

UUKWALUUDHI CONSERVANCY / COMMUNITY FOREST

THE CONSTITUTION OF UUKWALUUDHI CONSERVANCY/COMMUNITY  
FOREST

PREPARED BY: THE COMMUNITY MEMBERS OF UUKWALUUDHI  
CONSERVANCY/COMMUNITY FOREST

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## **1. Introduction**

Over the past decades, the people of Uukwaluudhi have been enjoying the benefits from the by then rich-diverse nature resources including game (wild animals) and other natural resources.

However, the colonial regime and its concomitant war eventually deprived people from enjoying these benefits by killing and disturbing wildlife and destruction of natural resources.

Based on that background, the people of Uukwaluudhi wish to conserve and manage trees and forest and wildlife inline with the Nature Conservation Ordinance No. 4 of 1975 and the Forest Act No. 12 of 2001 for the following reasons:

- 1.1 To enable community members of the conservancy / community forest to gain rights to manage and utilize wildlife and forest resources as well as natural resources in a sustainable manner and retain income derived from such.
- 1.2 To improve the welfare of the community members by developing nature conservation activities to provide incentives to community members which in turn encourages people to manage natural resources wisely.
- 1.3 To improve the welfare of the community members to acquire exclusive rights to develop local tourism by establishing accommodation (camping sites) for tourists and guided tours within the conservancy/community forest.

## **2. Name, Address and location of the area**

2.1 *Name:* Uukwaluudhi conservancy/community forest

2.2 *Address:* UCMC/UFMC  
P.O. Box 1  
Tsandi  
Uukwaluudhi, Namibia

2.3 *Location:* The exact area to be managed by the community will cover areas within Uukwaluudhi traditional area covering the southwestern Omusati region and northeastern parts of Kunene region of the Republic of Namibia including the *Okashana kAmutenya gwaKatokele's* conservancy/community forest managed under the Uukwaluudhi traditional authority in Omusati region.

## **3. Description of the conservancy/community forest boundaries**

The boundaries of the conservancy/community forest are consisted into two parts:

- 3.1 One part comprised of an area of about 5,800.27 hectares in size is to be fenced off for wildlife management and conservation of other natural resources. The site will be used for tourism enterprises and for educational purposes of school children. There will be no permission for establishment of human settlements in this area, nor crop field, neither cattle-posts. Cattle might

- be allowed to graze in the area through discussion with the management and depending the annual climate (rainfall).
- 3.2 The second part has a size of about 147,800 hectares and surrounding the first part is the community forest and will not be fenced off. Currently, some community members are residing in this area, having homesteads, crop fields as well as cattle-posts. However, there will be no new settlement establishment, except when agreed by the community forest management and Uukwaluudhi traditional authority. Livestock grazing and cattle-posts will be still be allowed.

#### **4. Aims and objectives**

##### *4.1 Objectives*

- 4.1.1 To improve the environment by returning wildlife to Uukwaluudhi.
- 4.1.2 To sustainably manage wildlife, trees and other natural resources in Uukwaluudhi in accordance with the approved management plan to maximize the benefits returns to the local community.
- 4.1.3 To protect wildlife and trees in Uukwaluudhi for future generation especially in the area and in Namibia.
- 4.1.4 To generate incomes from tourism enterprises (camping site and game viewing) which will provide incentives to the community for the management of the conservancy/community forest.

#### **5. Structure of the conservancy/community forest management**

- 5.1 Most of the decisions will be taken in the annual community meeting in which all members of the management body are expect to attend.
- 5.2 A 40-member advisory committee shall be selected in the annual community meeting and this committee will be responsible for formulating plans for the management of the conservancy/community forest and their implementation. The committee will be meeting twice a year.
- 5.3 The conservancy/community forest will be managed by Uukwaluudhi conservancy management committee (UCMC)/Uukwaluudhi community forest management committee (UFMC). The management committee will comprised of 17 members selected as follow; 13 members selected in community meetings held in 5 villages surrounding the conservancy/community forest. Three committee members will be selected from the advisory committee, while the other member will be representing the traditional authority.
- 5.4 A 9-member executive committee will elect the chairperson of the UCMC/UFMC meetings.
- 5.5 All villages, especially those within the boundaries of the conservancy/community forest will be expected to attend meetings.
- 5.6 Special provisions: The 17 members management committee together with the community members of the five villages surrounding Okashana are entrusted to manage the conservancy on behalf of the entire Uukwaluudhi community. This decision was made to prevent future weakness within the management and avoid high expenditure by involving lots of people. The money generated from the community-based income activities will be spent on community's

needs in accordance with the community needs assessments in collaboration with the community trust fund (CTF)(7.1.4-ii). The community needs assessment will be carried out in the annual community meeting.

## **6. Operating powers**

- 6.1 The management body (UCMC/UFMC) will use power vested in them by the community in accordance with the over-riding principles of justice and honesty, which require the committee (UCMC/UFMC) to deal with the community's properties and rights based on the objectives of this constitution, for the benefits of Uukwaluudhi community.
- 6.2 The management committee (UCMC/UFMC) will endeavor to ensure equity in the distribution of benefits to all community members, and ensure that there will be no discrimination and unfair treatment of the community members without valid justification.

## **7. The conservancy/community forest management committee**

### *7.1 General and specific power of the management committee*

7.1.1 The management body shall have power to manage all resources within the conservancy/community forest.

7.1.2 The management body (UCMC/UFMC) delegate power to the executive committee to implement all decisions and actions taken in the annual general meeting in accordance with this constitution for achieving the objectives of the conservancy/community forest.

7.1.3 The general power of the UCMC/UFMC will include the following:

- i) To select members of the executive committee from the UCMC/UFMC, who are going to monitor day to day activities of the conservancy/community forest management.
- ii) To recruit people and experts when necessary.
- iii) To distribute to community and to keep incomes (and other properties) of the conservancy/community forest in accordance with the annual general meeting, and rules and procedures of the community trust fund as per 7.1.4(ii), 11.3.5 and 11.3.6 below.
- iv) To apply for funds that are deemed necessary by the management body, based on the objectives of the conservancy/community forest and the resolutions of the annual general meeting.
- v) To oversee all agreements made for the conservancy/community forest.
- vi) To defend and manage all disputes and claims made by the conservancy/community forest and those made against the conservancy/community forest.

7.1.4 Specific power of the UCMC/UFMC will include:

- i) To receive and keep both tangible and non-tangible resources and manage them on behalf of the community.
- ii) To establish a community trust fund in collaboration with the king of Uukwaluudhi on which extra incomes will be kept for the benefit of the entire community.

## *7.2 Limits of the conservancy/forest management committee's power*

7.2.1 The management body of the conservancy/community forest will not be allowed to lease out properties, rights and or commit anything that may affect the rights of the community without prior approval by the majority resolution in the annual general meeting or special meeting.

7.2.2 Any decision and rights to amend this constitution, to deregister it, or to dissolve the conservancy/community forest, to distribute the properties, rights and all assets of the conservancy/community forest, shall be done by the two-third majority members of the conservancy/community forest in the annual general meeting or in a special meeting. The agenda of the meeting should be clearly stipulated in the invitation.

## *7.3 Office rights by the members of the conservancy/community forest management committee*

7.3.1 Members of the conservancy/community forest management body will be selected as follow:

- i) To be selected by the majority votes in community meetings in five villages.
- ii) The conservancy/community forest advisory committee shall delegate power to UCMC/UFMC at the annual general meeting by majority votes, and
- iii) The king of Uukwaluudhi shall nominates the traditional authority's representative.

7.3.2 The selected members of the management body will serve office for the period of three years.

7.3.3 When there is a vacancy in the management committee of the conservancy/community forest, the affected village will elect a person to fill the vacant position.

7.3.4 The village-based meeting and annual general community meeting shall have power to dismiss or replace member(s) of the management committee, by giving notice in the invitation of the meeting in which such dismissal or replacement is intended to take place.

7.3.5 A chance for justification for dismissal or replacement of the member(s) will be provided before the meeting can agree for such dismissal or replacement.

7.3.6 The member of the UCMC/UFMC may loose his/her membership when the following conditions apply:

7.3.6.1 When the member resigns his/her membership

7.3.6.2 When a member is in ill-health and physically weak

7.3.6.3 When the meeting decides to terminate the membership of the member and is done in the presence of the person affected by the decision

7.3.7 People with the following characteristics do not qualify to be members of the UCMC/UFMC:

7.3.7.1 A person with liabilities

7.3.7.2 A person with criminal record

## **8 Executive Committee (EC)**

8.1 The UCMC/UFMC shall select members of the EC from within its members, who will then be entrusted with ensuring the implementation of all actions and rules of the UCMC/UFMC.

8.2 The structure of the EC will be as follow:

- 8.2.1 Chairperson: who's duty will be to invite and chair all community meetings with exception to the village-based meetings.
- 8.2.2 Secretary: who will be ensuring the writing and forwarding of invitation letters for community meetings, taking minutes of the community meetings, to document all conservancy/community forest issues and to safeguard books and other documents related to conservancy/community forest.
- 8.2.3 Treasurer: who's duties are to keep financial records, issue receipts of all incoming revenue, and to prepare and co-sign cheques of the conservancy/community forest in the absence of the chairperson or secretary, and to ensure the auditing of the conservancy/community forest financial records.
- 8.2.4 Vice chairperson, vice secretary and vice treasurer, who are to assist their respective predecessors when not available.
- 8.2.5 Three people will be selected from the management body (UCMC/UFMC) to be advisors.
- 8.2.6 The manager will attend meetings of the EC, but will not have the right to vote in these meetings.

## **9 Executive committee and conservancy/forest management committee meetings**

The management committee of Uukwaluudhi conservancy/community forest will organize and coordinate their meetings accordingly.

- 9.1 The chairperson shall convene meetings for the management committee, ideally one meeting in every three months period, and the chairperson may invite also an emergency meeting when asked to do so by at least five members of the management body, who are expected to present their reasons for the meeting seven days before the meeting takes place.
- 9.2 Financial reports shall be prepared once a year in a way that is accepted by members of both committees.
- 9.3 The community has agreed that two members of the three members to be signatories to conservancy/community forest correspondences and cheques.
- 9.4 The quorums for the UCMC/UFMC and executive committee meetings will be comprised by ten and six members participants respectively.
- 9.5 In the event of equal votes for different opinions, the chairperson shall have a second and final vote.
- 9.6 Committee member(s) with interest on the decision to be discussed by the meeting, will be excluded from attending such meeting during such deliberation.
- 9.7 Minutes of the proceedings of the community meetings and the attendance register shall be kept safe.
- 9.8 Community members have rights to attend meetings of the management committee (UCMC/UFMC) and may also contribute to meetings discussions.

## **10 Financial matters**

- 10.1 The UCMC/UFMC shall ensure proper handling of financial issues and safe-keeping of financial records.
- 10.2 An acceptable financial statement/report shall be prepared on annual basis and will be verified by the auditor.

- 10.3* All important documents need to be signed such as agreement documents, cheques and other documents will be signed by at least two people when agreed by the management committee.
- 10.4* The UCMC/UFMC shall make sure the revenue received will be kept on the community account to be opened at a recognized banking institution, and that account shall be in the name of the Uukwaluudhi conservancy/community forest.
- 10.5* The procedures for the utilization of incomes generated from management of wildlife and or forest resources shall be discussed in the annual general meetings or in special meetings based on the conditions of the plans for benefits sharing. The incomes will be used to cover costs incurred in conservancy/community forest management and the remaining will be banked on the community account which will be used to finance the benefits for the community members.

### **11 Benefits sharing plan**

- 11.1* The purpose of the benefits-sharing plan is to ensure a fair process of sharing benefits obtained from the management of the conservancy/community forest in the form of cash and or non-cash benefits.
- 11.2* This benefits sharing plan will be guided by the following principles:
- 11.2.1* A fair and transparent method of sharing benefits that gives all conservancy/community forest members equal access to information on when decisions are made.
- 11.2.2* Revenue generated will be used, firstly for the sustainable management of the conservancy/community forest and secondly the revenue will be invested in community development projects, which shall be identified and prioritized in the annual general meeting. Such development projects can be any where in Uukwaluudhi.
- 11.2.3* Depending on the significance of the revenue raised from conservancy/forest management activities, incomes may be used to support development projects outside Uukwaluudhi jurisdiction.

### **11.3 Cash Benefits**

Cash benefits generated from income generating activities of the conservancy/community forest will be used first to cover the operation costs of the Uukwaluudhi conservancy/community forest, and secondly, to cover costs associated to village-based developmental projects.

- 11.3.1* The management community will make all decisions on distribution and allocation of incomes to cover management operations and community projects.
- 11.3.2* Decisions on incomes earned through conservancy/community forest activities shall be made once a year at the annual general meeting.
- 11.3.3* The UCMC/UCFMC will be entrusted to manage all incomes allocated for the management of the conservancy/community forest.
- 11.3.4* Incomes allocated to community projects will be managed by the community trust fund.



- 11.3.5* The community trust fund will have a board comprised of twenty-one trustees (20), who will sit once a year and allocate incomes to specific projects.
- 11.3.6* Of the 20 board of trustees, 18 members will be from civic organizations such as churches, development committees, small-scale business and etc; one member from the UCMC/UFMC and the other member representing the traditional authority.
- 11.3.7* The UCMC/UFMC, through its representative on the board of trustees, shall have its veto right to any project proposal that is deemed not suiting the supports of Uukwaluudhi conservancy/community forest developmental plan.
- 11.3.8* Funds allocated to developmental projects will be managed and accounted for by the community trust fund, with the assistance of the UCMC/UFMC representatives residing in the villages allocated with funds.

*11.4* Non-cash benefits

*11.4.1* Employment opportunities will be allocated based on follow procedures:

*11.4.1.1* Employment shall be done through community discussions and the executive committee.

*11.4.1.2* Employment will be only allocated to residents of Uukwaluudhi.

*11.4.2* The conservancy/community forest is expected to enhance cultural benefits to all residents of Uukwaluudhi irrespective of their membership to the conservancy/community forest.

*11.4.2.1* Such benefits shall include increased association with wildlife, access for educational purpose and the development of existing cultural practices such as crafts production, traditional dancing and etc.

*11.4.3* Training and educational opportunities will be only offered to residents of Uukwaluudhi. Such opportunities might include:

*11.4.3.1* On-job training skills

*11.4.3.2* Training of people while implementing community development projects.

*11.4.3.3* All residents of Uukwaluudhi, regardless of their membership to the conservancy/community forest, shall benefit from the increased productivity of various natural resources produced within and outside the conservancy/community forest.

**12 Membership**

*12.1* All people living within Uukwaluudhi jurisdiction and with age of 18 years and above will eligible for conservancy/community forest membership.

*12.2* All persons with 18 years and above who attend the meeting in which this constitution is adopted and consent the rights and obligations given to them by this constitution.

*12.3* The conservancy/community forest management committee shall establish and maintain the register details of members of the conservancy/community forest including names, address and identity number.

*12.4* The management committee of the Uukwaluudhi community forest will ensure that all residents of Uukwaluudhi get membership to community forest.

### **13 Rights and obligations of the conservancy members**

*13.1* All members shall have the following basic rights:

*13.1.1* To attend, speak and to vote at all community meetings of the conservancy/community forest in any village meeting and/or in a general meeting.

*13.1.2* To inspect writing of any correspondence and decisions taken in general meeting or in the conservancy/community forest management committee meeting.

*13.1.3* To oversee the documentation of incomes and rights for making copies from such documents.

*13.1.4* To inspect the register book for members of the conservancy/community forest.

*13.1.5* Access to use natural resources within the conservancy/community forest is free to all community members, including grazing, fuel wood collection and thatching.

*13.2* According to the constitution, all members will have equal rights and opportunities to the use of natural resources, unless or otherwise based on the resolution of the annual general meeting or special meeting which may give special rights and benefits in relation to the natural resource base of the conservancy/community forest.

*13.3* All members shall have the following obligations:

*13.3.1* To abide by the lawfully taken resolutions of the structure of the conservancy/community forest.

*13.3.2* To refrain from killing, harming and or otherwise interfere with any tree or wildlife and/or its habitat without the permission from the management committee of the conservancy/community forest, except when such actions are provided in the management plan, in terms of the Nature Conservation Ordinance No. 4 of 1975 and the Forest Act No. 12 of 2001

### **14 Meetings**

*14.1* The general meeting for members of the conservancy/community forest shall be convened on annual basis, i.e. once per year for allowing the community to discuss issues related to management of the conservancy/community forest including presentation of progress reports by the management committee, giving advices and guidance to the management committee and to discuss other needs deemed necessary in terms of this constitution.

*14.2* Invitations for the meeting shall be extended to members a month in advance.

*14.3* The management committee of the conservancy/community forest shall also responsible for arranging special meetings when need arise for dealing with unexpected issues related to the conservancy/community forest.

*14.4* The elected UCMC/UFMC representatives shall represent their respective villages at the general meeting.

*14.5* The annual general meeting will be only convened when a quorum of 2/3 of the members is in attendance.

*14.6* Meetings' deliberations as well as participants of the meetings will be taken minutes for.

*14.7* Resolutions of the annual general meetings will be taken on majority votes in favor of the resolution, where one person will be regarded having one vote.

*14.8* In the event of equal votes in favor and those not in favor, the chairperson shall have the second chance to vote.

14.9 The management committee of the conservancy/community forest shall decide the way of ensuring that all members receive the invitations in time.

### **15 Village meetings**

15.1 The UCMC/UFMC shall convene meetings within their respective villages, at least one meeting in every three months time.

15.2 Members of the UCMC/UFMC may also call for a special meeting when requested by at least half of the village residents.

15.3 The number of people residing in the specific village shall determine the quorum for the meeting in that village and all decisions shall be taken by a majority vote.

15.4 Village meetings shall deal with issues affecting the management of the conservancy/community forest as well as the benefits associated to sustainable management and utilization of natural resources.

15.5 Village-based meetings shall select the village representative(s) to the UCMC/UFMC and in the annual general meeting.

### **16 Conditions of termination of membership and other limitations**

16.1 Membership may be terminated upon death of any member or through resignation in writing.

16.2 Members of the management committee shall have power to implement the resolutions of the general meeting to register any name of the member who's on reasonable ground membership is no longer eligible for membership on condition that such member will be given a chance in advance to express his/her views on such membership termination.

### **17 Conflict resolution**

17.1 In order to avoid unnecessary court cases, the conservancy/forest management committee will attempt first to resolve disputes in a simple and cost effective approach by settling differences through negotiation based on this constitution.

17.2 Should it be become evident that the dispute might only be solved with the help of a mediator, such mediator may be called to assist the affected members on resolving dispute.

17.3 The management committee may invite or contract a conciliator when requested for by at least three members of the management committee.

17.4 The right is reserved for any member to apply to court in the event of any refusal or failure on the part of the conservancy committee to give proper effect to the principles of equity, equality and non-discrimination, or to implement the terms of this constitution in accordance with its intent and purpose.

### **18 Dissolution**

18.1 The conservancy/community forest may be dissolved when a two-third majority of the annual general meeting agreed for such dissolution with a notice for such dissolution to be given to all members and to the Ministry of Environment and Tourism three months in advance.

18.2 All assets remaining after clearing the conservancy/community forest liabilities up on dissolution, shall be distributed among all members of the community.

**19 Amendments to the constitution**

19.1 This constitution may be amended by the votes of two-third majority members of the community in the annual general meeting of which all members will be notified one month in advance.

**20 Adoption**

20.1 When adopted and signed by the Uukwaluudhi traditional authority and members of the community present in the first annual general meeting, this constitution shall be recognized as constitution of Uukwaluudhi conservancy/community forest.