered by conservancies within 5 years. The conservancies at present only have legal jurisdiction over wildlife related resources, over which they have the same rights as commercial farmers, however they are potentially a basis for wider resource management. A pilot scheme, involving 4 programmes of the Ministry of Agriculture and the Ministry of Environment, is the Forum for Integrated Resource Management in the ≠Khoadi //Hôas conservancy. There the conservancy has emerged from the longstanding farmer's union in the area and has a committee which overwhelmingly overlaps in membership with the farmer's union committee. The community has recently completed a land use plan which sets aside areas for wildlife, livestock and mixed use and is drawing up proposals for integrated resource management programmes.

### 3.4 Forests

The Directorate of Forestry of the MET also has plans to hand over management of some forests to community control in the near future, and is finalising the enabling legislation. The provisions for the governance of these areas are similar to the wildlife conservancy legislation. In the northern regions of Namibia at least five communities forests are being

prepared. The first intended community forest will be the "Okongo community forest reserve" centred around the village of Omauni in north-eastern Ohangwena. However the community and officials of the MET have been concerned that the agreement between the community and the Directorate of Forestry will be undermined by the continued drilling of private boreholes and fencing off of communal land. In late 1997 a meeting was called to discuss the discovery of a cutline 6 km long, presumed to be in preparation for the erection of a fence. Further investigation led to a claim by the businessman who had arranged for the construction of the cutline that it was in preparation for a small road to his farm. This illustrates the need for legislation that will allow unified management of natural resources.

### 3.5 Inland fisheries

Several other government ministries are also involved in initiatives that involve community management of natural resources. The Ministry of Fisheries and Marine Resources is drawing up a legislation on Inland Fisheries, which makes references to management of fish resources by communal area residents. It appears that in practice guidelines on what equipment can be used, and at what time of the year, will be made by Regional Inland Fisheries Advisory Boards consisting of civil servants and chaired by the Governor of the Region concerned.

### 3.6 Other initiatives

The Sustainable Animal and Range Development Programme (SARDEP) of MAWRD aims to support farmer's organisations in identifying their problems and assisting them in creating a supportive policy framework. As such it has been involved both in collaborative research with farmers and organising activities which assist them to present their case for change to government. One notable instance was the 1996 Farmer's Conference which brought together representatives of farmer's organisations to enable farmers to exchange experiences, to help service organisations orientate themselves to provide the services the farmers need and to provide recommendations for changes in policy and actions by government and other institutions.

The Ministry of Regional and Local Government and Housing are also pioneering co-ordination of development efforts by all stakeholders through "Integrated area based programmes", the longest running of which is the Uukwaluudhi District Development Committee which has been operating since 1991. These attempts to coordinate at a sub-Regional level are likely to be strengthened by the decentralisation process so that staff of line ministries are made more accountable to the communities they serve rather than the hierarchies of the ministries in Windhoek. An important feature of the decentralisation policy<sup>23</sup> is that the functions that will be immediately decentralised to Regional Councils are: "Rural water development; Management and control of communal lands; Conservation; Forest development and management". Hence natural resources will mainly be under regional control.

## 4. Analysis

Reflecting the importance of natural resources to rural livelihoods the issue of control of them has repeatedly arisen in recent government dialogue with regional politicians, NGOs and community organisations. Most people in rural areas still strongly support the principle of communal ownership of most resources (i.e. excluding homes and fields), and see them as one bundle rather than sectorally in the way government does. The consultations on community management of rural water supply are a good example, when most of the regions in the consultations specifically noted that they felt water and land issues couldn't be separated.

The solution that has been suggested both by land tenure experts and community representatives (e.g NANGOF 1996, NNFU 1997 and 1998) to reconcile different needs and aspirations within the country is that a flexible land tenure system should be adopted which explicitly recognises that both individual and group tenure are appropriate and efficient forms of organisation. Communities can then decide which combination is most appropriate for themselves. All groups of people (including regions and nations) have some degree to which individual property rights are combined with collective rights. Examples include: Communal land and natural resources; Pollution controls; Rights of way over private land; Regulation of the fishing industry. So one can own freehold to a piece of land but not have the rights to use it for industry without rezoning or to pollute it without permission. Different communities will find different solutions to their problems. For instance a study by the Desert Research Foundation of Namibia in 1996, which compared a heavily forested village in the Oshikoto region to a village with fewer trees in the Oshana region, found that the less forested village had evolved community agreements on herding to prevent cattle from eating the crops while in the more forested village people found it more convenient to construct fences around their fields.

### 4.1 The evolution of resource management systems

The present systems evolving have not been coordinated, which may actually be an advantage because encouraging experimentation will allow comparison of different approaches to managing natural resources. However in future more explicit attention will need to be paid to how to coordinate decision making. At a national level the Sustainable Development Commission should allow this. At a Regional level councils have to be given the powers to coordinate matters with more than just token involvement. At a local level the establishment of institutions that take over management of natural resources will both improve sustainability and be more responsive to community needs.

### 4.2 Moving from legislation to practice

An interesting issue in the light of the discussions above is how the new policies and legislation that have been implemented are translating into change on the ground. Issues arise such as how to define who is part of a community, what its boundaries are and how to cope with other sectors that impinge upon community management of natural resources.

#### 4.2.1 *Who is the community?*

A feature of government policies and legislation is that discrimination on grounds of ethnic group is not allowed. However many communities wish to ensure that nobody from outside the community is going to use their natural resources. Hence simple criteria such as whether a person is born in a community, or length or place of residence allow the community to define who is in a community so that a cohesive and unified community is maintained.

#### *4.2.2 Where is the community?*

The conflicts which frequently occur between communities over the control of natural resources are an example of the conflict over resources between different groups (most often by age, gender, wealth or place of origin) people and communities within all countries. No resource management system will prevent these, so government policy must be based on the need for mediation to ensure peaceful solutions to these disputes<sup>24</sup>. In some areas such as widow's rights to land these disputes are becoming rarer and are eased by legal changes. Other areas, such as disputes over the legitimate traditional authority in an area are more complex. An continual source of disputes is over who is the legitimate traditional authority for a particular area. A high profile case in the past year has been the conflict in west Caprivi between the Kxoe traditional leader Kipie George and Chief Erwin Mbambo of the neighbouring Mbukushu people who both lay claim to the land on the east side of the Okavango river and the chieftanship of the Kxoe. Almost all legislation and government policies on natural resources make provision for the participation of traditional leaders, as defined in the Traditional Authorities Act 1995. However on a day to day level most communities deal with village level headmen rather than the Chiefs who are defined in the legislation. This sometimes means that there are conflicts between different levels of a traditional authority. The forthcoming Communal Land Bill appears to allow for land allocation powers mainly at the Regional level and at the level of Chief, rather than at lower levels such as the community.

At a local level an encouraging process is that the boundaries of communities are often being decided from below, rather than being drawn on a map by officials sitting in Windhoek. As nations, regions and communities find this will help solve some problems, such as how to efficiently and equitably use the natural resources of the area. However it will exacerbate others. Communities that have never had to formalise their community boundaries before will have to clarify them and hence there is a possibility of boundary conflicts with neighbouring communities. Similarly when it comes to benefits distribution and revenue generation (for example through natural resource user fees) the community will make explicit the conflicts between different stakeholders. For instance in a forest area people who live close to the commercially valuable forest may feel they have greater rights than those who live further away. The process of conservancy formation in Kunene has seen one notable instance where there have been disagreements about which community will control particular areas, reflecting the fact that these areas now have higher value than before. Similarly within communities the conflicts between the richer and poorer members, particularly over contributions to water supply, may lead to the capturing of community institutions by the local elite through their powers of patronage. Preliminary analysis of the costs of community based water supply indicates that payment on an equal basis per household will be too costly for many households. However since most water is used by

livestock (and richer households almost always own more livestock) then it is more efficient and equitable to charge households on the basis of how many livestock they own or how much water they use (which will be highly related). This effectively will mean that the richer members of the communities will pay most of the charges. Hence it may bring conflicts between richer and poorer members into the open.

#### *4.2.3 Coordination and broadening into other functions*

Decision making by communities on natural resources rarely follows the areas of government jurisdiction since many issues are related to each other within rural areas. A decision by a conservancy to zone an area for exclusive wildlife use will affect the government ministries concerned with wildlife (MET), land allocation (MLRR), agriculture and water (MAWRD), traditional leaders and local government (MRLGH). At a regional level the Regional Council is obviously the most appropriate place to bring together different ministries, which should occur under the decentralisation policy. A problem specifically mentioned by many government officials that were interviewed on this issue in northern Namibia was that they report through their government hierarchy so there is little pressure on them to cooperate. Although many government employees do cooperate across ministerial boundaries in practice ministries often do not encourage this. Occasionally ministries actually forbid cooperation. At a local level other institutions will do this job. The individuals who sit on the committees of community institutions will inevitably encounter issues that are important for their functioning but are outside their immediate jurisdiction, in addition the members of different local institutions are often the same individuals. Evidence from established SARDEP committees in southern and eastern Namibia<sup>25</sup> is that they are branching out from purely resource management and livestock issues into income generation activities and are becoming a point of contact for service organisations. More generally the evolution of these institutions means that they inevitably expand the scope of their operations. This in turn will bring a need to negotiate with other communities (generally spreading across sectors) or government agencies (mainly spreading upwards). Within the communities conflicts between different objectives (eg cropland versus grazing land) will have to be resolved. Between communities conflicts over control of natural resources will have to be resolved. And when negotiating with government a community may actually come across national policies that need to be changed. For instance farmers unions (stretching from the village up to the national levels) might want extension officers to be less specialised and hence would need to lobby government on this. Eventually it seems likely that community based resource management bodies will effectively be the lowest, and most democratic, level of government, and that groups of these will be able to wield substantial influence with government on behalf of their members.

Inevitably the opportunities for directing development at a local level will also bring problems. The dispersion and number of communities means that government will not be able to monitor them closely. The government will in practice have to have a hands off policy where it tries to do no more than conflict resolution and attempting to maintain democratic and accountable institutions. The Directorate of Community Development of MRLGH, the Directorate of Rural Water Supply of the MAWRD and the Community Based Natural Resource Management Programme of the MET all support communities

through training in basic bookkeeping and skills development. In addition they exercise a supervisory role through periodically checking that transparent accounts have been kept, regular elections are held and investigating allegations of misconduct. Regional Councillors will play a vital role since they are in practice quite accountable to their constituents<sup>26</sup> and have access to government officials within the regional centres. Hence a crucial central government role will be to enforce rules of accountability such as ensuring that councillors live in their constituencies and to help communities monitor their own members so as to prevent fraud. Similarly the Regional Councillors will have an important role in holding government officials to account and monitoring lower level institutions. The National Council is one obvious forum where these issues can be raised.

A problem that many people have mentioned is the lack of clarity of the lines of responsibility between different levels of traditional authorities, government officials and regional councils. It appears that some people use this to their advantage and others are genuinely unclear as to what rights and obligations they have.

#### *4.2.4 Threats*

There are also a variety of forces that will resist devolution of power to a lower level. Government officials will be unwilling to relinquish power, for both paternalistic and selfish motives. Many government officials are not willing to trust communities to take over government functions, believing that they are not well educated enough for instance. Others are reluctant to lose their power over communities and resent a role of being a facilitator to the community, rather than the higher prestige job of delivering services (and hence patronage) to the community. At present local level field staff of ministries report up the government hierarchy rather than to communities or Regional Councils. Hence decentralisation threatens the middle and lower parts of the public sector. National politicians may also be threatened since it will pass down power to politicians at community rather than constituency or national level. Some businesspeople will see their power reduced, particularly in the tourism industry where they will become more accountable to the people in whose areas they work. There are also those who have a vested interest in promoting individualised resource control. These "individualisers" include people who are fencing off communal land at the expense of rural communities, and commercial farmers who stress the ecological and economic problems caused by the communal land system. The economics and ecological processes that accompany land use changes are a subject of heated debate.

The "communalisers", who support devolution of power, within Namibia are also a varied selection of institutions and people. Many within the government believe that community management of natural resources is most equitable and efficient and are promoting policies that strengthen it. Most notably these are the Directorate of Rural Water Supply and SARDEP in MAWRD, and the Directorate of Environmental Affairs in MET. Desire for reducing government spending is also sometimes a driving issue. In addition Regional Councils, community based organisations such as farmers' unions, and NGOs as represented through the Namibian NGO Forum are all active in supporting devolution of power to more local levels. These have all been active in formulating the policies on conservancies, community based water supply and the decentralisation policy.

## **5. Conclusions**

As has been shown above community management of natural resources is a crucial component of equitable and efficient development in Namibia. Local level development has the potential to become much more orientated to the needs and aspirations of the residents of communal areas rather than to the perception of these by civil servants. The consequences for accountable government are also important. As the emerging local institutions are demonstrating government will have to become more accountable to rural Namibians. Namibia is at a crucial point over the next few years where a combination of central government policy and community action will determine whether there is a move towards an individualised system of controlling resources, which may impoverish many for the benefit of a few, or a communalised system of mixed individual, communal and public property which has the potential to bring about efficient and equitable development.

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## ENDNOTES

- <sup>1</sup> Sylvester 1998; Sullivan 199X
- <sup>2</sup> Technical Committee on Commercial Farmland 199X.
- <sup>3</sup> Sullivan op cit.
- <sup>4</sup> 1993/4 National Household Income and Expenditure Survey, CSO 1996.
- <sup>5</sup> One can of course live in an area with clean air, but this doesn't protect one from other atmospheric problems like ozone depletion.
- <sup>6</sup> From presentation by DRWS (DWA-MAWRD) at Swakopmund workshop on "Policy for cost recovery for rural water supply" Workshop Proceedings November 1995. Hence in current prices this would be higher.
- <sup>7</sup> Paraphrased from Kerven in Cox et al 1998.
- <sup>8</sup> Cox et al 1998.
- <sup>9</sup> See: NANGOF 1996; NNFU 1997.
- <sup>10</sup> Cox et al 1998.
- <sup>11</sup> Werner in Cox et al 1998.
- <sup>12</sup> See: New Era "Tension over land dispute" Monday 16-19 June 1997 on an instance in the Uukwaluudhi area of Omusati; The Namibian "Swapo 'coy' on rights, corruption" Tuesday June 24<sup>th</sup> 1997 on SWAPO congress calls for an end to fencing; New Era "Land dispute brews" Friday 8-10 August 1997 on a dispute in Oshikoto; New Era "Herero Chief charged for malicious damage" Friday 20-22<sup>nd</sup> June 1997 on an instance in Aminuis, apparently the 2<sup>nd</sup> case during 1997 in Aminuis; Fuller, Nghikembua and Forbes Irving also reported violence including use of firearms SSD Research Report 24 "The enclosure of rangelands in the Eastern Oshikoto region of Namibia" January 1996; Kerven "The blade cuts on both blades: Redefining property rights in Eastern Oshikoto region, Namibia" draft paper as part of the ODI research project on "Privatisation of rangeland resources in northern Namibia" 1997.
- <sup>13</sup> See: The Namibian press report "Fencing out of control" October 24<sup>th</sup> 1997.
- <sup>14</sup> Field visits to Okongo by R.Blackie and DRFN team February 1997; Fuller and Turner 1996; Helen Amoomo (SARDEP-North local facilitator Okongo) personal communication; NAPCOD - "Policy factors and desertification - Analysis and Proposals" 1996; Farmers from the Okongo OIKes at a SARDEP meeting, 18<sup>th</sup> November 1997.
- <sup>15</sup> Stuart Kean (NNEP), personal communication; Tom Kroll (SARDEP/GTZ), personal communication; Farmers from the Uuvudhiya OIKE at a SARDEP meeting, 18<sup>th</sup> November 1997.
- <sup>16</sup> See 16-19<sup>th</sup> June 1997 The Namibian press report op cit; "Fencing goes out of control Northern poor being 'cut off' from the land" The Namibian October 24<sup>th</sup> 1997; John Ashipala personal communication; Farmers from the Tsandi OIKes at a SARDEP meeting, 18<sup>th</sup> November 1997; Interview with Filemon Kapweya headman of Olukolo village and Monica Neumbo, member of Uukwaluudhi District Development Committee.
- <sup>17</sup> See: Cox et al op cit; Adams and Werner with Vale "The Land Issue in Namibia: An enquiry" SSD Research Report No. 1 1990; Fuller and Nghikembua with Forbes Irving "The enclosure of range lands in the eastern Oshikoto region of Namibia" 1996; Press report in footnote XII; Personal observations 15<sup>th</sup> November 1997; Berry Mwifi NAPCOD coordinator for the 4Os personal communication
- <sup>18</sup> NAPCOD 1996 op cit; Fuller et al 1996 op cit.; Suzman 1995 "Poverty, land and power in the Omaheke region", report prepared for Oxfam UK and International; Jane Bevan (UNICEF) personal communication
- <sup>19</sup> Suzman 1995 op cit.
- <sup>20</sup> Werner personal communication; personal communication from Agricultural Extension officers in Rundu.
- <sup>21</sup> National Workshop on Community Management of Water Supply, Windhoek 10-13<sup>th</sup> March 1997 documentation.
- <sup>22</sup> Ashley and LaFranchi 1997.
- <sup>23</sup> Decentralisation Policy 1997.
- <sup>24</sup> This is an area where the Ministry of Lands has been frequently involved.