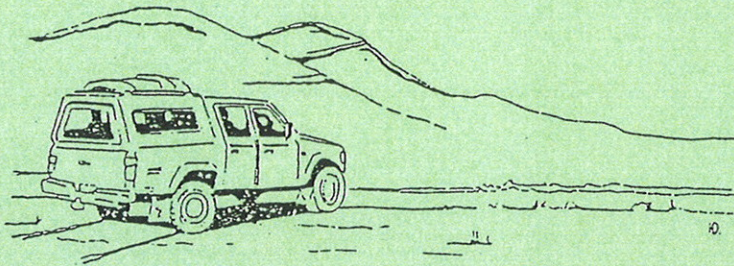
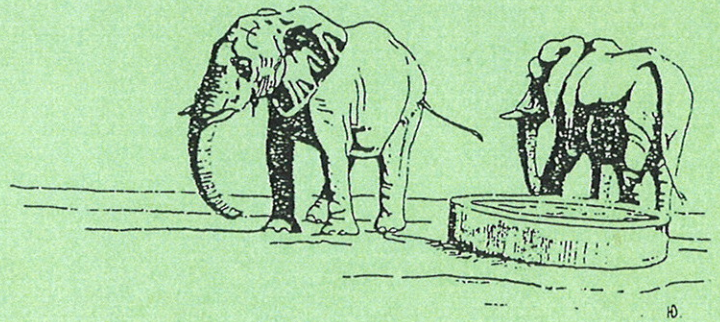
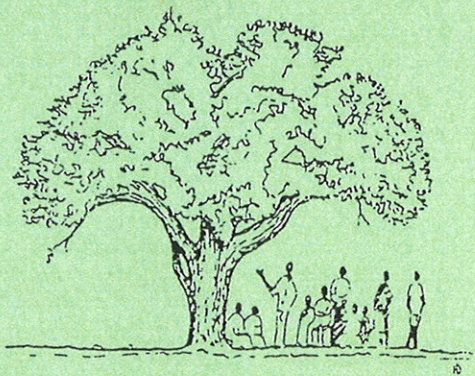




REPUBLIC OF NAMIBIA

WILDLIFE MANAGEMENT, UTILISATION AND TOURISM IN COMMUNAL AREAS



- POLICY DOCUMENT -

MINISTRY OF ENVIRONMENT AND TOURISM
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JUNE 1995



REPUBLIC OF NAMIBIA

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Date: June 1, 1995

CIRCULAR NO. 19 OF 1995

To: All Heads of Directorates, Divisions, Sections and Outstations

POLICY DOCUMENT: NAMIBIA'S POLICY ON WILDLIFE MANAGEMENT, UTILISATION AND TOURISM IN COMMUNAL AREAS

This document contains the approved Ministry Policy on Wildlife Management, Utilisation and Tourism in Communal Areas, through the establishment of conservancies.

1. According to Cabinet decision no: 8th/16.03.95/005 Cabinet has resolved the following:

- i) That Cabinet approves the **Policy on Wildlife Management, Utilisation and Tourism in Communal Areas**, as well as the policy on the Establishment of Conservancies attached to the policy as Appendix 2.
- ii) That Cabinet approves that an amendment be drafted to the Nature Conservation Ordinance (Ordinance No. 4 of 1975) which will allow the policy to be implemented.
- iii) That the proposed creation of two new posts within the Ministry of Environment and Tourism for the implementation of the policy is approved.

2. The objectives of the policy are as follows:

- i) To remove discriminatory provisions of the Nature Conservation Ordinance (Ordinance No. 4 of 1975), by giving conditional and limited rights over wildlife to communal area farmers that were previously only enjoyed by commercial farmers.
- ii) To link conservation with rural development by enabling communal area farmers to derive

a direct financial income from the sustainable use of wildlife and from tourism.

- iii) To provide an incentive to rural people to conserve wildlife and other natural resources, through shared decision-making and financial benefit.

3. Cabinet approval of the policy is an important development in conservation in Namibia as it opens up new opportunities for the MET with regard to conservation in communal areas. The State took a similar landmark decision in 1967 when it gave conditional rights over wildlife to commercial farmers. The result was the growth of a major game farming industry which not only contributes to the national economy but also significantly to wildlife and habitat conservation. By giving similar rights to people in communal areas, the MET aims to create similar incentives for wildlife and habitat conservation in communal areas.


4. With regard to commercial farmers, the Nature Conservation Ordinance makes provision for the State to devolve additional limited rights over wildlife to farmers who construct satisfactory game proof fencing around their farms. The MET then monitors use of wildlife to make sure that utilisation is sustainable. As fencing cannot be used as a condition on communal land, another mechanism for devolving rights needed to be found.

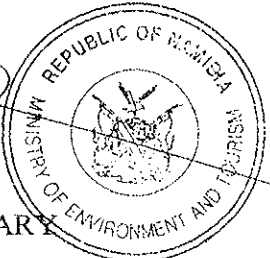
The MET has used the 'conservancy' concept as the means for giving additional rights to communal area residents. At present, residents of communal areas are able to apply for a hunting permit if a hunting season is declared. In future, if a community forms a conservancy with clearly recognised physical boundaries, and a representative management body, and is legally constituted, the MET will give additional rights over wildlife to the conservancy. These include the rights to carry out trophy hunting, and buy and sell game. Trophy hunting quotas will be given by MET as a concession to the conservancy, which will then be able to lease the concession to a Professional Hunter. Similarly conservancies will be given tourism concession rights which they can use themselves, enter into partnership arrangements or lease to a private operator.

5. Now that the policy has been approved, the next step will be to change legislation so that the policy can be implemented. At the same time the MET needs to consider the implications of the policy for its roles and functions in communal areas, as well as to work out the detail of implementation. Various meetings will be held by appropriate personnel from each directorate to consider these issues, and personnel will be kept informed.

6. It should be emphasised that communities will have to apply to the MET for conservancy status and the MET will decide whether to devolve rights over wildlife to the conservancy or not. The new policy does NOT give automatic rights over wildlife to communities in communal areas.

7. The previous circular dealt with Returning Keys of Official Accommodation to the Housing Office.


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PERMANENT SECRETARY



POLICY DOCUMENT

WILDLIFE MANAGEMENT, UTILIZATION AND TOURISM
IN COMMUNAL AREAS:

BENEFITS TO COMMUNITIES AND IMPROVED RESOURCE MANAGEMENT

OBJECTIVES:

- A. To establish in terms of Cabinet Resolution CS/1212/018, Paragraph 4 (Appendix 1), an economically based system for the management and utilisation of wildlife and other renewable living resources on communal land so that rural communities can:
 - a) participate on a partnership basis with this and other Ministries in the management of, and benefits from, natural resources;
 - b) benefit from rural development based on wildlife, tourism and other natural resource management;
 - c) improve the conservation of natural resources by wise and sustainable resource management and the protection of our biodiversity.
- B. To redress past discriminatory policies and practices which gave substantial rights over wildlife to commercial farmers, but which ignored communal farmers.
- C. To amend the Nature Conservation Ordinance (4 of 1975) so that the same principles that govern rights to wildlife utilisation on commercial land are extended to communal land.
- D. To allow rural communities on state land to undertake tourism ventures, and to enter into co-operative agreements with commercial tourism organisations to develop tourism activities on state land.

EXECUTIVE SUMMARY

Commercial farmers have for many years enjoyed the right to use and benefit from the wildlife which occurs on their farms. These rights are based on the farmer meeting certain conditions imposed by the state. The conditions relate to the fencing of the farm and the sustainable use of the wildlife.

The results of extending these rights to commercial farmers have been:

- a) improved conservation of wildlife on commercial farms as farmers realised that they could benefit from the game, and
- b) the development of multi-million N\$ game farming, hunting and tourism industries which not only contribute to the economic viability of individual farms, but play an important role in the national economy, while requiring very little financial and technological support from the State.

This system has not been applied to communal lands, where state control of the wildlife resource has alienated people from that resource. The result is poaching, a (sometimes severe) decline in game numbers and pressure for land proclaimed as game reserves to be returned to the people for grazing and other uses. Wildlife is only marginally contributing to local economies through minimal spin offs from tourism, none of which are run and controlled by local residents. No mechanisms exist for rural communities to participate in, or benefit from, wildlife management. All revenue from wildlife utilisation and tourism goes to the private sector or the Central Revenue Fund.

In order to redress this situation, a conservancy system is proposed which would enable people on communal lands to enjoy similar rights to utilise wildlife and participate in tourism development as granted to commercial farmers. This system would:

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

This will lead to a broadened resource base for sound diversification and developmental strategies, provide a buffer for times of adversity, e.g. drought, as well as provide incentives for the development of broader resource management programmes such as communal grazing and water rights.

In order to enable people on communal land to become fully involved in wildlife management and tourism, the Nature Conservation Ordinance (4 of 1975) must be amended so that the state devolves authority over wildlife to a legally constituted "conservancy", within a defined geographic area.

In its Resolution CS/1212/018, paragraph 4, Cabinet requests the Ministry of Wildlife, Conservation and Tourism and the Ministry of Finance to "seriously investigate the possibility to create a mechanism whereby a percentage of revenue generated by trophy hunting can be channelled back to rural or local people..."

The Ministry of Wildlife, Conservation and Tourism believes that the "conservancy" concept is the best means of channelling a percentage of trophy hunting revenue back to rural communities.

Trophy hunting is, however, only one form of wildlife utilisation from which local communities can benefit. This policy paper addresses the broad principles which provide the rationale for channelling revenue from trophy hunting to local communities. It applies these principles consistently to all forms of wildlife, tourism and other natural resource utilisation.

1. INTRODUCTION

The people of Namibia and their environmental agency, the Ministry of Wildlife, Conservation and Tourism (MWCT) have international obligations with regard to the conservation of ecosystems and biodiversity as well as to individual species of high international value and concern, such as elephants and rhinos.

Furthermore, Namibia's wildlife is an important national asset. It is one of the corner stones of the country's tourism industry, which is currently the third largest sector of the Namibian economy and the only one currently experiencing strong growth. In addition to the benefits of growth within the more formal tourist industry, (e.g. hotels, tour operators) land owners are benefitting financially from wildlife management through a wide range of activities. From 1991 to 1993, the Private Sector earned well over N\$40 million per year, directly from wildlife utilisation. Indirect earnings (hotel income, food, travel and purchase of other goods and services) would more than double this figure.

Tourism can contribute significantly to rural development in Namibia. Eco-tourism is one of very few economic activities that can be undertaken in remote rural areas by local communities.

In many parts of the country, notably the communal areas, wildlife and other natural resource management has been little developed. These areas have considerable potential for tourism and wildlife utilisation, and these activities could provide

significant funds for rural development programmes.

Much of the country's wildlife, scenic and cultural heritage is found on communal lands. About 75% of the country's elephant population spends most of the year in communal areas outside game reserves. Yet in nearly all communal areas in Namibia where there are still viable populations of large game, the attitude of local people towards the inherited colonial conservation system is negative.

Wildlife numbers in many of the communal areas are severely reduced, sometimes to extinction. In the Eastern Caprivi region for example, poaching has reduced wildlife numbers by an alarming extent over the past twelve years. For example, between 1980 and 1990 lechwe numbers crashed from about 13 000 to less than 2 000, reedbuck from 230 to 26, hippo from 695 to 258, sitatunga 270-30, zebra 287-78, roan antelope 243-17, tsessebe 116-0, eland 142-0. The loss of these resources in the East Caprivi area alone represents a financial loss (at current market prices) of over N\$14 million. In the former Owambo region (now Omusati, Oshana, Oshikoto and Ohangwena regions), wildlife has almost been eradicated. Although up to and during the early parts of the 1980's, much of the poaching was carried out by officials of the former government and South African Defence Force soldiers, local people have also contributed considerably to the decline in wildlife.

2. WILDLIFE ON COMMERCIAL FARMLAND

The situation regarding wildlife utilisation on Namibia's commercial farmland is very different to that on communal land. This is mainly a result of South African colonial policy which focused attention and resources on the commercial farming areas to the neglect of the communal areas.

Namibia's wildlife legislation goes far in conferring certain rights of access to, use of, and benefit from, wildlife to commercial farmers.

If commercial farmers meet certain conditions, largely related to fencing, farmers obtain the right to use the game on their farms to derive an income. Farmers may capture and sell game, sell animals to trophy and sport hunters, cull game for meat, or use their farms for safari style tourism.

The MWCT provides certain extension and inspection services related to these activities and permits are issued to ensure that the principle of sustainability is being met.

The extension of rights of access, utilisation and benefit from wildlife to commercial farmers in the past resulted in an increase in game on commercial farmland and a change in attitude of most commercial farmers towards wildlife. Whereas in the past

wildlife was viewed as belonging to the state, as competing with domestic stock for grazing and being good only for biltong, farmers began to realise that game had a substantial commercial value. This has resulted today in more than 70% of Namibia's wildlife being held on commercial farms.

Commercial farmers gained a vested interest in maintaining healthy wildlife populations on their farms, because they knew they could derive a long term income from the use of game. The state has also benefitted from game utilisation on commercial farmland, which in 1992 had an estimated turnover of about N\$41 million, much of this in foreign currency.

Of this amount, trophy hunting was estimated to gross income of about N\$22.5 million, the sale of live game N\$6.5 million, while other forms of utilisation (e.g. night culling, sport hunting and own use) were valued at N\$12 million. Tourism on commercial farms earned about N\$10.8 million in turnover.

This wildlife-based industry is almost totally independent of government financing through subsidies, extensive support systems and cheap loans.

No attempt was made in the past to extend the rights and benefits outlined above to people in communal areas. The discrimination of the past needs to be redressed, and people living on communal land need to be afforded the same rights as were conferred on commercial farmers.

3. CONSERVANCIES

A significant development in wildlife utilisation on commercial farmland has been the emergence of the conservancy concept.

Individual farmers have realised that it is advantageous to pool their land and financial resources to make available a larger unit on which integrated management practices can be carried out. This is particularly pertinent in our arid environment, where wildlife moves over large areas in search of food and water.

The MWCT has developed a "conservancy policy" which is intended to guide the development of these integrated units. This policy has also been developed with the needs of communal areas in mind and forms the basis of our proposals for wildlife management in communal areas (see Appendix 2).

A conservancy on commercial farmland is a group of farms on which neighbouring landowners have pooled their resources for the purposes of conserving and utilising wildlife on their combined properties. By co-operative management of wildlife, farmers can enhance their productivity and increase their individual incomes.

On communal land, a conservancy would be a community or group of

communities within a defined geographical area who jointly manage, conserve and utilise the wildlife and other natural resources within the defined area.

On both commercial and communal land, the conservancy area would be managed as a unit and the landowners/members then share in the benefits or returns produced from their combined efforts.

The Ministry's policy on conservancies states that a conservancy should be operated and managed by the members of the conservancy themselves, with minimal interference or input from the State.

In the case of conservancies on communal land, it is recognised that in the initial stages of development, the conservancy will need advice and technical assistance from the State (MWCT) and development NGOs. However, the goal is for these conservancies to become self sustainable and be in a position to manage wildlife themselves.

All conservancies would have a constitution and legal status and would be considered as a corporate body. The conservancy can therefore sue or be sued.

The following are the main advantages of the conservancy system:

1. For the State
 - a) An informal, but organised area providing wise management for wildlife.
 - b) The development of sustainable utilisation strategies for wildlife.
 - c) More effective co-operation between the farming community/local community and the MWCT.
 - d) Reintroduction of game species to areas where they no longer occur.
 - e) Creation of buffer zones around game reserves through the establishment of conservancies adjoining parks. This would lead to co-operative management of wildlife between the MWCT and the conservancy.
 - f) Informal conservation of biodiversity (vegetation types and associated fauna).
2. For the landowner/local community
 - a) Improvement of the status and variety of wildlife on private/communal land.
 - b) An increase in game numbers on private/communal land through co-operative management.
 - c) Improvement of habitat.
 - d) Assistance, advice and guidance on wildlife management.
 - e) Better control over poaching and stock theft.
 - f) Greater return of income for private profit and/or rural development.

4. CONSERVATION IN COMMUNAL AREAS

Rural communities in pre-colonial times had a well established conservation ethic based on religious beliefs, the rights of chiefs and other cultural values. However, successive colonial administrations throughout Africa have alienated rural people from their environment by taking away their rights and responsibilities in favour of centralising control over natural resources and making many traditional practices illegal.

Eurocentric views of conservation ensured that a network of protected areas giving sanctuary to wildlife was set up across the African continent. Local people were rarely consulted in the proclaiming of conservation areas, and their needs to use natural resources contained within these reserves were rarely considered. In most cases people were moved off the land which was to be proclaimed in order to make way for wildlife preservation.

The rural dispossessed looked on while game reserves were developed to cater for rich foreign tourists who came to look at the wildlife, and in some cases hunt and kill it - a practice denied to the local people. Anti-hunting laws declared wildlife the King's or State game and put it out of bounds to rural people who had always depended on game meat to supplement their diet.

A similar pattern of conservation developed in Namibia under first the German and later South African colonial rule. Game reserves were established without consultation with local people or recognition of their needs. Centralised control of game laws and game utilisation removed the authority and regulating mechanisms that once rested with local institutions and vested them in central government. Having lost "ownership" of wildlife, local people saw little reason to conserve the "State's game". Poaching became viewed as a legitimate activity by rural communities and conservation in communal areas came to mean "law enforcement" with little or no attention being given to community involvement.

Surveys conducted by the MWCT in certain communal areas show that rural people are hostile to Ministry officials and regard them as policemen.

It is axiomatic that any police action can only be successful if the community believes that the police are acting in its interest. Yet in most rural communities, the anti-poaching activities of game rangers have no support from local people. The notable exceptions are in the Cunene region, where community participation has been practiced by MWCT staff and NGOs for more than 10 years.

In Eastern Caprivi, communities strongly resisted the stationing of anti-poaching units close to their villages and have even laid an ambush for rangers, in error shooting a postman instead. The stealing of fences around game reserves, and the pushing of cattle inside reserves are other possible manifestations of the

hostility of many rural people to what they view as colonial conservation. People are negative towards certain animals such as elephants and lions which move out of game reserves and cause damage to crops or kill domestic stock.

This state of conflict between rural people and the conservation authorities has resulted in the government having to spend large amounts of money on paramilitary anti-poaching units which have to be deployed to keep poachers at bay. This has now been recognised as a short-term approach - a holding action - until more appropriate wildlife management systems are in place.

If Namibia is to successfully conserve the wildlife that still exists on communal land and which migrates annually from reserves into communal land, and across international borders into Angola, Botswana and Zambia, then the needs and aspirations of rural people living in these areas will have to be addressed.

Not only will they have to gain some direct benefit from wildlife conservation, but they will have to be re-empowered to take responsibility for wildlife management and to take responsibility themselves for managing natural resources sustainably.

In order to achieve this, the same principles need to be applied as on commercial farmland. This is the best chance we have of encouraging wildlife conservation in communal areas and ensuring that our game reserves do not become island refuges surrounded by a sea of hostile people.

5. COMMUNITY-BASED CONSERVATION

Conservation management in rural areas by rural people can be successful.

The socio-ecological surveys and other work carried out by the MWCT amongst rural communities have shown that most rural people have a deep-rooted conservation ethic.

Rural people want their children and their grandchildren to see wildlife in the areas where they live. It is clear from the surveys that rural people are not against conservation, but against the way in which it has been applied in the past.

New approaches to conservation, which take into account people's needs, which consult people and involve them directly in decision-making, and which derive benefits from conservation, have been successfully applied in several areas of southern Africa over the past few years.

In Zimbabwe, under the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) project, the country's wildlife department has devolved authority over wildlife utilisation to local communities, enabling them to gain a direct income from

conservation. One of the main sources of income for these communities is trophy hunting, with elephants being the species which brings in the most money. Communities have gained the right to sell trophy hunting concessions and have fetched up to N\$30 000 per elephant.

The government either sets quotas itself or ensures that the community sets a realistic quota. The most fundamental condition is that game must be utilised sustainably and the government reserves the right to remove the "appropriate authority" status that it confers on the communities.

The communities invest some of the cash income back into the CAMPFIRE project and use some for administrative costs, but at least 50% of the profit goes to the community. The members of the community decide themselves whether the money should be paid out as a cash dividend to individual households or should be used for development projects such as clinics, schools or grain mills.

In Zambia, the ADMADE (Administrative Management Design) programme rests on the following components:

- a) village wildlife management committees to allow greater involvement of local people in the planning of wildlife utilisation;
- b) local residents trained and deployed as village scouts to protect wildlife in their own areas;
- c) sustained-yield use of wildlife managed by local villages (i.e. hunting by villagers, culling for meat);
- d) increased employment for local residents to improve the manpower base for wildlife management and to stimulate a local economy based on sustainable use of wildlife;
- e) income generation through the sale of concession fees for the sustainable hunting of trophy animals.

The ADMADE programme has resulted in a considerable decline in poaching in areas where it operates as well as a considerable increase in income to local communities. As in Zimbabwe, revenues from wildlife are used by local people for rural development projects.

Here in Namibia, successful community-based projects have been developed in Damaraland and Kaokoland by local NGOs and the MWCT. In Kaokoland a community of Himba and Herero people have received as much as N\$25 000 over a period of two to three years from tourists who use their land and resources. In Damaraland and Kaokoland, the cooperation gained from local people in conserving wildlife has resulted in game being available for culling for meat for the members of the communities involved. The key to local cooperation has been a community game guard system which has given communities a new sense of responsibility for wildlife

as a resource.

What is important in all of these examples is the link between conservation, wildlife utilisation, benefits and rural development. Once income is derived by local communities from the use of wildlife, they develop a vested interest in conserving the game animals. Local communities are also empowered to take decisions concerning wildlife management, and the distribution of benefits. Communities are achieving greater local self-sufficiency and relying less on direct government support, freeing government resources for use elsewhere.

Jobs have been created and rural people have received training in various activities, expanding their capacity to manage their own affairs.

So far, the Namibian programmes have only scratched the surface of what could be achieved in this country with a community-based approach to conservation.

At present for example, neither the State nor the estimated 3 000 to 4 000 residents of West Caprivi receive any income from the rich resources of the Game Park. Yet the area has considerable economic potential, both at present with relatively low wildlife numbers and at optimal numbers in the future. MWCT estimates, based on market prices in 1991, show that at present game numbers, game utilisation (trophy hunting, cropping for meat and live sale) could yield an annual gross income of N\$399 283. At optimal game numbers (and excluding utilization of rhino), wildlife utilization could earn gross income of N\$2 313 065 annually.

Tourism (state and privately run) could bring in about N\$3 million annually, excluding wages of staff employed at lodges.

These figures provide an example of how Namibia could develop a wildlife utilisation programme in communal areas which would result in an increase in the standard of living of rural people and at the same time result in the continued and enhanced existence of wildlife in rural areas.

However, at present we do not have the mechanism for channelling benefits from wildlife utilisation to rural communities. The revenue from trophy hunting and other forms of wildlife utilisation goes to the central revenue fund or private businesses and there is no direct benefit for local communities.

Experience in Zimbabwe and Zambia has shown that there is no real incentive for local people to conserve wildlife if there is no direct benefit. If the central government, or even regional government, receives the funds and budgets for a clinic or a school, the links between the community, the benefit, wildlife and conservation are far too tenuous. The sense of alienation from the resources remains, and people have no vested interest in conserving the resources.

Namibians living in communal areas as diverse and far apart as Kunene region (the former Damaraland and Kaokoland), Eastern Caprivi, the Omaheke region, eastern Bushmanland, the Kuiseb, and the Mopani region have clearly expressed the desire to this Ministry to actively manage wildlife resources, or as they put it, "farm with game". They are aware of the potential income they can derive and they are also aware that in many areas of this country, game animals are best suited to the prevailing environmental conditions.

6. EXTENDING RIGHTS TO COMMUNAL AREAS

The principle applied to wildlife utilisation on commercial farmland is that if the landowner meets certain conditions set by the state, he may use wildlife on his land to his own benefit. The state has set conditions concerning fencing, so that particularly with migratory game species, the question of ownership is clear cut. Other conditions set by the State relate to the principle of sustainable utilisation and ensuring that game is not being used irresponsibly.

It is clear that in communal areas, fencing cannot be used as a criterion for allowing rights to wildlife utilisation. This is also not desirable, given the migration patterns of large mammals such as elephants.

However, certain key issues need to be addressed:

- a) How can "ownership" of game and other natural resources (e.g. trees, fish, and plants for food and building) on communal land be defined?
- b) Who should be entitled to utilise game on communal land?
- c) How can the state adequately regulate the use of game on communal land at the same time as devolving maximum responsibility to local communities?
- d) How can local communities develop the capacity to manage wildlife populations and other natural resources on communal land sustainably?
- e) How can local communities develop tourism facilities and ventures on communal land, either by themselves or in partnership with professional tourism organisations?

Any system developed for communal land must balance the need for rural people to have secure access to natural resources and the right to use and benefit from those resources with the fact that communal land is owned by the State.

The Ministry believes that the application of the "conservancy" concept is the most appropriate way to address the above issues.

The following is proposed:

1. The right to utilise and benefit from wildlife on communal land should be devolved to a rural community that forms a conservancy in terms of the Ministry's policy on conservancies.
2. Each conservancy should have the right to utilise wildlife within the bounds of the conservancy to the benefit of the community. Once a quota for each available species has been set, the conservancy members may decide how these animals may be utilised. They may decide to allow hunting by members of the conservancy, culling of the game for meat, the sale of animals for trophy hunting, or the live sale of game.

The conservancy should be able to enter into a business arrangement with private companies to carry out some or all of these activities.

The conservancy would also have the right to establish tourism facilities within its boundaries or engage in a commercial arrangement with a registered tourism operator to act on its behalf.

3. In order to gain the above rights, the conservancy must satisfy the MWCT that it has the capacity to manage wildlife resources:
 - a) The conservancy must be legally constituted.
 - b) The conservancy must have clearly defined physical boundaries that are accepted by neighbouring communities and conservancies.
 - c) The members of the conservancy will be defined by the community within the conservancy and could consist, for example, of all adults living within its boundaries.
 - d) A conservancy council will be the executive body of the conservancy. It should consist of elected or appointed representatives of the community. The MWCT must be satisfied that the members of the conservancy council are sufficiently representative of the community served by the conservancy. (The council members may, for example, be specifically elected for the purpose, or be local chiefs or headman, elected officials of farmers co-operatives, etc.)

The council's functions will be the following:

- i) To represent the interests of the conservancy members with regard to natural and wildlife management and utilisation (including tourism) in the conservancy.

- ii) To oversee the management of conservancy income and expenditure (which would be independently audited).
- iii) To represent the conservancy in negotiations with business ventures.
- iv) To discuss policy issues with the MWCT.
- v) To make proposals to the regional natural resource management committee.
- vi) To determine how income from natural resource and wildlife utilisation (including tourism) should be used or distributed among the conservancy members and liaise with assisting agencies (e.g. NGOs) and the MWCT to organise distribution and/or expenditure.
- vii) To apply to the regional natural resource management committee (see below) for quotas for the use of wildlife.
- viii) To determine how game should be utilised once quotas are set. (e.g. culling for meat, resident hunting, trophy hunting, live sale, etc.)
- ix) To determine what technical input (including research) is required from the MWCT, NGO's and business ventures.
- x) To determine the training needs of the conservancy for wildlife management (including tourism) and liaise with the MWCT or NGO's to arrange the training.
- xi) Initiate projects for improved wildlife management within the conservancy (e.g. reintroduction of game, opening of water points, etc.)
- xii) Establish a practical problem animal management programme (within the framework of MWCT policy and legislation).
- xiii) Develop tourism initiatives in the conservancy within the framework of regional and national tourism policies/strategies (these could be either own ventures, joint ventures or concessions to private tourism operators.)
- xiv) Manage (where appropriate) a community/conservancy game guard system.

- e) Each MWCT region should have its own wildlife management committee. This would consist of members appointed by each conservancy council within the region, representatives of the MWCT, a representative of any assisting agencies working with the conservancy (NGOs), and a representative of the Ministry of Agriculture, Water and Rural Development. The wildlife management committee would have the right to co-opt representatives from other Ministries and organisations where appropriate.

The functions of the regional wildlife management committee would be the following:

- i) To set quotas for each conservancy for the use of wildlife.
 - ii) Ensure that conservancies use resources sustainably.
 - iii) Ensure that conservancy's activities are consistent with regional and national resource policies.
 - iv) Provide technical information and advice on wildlife and other natural resource utilisation options.
 - v) Assist conservancies gain access to technical assistance and training.
- f) The Conservancy council must satisfy the MWCT that it has a sound accounting system and effective secretariat, and that the members of the conservancy are fully informed regarding decisions taken, income and expenditure.
- g) The Ministry will hold the right to set sustained-yield quotas for the use of game animals, but in time may delegate this function once it is satisfied that the conservancy is capable of setting its own quotas.
- h) The Ministry will hold the power to withdraw all right to game utilisation from a conservancy if the conservancy shows itself irresponsible in the use of wildlife (e.g. consistently ignores the principle of sustainable use), or if there is evidence of mismanagement of funds, corruption, etc.
- i) The conservancy system is ultimately a partnership venture between the MWCT and rural people on communal state land. The Ministry and the people are sharing responsibility for protecting and managing natural resources, and both parties (the people and the State) should share in the resulting benefits.

Just as has happened in the commercial areas, the State will be delegating an increasing proportion of the protection and management burden which it currently carries to the communal areas conservancies. This will leave it free to provide an effective support and administrative service to the landholders.

The State will gain from the conservancy system not only through a decreased protection and management burden, but also through there being more income, more capital formation, less vulnerability to drought and less dependence on handouts within communities in the communal areas.

The rural people will be investing in protection and conservation of wildlife. They must be able to use the resources, not only to recover this investment, but also to receive a positive financial incentive or return, which is competitive with that of other investments. The State on the other hand should be simply aiming, broadly, to recover its support and administrative costs.

The financial and economic profitability of wildlife use varies considerably, between different types of enterprises, between different ecological (vegetational) regions and with changing economic conditions. In addition, the household incomes of many conservancy members will be low, which means that they should pay low (or no) taxes on equity grounds. Wildlife use should not be taxed any more than other land uses and economically sound wildlife uses should not be taxed out of existence.

Taxes on the use of land and resources by communal area conservancies should clearly, therefore, be judicious and flexible. Policy will be for the State to extract income tax, where this is payable, and recover any further costs through user fees, for example, hunting licence fees.

The conservancy will be encouraged to invest an amount of its earnings on the following as may be deemed appropriate by the Management Committee: administrative, secretarial services, community game guard posts and support, training, monitoring, bookkeeping and auditing, etc.

7. ENABLING LEGISLATION

The Nature Conservation Ordinance (4 of 1975) should be amended to extend rights of wildlife utilisation and benefit to people living on communal land as outlined in Section 5 above.

APPENDIX 2

POLICY DOCUMENT

Ministry of Wildlife, Conservation and Tourism

THE ESTABLISHMENT OF CONSERVANCIES IN NAMIBIA

This document establishing policy on Conservancies in Namibia was approved by the Planning Committee and the Permanent Secretary of the Ministry of Wildlife, Conservation and Tourism (MWCT) on 5 March 1992.

1. BACKGROUND

Officials of the Directorate of Wildlife Conservation and Research in the MWCT have been propagating the concept of conservancies among the commercial farming community for some time. This has led to two groups of farmers, one in the Grootfontein district and one in the Tsumeb district, applying to the Ministry for the establishment of a conservancy in each of these districts. Several meetings were held with these farmers and through these meetings it became clear that the farmers are expecting a certain amount of involvement from the Ministry to assist and advise them on conservancy matters which is a completely new concept in conservation for Namibia.

A number of problems and uncertainties concerning conservancies were also experienced during these meetings. There are numerous aspects which have to be dealt with, cleared and approved by the Ministry before the conservancy concept can be further propagated and successfully implemented. It must be kept in mind that the conservancy concept can contribute largely towards the overall conservation effort in Namibia, and therefore should be actively supported.

This document was therefore compiled with the aim to make certain proposals and recommendations for approval by the Planning Committee and to inform the Ministry on the following conservancy related matters namely.

- a) what is a conservancy,
- b) what are the aims of a conservancy,
- c) how a conservancy operated,
- d) what the advantages are for the state and landowner,
- e) what the involvement from the Ministry should be, and
- f) in which direction should the Ministry be driving the programme.

2. THE AIMS AND DEFINITION OF A CONSERVANCY

A conservancy is a group of farms on which neighbouring landowners have pooled their resources for the purpose of conserving and utilising wildlife on their combine properties. The conservancy concept does not have to be restricted to the commercial farming areas, but can be extended to communal land as well. The above mentioned definition of a conservancy is therefore flexible to certain limitations.

A conservancy must not be confused with a private gamepark or private game reserve. According to the Nature Conservation Ordinance of 1975, articles 22, 23 and 24 determine the establishment, prohibition of hunting and prohibition of picking of indigenous plants in a private gamepark or nature reserves. The idea of a conservancy is that the landowners practice their normal farming operations in combination with wildlife, which includes the utilization of wildlife, but that the main objective in this regard is that the area involved should be managed as a unit concerning the wildlife. The landowners / members then share in the benefits or returns produced out of their combined effort.

A very important consideration to take into account by landowners before a conservancy is established should be the aim of a conservancy. A conservancy should only be established in an area for a sound reason so that it has a solid base to work on. The principle reason for the establishment of a conservancy should be to improve or maintain the status and variety of wildlife on private or communal land. (Wildlife meaning mammals, birds, fish, vertebrates, invertebrates, plants, wetlands, natural vegetation, other habitats and lifeforms).

The reason for the establishment of the above mentioned conservancies are the decline in animal numbers, over utilization and bush encroachment. These conservancies therefore have a solid base to work on. If there is no sound reason for establishing a conservancy, landowners would soon start asking why they established the conservancy in the first place and therefore the establishment of conservancies without sound reason should be discouraged.

3. OPERATION OF A CONSERVANCY

A conservancy must be operated and managed by the members of the conservancy themselves, with absolute minimal interference from the Ministry of Wildlife Conservation and Tourism, or any other Ministry for that matter.

The situation in Namibia is unique in the sense that Namibia has six communal game species, Hartebeest, Eland, Gemsbok, Springbok and Warthog, who's movements are not restricted by ordinary stockproof fencing. It seems that more and more problems

concerning communal game are experienced day by day, by the commercial farmers as well as the MWCT. Problems experienced on farmland with communal game, are over - and under utilization of game, decline in game numbers, unexpected increase in game numbers in certain areas, change in habitat, bush encroachment, harvesting game on a sustainable production basis and insufficient knowledge in wildlife management. One way of relieving these problems would be the establishment of conservancies in areas where these problems occur.

As mentioned before, conservancy members must operate and manage the conservancy themselves. Members of a conservancy should therefore realise that a conservancy will have to operate according to a combined management and utilization strategy where communal game is involved. Without a combined management strategy concept, the management of communal game will not be successful. Every conservancy must have its own unique management strategy, designed for the particular conditions of that conservancy. For example the management strategy of a gameproof fenced conservancy on commercial land will differ from that of an unfenced conservancy on communal land. Similarly, the strategy of a conservancy adjacent to a national park would differ from one surrounded by farmlands. These different types of conservancies would all be able to operate successfully, provided the management strategies were appropriate to the particular set of circumstances in each area and provided that the participating land owners and land users had a common interest in, and commitment to, collective management of their natural resources. It should also be emphasised that a conservancy could also consist of both communal and commercial farmers, working together.

Whatever management strategy the conservancy members decide on, this should be left largely in the hands of the conservancy members and not be dictated by the MWCT. It is important that the members of a conservancy should work towards an acceptable management and utilization strategy that ensures that both the wildlife and community derive sustained benefits from the programme.

Since communal game species require large areas of land, which might exceed the boundaries of a conservancy, an active management strategy which involves manipulation of game and their habitat would be justifiable. A combined utilization strategy for game would therefore mean that the whole conservancy should be regarded as a management unit. The utilization strategy of a conservancy where communal game is involved should be such that the harvesting programme removes a fixed cropping quota from the population on an annual basis without causing a longterm decline in the population. The objective of effective management should be to produce the largest possible sustained yield. There is, however, more than one figure of sustained yield for a given game population, for a given environment and the type of management practised.

Established conservancies should have a properly drawn up constitution. This constitution will have legal status and therefore the conservancy will be considered as a corporate body. The conservancy can therefore summon and be summoned in the name of the conservancy.

4. ADVANTAGES OF A CONSERVANCY FOR THE STATE AND THE FARMER

THE STATE:

- a) An organised and managed conservation area with safe custody of wildlife.
- b) A guaranteed sustainable utilization strategy for communal game.
- c) Distribution, relocation and conservation of game species in areas where they no longer occur (i.e. reintroductions).
- d) More effective co-operation between the farming community, local community and the MWCT.
- e) Improved standing and management practices in the eyes of local and international organisations.
- f) Informal conservation of vegetation types and associated fauna, which presently have no conservation status.
- g) Co-operative management and the creation of buffer zones around parks.
- h) Less control from state needed on communal game in conservancies, on both commercial and communal lands.

THE FARMER / LANDOWNER:

- a) Improvement of the status and variety of wildlife on private and communal land.
- b) An increase in game numbers on private and communal land through co-operative management.
- c) Improvement of habitat through co-operative management.
- d) Assistance, guidance and advice on wildlife management and other conservancy related matters.
- e) Indispensable contribution to nature conservation without forfeiting the right of private possession.
- f) Improved relocation and redistribution of game species.
- g) Greater benefits and returns to landowners and land users.
- h) Better control over poaching and stock theft.

5. RECOMMENDATIONS

5.1 Recommendation Concerning Legislation:

- a) It is recommended that no legislation on conservancies should exist and therefore the status quo on present legislation should be maintained.
Motivation: Although the MWCT should maintain a good working relationship with established conservancies, our objective should be a "hands-off" policy with minimal interference from the Ministry.

- b) On the question of whether higher penalties should be imposed for crimes committed on conservancies, the Law determines the penalties for every individual crime and therefore only legislation can change this situation. If no legislation on conservancies will be formulated, no special penalties can be expected.
- c) A National Conservancy Coordinator should be appointed by the MWCT to assist farmers (both commercial and communal) with the establishment of conservancies, wildlife management, information and other related matters. This Coordinator will be responsible for the national Conservancy Programme, as well as facilitate coordination with other organisations, both government and non-government.
- d) The Conservancy Programme should form part of the Game Utilization Project and the Community Based Natural Resource Management Programme of the Directorate of Environmental Affairs, MWCT. The personnel on these latter two projects and programmes should investigate and, where appropriate, initiate the Conservancy Programme in partnership with their activities.
- e) That officers of the Management Division of the MWCT, through the Conservancy Co-ordinator, assist in the implementation of conservancy wildlife management plans and in the solving of related problems.

Motivation: These actions will ensure a good working relationship with conservancies and the feedback to the Conservancy Co-ordinator can be continually evaluated and synchronised.

- f) That the MWCT, where desirable, helps to establish breeding nuclei of game species that previously occurred in specific areas, to contribute to the distribution and improved status of such species. This will contribute to our commitment to wise management of biodiversity in Namibia.
- g) If requested, the Ministry or non-governmental organizations should provide training for conservancy members and staff, e.g. courses for game guards.

Motivation: Some conservancies might need the aid of game guards, (which are hired and paid for by conservancy members) in areas where poaching and stock theft might be a problem. The duties of the game guards might, for example, include removal of snares, patrolling, help with investigations and law enforcement. These activities might require some form of training.

6. IN WHICH DIRECTION SHOULD THE MINISTRY BE MOVING WITH CONSERVANCIES?

6.1 Aims and Definition:

- a) The MWCT recognises that a conservancy is a group of farms and/or area of communal land on which neighbouring landowners/members have pooled their resources for the purpose of conserving and utilising wildlife on their combined properties and/or area of communal land.
- b) The MWCT recognises that the principle reason for the establishment of a conservancy should be to improve the status and variety of wildlife on private and communal land, and to improve the level of benefits obtained from the wise use of this wildlife resource.
- c) The MWCT also recognises that a conservancy should be established for a sound reason and should have a solid base on which to operate, e.g. cooperative resource management to the greater advantage of all participants.

6.2 Operation of a Conservancy:

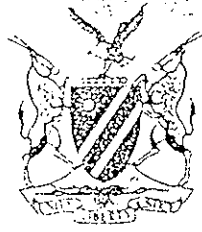
- a) The MWCT recognises that a conservancy should be operated and managed by the members of the conservancy themselves with minimal interference from the MWCT or any other organisation.

6.3 Legislation:

- a) Legislation or regulations on conservancies should be minimal, if any.

6.4 General:

- a) Although the MWCT will practice a "hands-off" policy, it must act as a catalyst in the forming years of conservancies by advising, assisting, guiding and co-ordinating conservancies.
- b) The MWCT should consider making game species available to conservancies at an agreeable price, in areas where those species previously occurred.
- c) The MWCT should appoint a Conservancy Co-ordinator with a team of biologists from the Game Utilization Unit.
- d) After the establishment of a conservancy, the MWCT should gradually withdraw from active involvement to let the conservancy operate independently. The only restriction that should be placed on conservancies (in line with MWCT policy and that of the National Constitution), is that of sustainability, which is ensured by means of the MWCT permit system.



REPUBLIC OF NAMIBIA

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13 December 1991

Permanent Secretary
Ministry of Wildlife, Conservation and Tourism

Dear Cde Rumpf

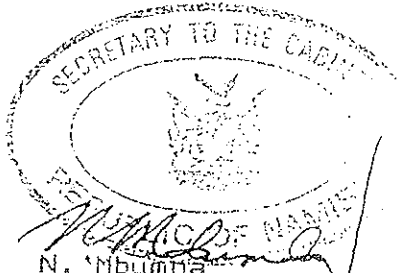
SUBJECT: TROPHY HUNTING OF ELEPHANTS AND OTHER ANIMALS ON
STATE LAND

At its (91) 40th meeting held on 12.12.1991, Cabinet resolved:

1. That approval is granted for the extension of existing rights to hunt for trophies on state land in:
 - (a) Bushmanland (Anvo Hunting Safaris)
 - (b) Caprivi (Oelofse Wild)
 - (c) Caprivi (Buffalo Trails)
2. That trophy hunting on "problem animals" be allowed in "spill-over" areas:
 - (a) around Etosha National Park
 - (b) in Kavango
 - (c) in Caprivi and
 - (d) in Bushmanland

3. That no more than the animals listed in paragraphs 5.1 and 5.2 of the relevant submission be hunted during 1992.
4. That the Ministry of Wildlife, Conservation and Tourism and the Ministry of Finance seriously investigate the possibility to create a mechanism whereby a percentage of revenue generated by trophy hunting can be channeled back to rural or local people of the areas.

Sincerely yours


N. Nkomo
SECRETARY TO THE CABINET

cc: Permanent Secretary
Ministry of Finance

