CONSERVANCIES IN NAMIBIA

Guidelines for Staff of the
Ministry of Environment and Tourism
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Conservancies

Questions and Answers about Conservancies in Namibia

What is a Conservancy?

“A conservancy consists of a group of commercial farms or areas of communal land on which neighbouring landowners or members have pooled natural resources for the purpose of conserving and using wildlife sustainably. Members practise normal farming activities and operations in combination with wildlife use on a sustainable basis. The main objective is increased sustainable use through ecologically improved management. Conservancies are operated and managed by members through a committee.”

Conservancies were first designed for commercial land but can also be formed on communal land. Communal land conservancies can be formed by a community or group of communities within a defined geographical area which jointly manage, conserve and utilise the wildlife and other natural resources within the defined area.

Why should Conservancies be established?

The main reasons for forming conservancies are to improve resource management and to conserve wildlife and wild habitats outside protected areas. Namibian wildlife is an important national asset. Yet in many parts of the country, notably the communal areas, wildlife and other natural resource management has been little developed. People feel little need to conserve natural resources as they receive few benefits from them. Modern conservation approaches, however, recognise the need to involve local communities in conservation. It is argued that if local communities have control over the use of resources and can derive direct financial benefit from this use, they will want to use them sustainably.

One problem is that while commercial farmers own land and, in some cases, have ownership rights over wildlife on their farms, communal residents have not had legal rights of ownership over wild animals. They have depended on government permits for hunting of game during government declared hunting seasons.

After carefully considering several different approaches which would promote sustainable conservation and use of wildlife and natural resources, the Ministry of Environment and Tourism (MET) has developed a policy for giving more rights over wildlife to communal area residents.

Broadly, the policy aims at increasing local responsibility and ownership rights over wildlife. In return, local residents can benefit financially from increased wildlife through a range of activities. These include harvesting quotas agreed to by the MET, trophy hunting, sale of live game and income from tourism. All activities will be carefully monitored by MET staff. The conservancy will be the mechanism for giving rights to people in communal areas.

DID YOU KNOW?

- The conservancy approach had its origin in the province of Natal, South Africa, where more than 1 000 km² are administered as conservancies.

- To date five conservancies have been established on commercial farmlands in Namibia.

- Several conservancies are being considered on communal farmland and include one in the Uukwaluudhi area, Omusati Region and at Salambala in Eastern Caprivi.
Briefly, what is the Conservancy Policy?

The MET has adopted a policy document on conservancies in Namibia. This makes no distinction between conservancies on commercial or communal land. The overall objectives are the same for both, namely to pool natural and economic resources and to collectively manage and utilise them on a sustainable basis.

The first conservancy policy, drawn up by researcher Mick de Jager, was accepted by the MET Planning Committee in 1991. Although this document made provision for conservancies on communal land, it did not suggest rights for use of wildlife and varying land-use rights.

A second policy document was drawn-up and approved by the Namibian Cabinet in 1995. This document provides guidelines and recommendations on giving rights over wildlife and tourism to communal area conservancies. In short, the second document completes what the first policy began.

Why should conservancies be established on commercial farmland?

On commercial farmland, especially in the northern regions, farmers have difficulty in managing migrating game populations. Species such as oryx, springbok, warthog, hartebeest, eland and kudu are not restricted by ordinary stock proof fencing. This results in over- and under-utilisation causing friction between farmers about the ownership, use and financial benefits from game. These problems can often be overcome with a combined wildlife management and utilisation strategy.

Since 1967, commercial farmers have enjoyed the right to use and benefit from wildlife on their farms. This was based on the land-owner meeting certain conditions imposed by the State. These included the type of fencing. Extending these rights to commercial farmers had improved conservation of wildlife on commercial farms because landowners realised that they could benefit from the game. Most evident was the development of a multi-million dollar game farming, tourist and hunting industry.

While contributing to the economic viability of individual farms and to the national economy, game farming requires very little financial and technological support from the State.

The first conservancy was established south of Rietfontein in 1992. Since then, four additional conservancies have been set up.

Will conservancies work on communal land?

Yes. In the communal areas State control of wildlife resources has alienated people from those resources. This resulted in a severe decline in game numbers in many areas, mostly due to increased poaching and pressure for land proclaimed as game reserves to be returned to the people for grazing, water and other uses.

Few mechanisms existed for rural communities to participate in, or benefit from wildlife management. All revenue from consumptive or non-consumptive use of wildlife went to the private sector or the Central Revenue Fund.

Conservancies offer a way for people to have increased rights over the wildlife in their area, and, at the same time, will provide an incentive for people to conserve wild animals and other natural resources.

How will the conservancy system benefit communal residents?

Any system for communal lands must balance the need of the people to have secure access to natural resources and the right to use and benefit from these resources, even if the land is owned by the State. The Ministry believes the conservancy concept is the most appropriate way to address this. Benefits include:

- improvement of the status and variety of wildlife on communal land
- an increase in game numbers on communal land through cooperative management
- improvement of habitat
- empowerment of communal area residents
- improved community cooperation and planning for resource management
- greater return of income for private profit and/or rural development
- assistance, advice and guidance on wildlife management
- better control over poaching and stock theft

In communal areas the conditions for fencing for migratory game species cannot be applied as a criterion for the granting of wildlife utilisation rights. This would be impractical and undesirable given the migration patterns of large mammals such as elephants, besides being contrary to current government policy.

How will the MET benefit?

Wildlife (and Tourism) Councils will be established in each region. These will be controlled by the MET.

In addition, the conservancy policy provides for:

- an informal, but organised area providing wise management of wildlife
- the development of sustainable utilisation strategies for wildlife
- more effective cooperation between the farming community/local community and the MET
- reintroduction of game species to areas where they no longer occur
- creation of buffer zones around protected areas through the establishment of conservancies adjoining parks. This would lead to cooperative management of wildlife between the MET and the conservancy.
- informal conservation of biodiversity.

How will wildlife and other resources benefit?

Although conservancies will give communal area residents the right to use and benefit from game and other resources, these resources will be carefully monitored. Quotas will be set by MET officials for the sustainable off-take of game.

It has already been pointed out that lack of rights to use and benefit from natural resources has alienated people from these resources. By allowing people to receive benefits, resources will be more carefully managed. Game populations, habitat, biodiversity and the environment in general stand to gain from the establishment of conservancies.

How will conservancies be managed?

Conservancies should have a properly drawn up constitution and set of rules or management plan, in line with the regulations laid down by the MET. The constitution outlines the goals and objectives, while the rules spell out management and utilisation actions. This includes:

- determining quotas for hunting and other uses
- monitoring and recording aspects such as rainfall and vegetation.
- wildlife numbers, sex ratios, mortalities and births should also be recorded. Monitoring wildlife populations on conservancies is vital for detecting trends and implementing effective management.

Conservancies in communal areas would have the right to use and benefit from wildlife. Once a quota has been set for each species, the committee may allow hunting by members of the conservancy, culling of game for meat, sale of animals for trophy hunting or the sale of live game.

The conservancy could enter into business contracts with private companies for some of these activities. It would have the right to build tourist facilities or to engage in commercial arrangements with a registered tourism operator to act on its behalf.
The Conservancy Model in Brief

The following briefly outlines the conservancy model for devolving conditional rights over wildlife to rural communities in Namibia:

1. The right to utilise and benefit from wildlife on communal land in accordance with the MET policy on conservancies.

2. The MET and conservancy will agree on quotas for wildlife utilisation - the conservancy can then decide on the form of utilisation.

3. The conservancy can enter into agreements with private companies and can establish tourism facilities within its boundaries.

To obtain these rights, the communal conservancy must form a management committee which takes decisions on behalf of the conservancy. The management committee must:

- satisfy the Ministry of its capacity to manage wildlife resources.
- be legally constituted with clearly defined boundaries
- consist of members defined by the individuals in the conservancy. It could consist of all adults living within its boundaries.
- have members who are sufficiently representative of the community served by the conservancy.

What is the role of the MET in conservancies?

The MET assists and guides conservancies on wildlife management and related matters during the forming years of the conservancy. Training will play a major role in the management, monitoring and determining of quotas, especially on communal conservancies. The conservancy must satisfy the MET that it has the capacity to manage wildlife resources.

The Ministry can withdraw all rights to game utilisation from a conservancy if it shows itself irresponsible in the use of wildlife, or there is evidence of mismanagement of funds, corruption etc.

The MET must also be satisfied that the members of the conservancy management committee are sufficiently representative of the community served by the conservancy.

The MET should also liaise with the conservancy committee on policy issues. Each region will have a Wildlife and Tourism Council which will liaise with conservancies in that region.

How do Wildlife and Tourism Councils work?

Wildlife and Tourism Councils are applicable only in communal areas. At the October 1995 Management Committee meeting, it was agreed that Wildlife and Tourism Councils would essentially be run by the MET in consultation with local leaders. Councils do not represent specific communities, but regions. Broadly, Wildlife Councils will have the following responsibilities:

- They will manage and use wildlife consumptively and non-consumptively for the benefit of people outside conservancies.
- Each council will have an account into which wildlife revenue will be deposited, and used for the benefit of the region, but not necessarily for individual distribution.
- Councils should become Wildlife and Tourism Councils and should take responsibility for coordinating tourism development plans in regions. This will ensure the integration of wildlife and tourism planning.
- Wildlife and Tourism Councils should provide a forum for communication and coordination on a regional level between other relevant ministries, regional councillors, governors, NGO partners and the private sector.

The role of the MET is largely one of coordination. The aim is to include all relevant parties in decision-making so that they work together towards the same goal, despite their different agendas.
The aim is also to make use of other people’s resources to achieve the MET’s aims in the face of diminishing financial and human resources. NGOs and the private sector will thus work under our coordination. Briefly, the four broad areas of responsibility of the Wildlife and Tourism Councils are:

- Management of wildlife, including sustainable use, on behalf of local people outside conservancies.
- Managing an account into which income from wildlife use would be deposited and used for local development.
- Coordination of wildlife and tourism planning for the region, and integration with other land use planning.
- To provide a communications forum for liaison between MET, other Ministries, regional Governors/Councils, NGOs, local leaders and the private sector on wildlife and tourism issues. The council should ensure good flow of information about existing and proposed activities and should initiate the development of information material about the region.

Who will be the Members of these Councils?

Each council will have the following membership:
- MET Regional Head
- MET Regional Biologist
- MET Senior Forestry person (where applicable)
- MET Senior Tourism person (where applicable)
- Regional Governor or other appropriate Regional Council representative/s
- One or two representatives from the relevant Traditional Authorities
- One representative from each conservancy within the region. The Councils will be chaired by either the regional MET head or the Governor. A secretary and treasurer will be appointed and meetings will be held on a monthly basis.

Understanding the workings of the Wildlife and Tourism Councils is important. The above text is a simple outline of the WTCs -please read the description of the councils in the Conservancy Guidelines file.

The Conservancy Management Committee

The committee’s functions will be the following:

- to represent the interests of the conservancy members with regard to natural resource and wildlife management and utilisation within the conservancy
- to oversee the management of conservancy income and expenditure
- to represent the conservancy in negotiations with business ventures
- to discuss policy issues with the MET
- to make proposals to the regional natural resource management committee
- to determine how income from natural resource and wildlife utilisation should be distributed among members
- to liaise with organisations and the MET to organise distribution and/ or expenditure
- to apply to the MET Regional Head for quotas for the use of wildlife
- to determine how game will be utilised once quotas are set
- to determine what technical input is needed from other players
- to determine training needs of the conservancy
- to initiate projects for improved wildlife management within the conservancy
- to establish a practical problem animal management programme
- to develop tourism initiatives within the conservancy
- to manage, if necessary, a community/conservancy game guard system
What is the role of NGOs in conservancies?

NGOs will assist in the formation of conservancies where the MET cannot provide services itself. **But the MET will be the lead agency when it comes to conservancy formation and support.**

NGOs are able to provide a number of skills, particularly within the field of community development, that the Ministry is not able to provide. NGOs are generally more flexible that government and can often mobilise resources more quickly to deal with certain situations. A healthy relationship with NGOs can therefore be of great benefit to the Ministry in implementing the conservancy approach.

To facilitate good working relationships with NGOs, the MET should develop Memorandums of Understanding (MOUs) with NGOs for individual projects or within regions. These should spell out roles and responsibilities of each party and establish communication and liaison mechanisms.

Several NGOs are already working closely with the MET in the development of the conservancy approach. These include Integrated Rural Development and Nature Conservation (IRDNC) and WWF through the Living in a Finite Environment (LIFE) programme.

It is important for all parties to agree to and understand each other's roles and responsibilities at the field level. **NGOs and the MET should be working as a team under the broad guidance of the MET.**

What about legislation for conservancies?

Cabinet in March 1995 approved the establishment of communal area conservancies with rights to use and benefit from wildlife. The next step was to amend legislation so that the state can devolve these rights to communal area conservancies. (For a copy of the legislation, see the Conservancy Guidelines file.)

What is my role in the development of conservancies?

Since the establishment of the Ministry of Wildlife, Conservation and Tourism in 1990, and the subsequent creation of the Ministry of Environment and Tourism in 1994, the role of rangers and wardens has broadened.

Ministry staff are no longer solely responsible for maintenance of game parks and law enforcement.

MET officials now work more closely with people living in the areas in which they work, finding ways in which conservation and development can be integrated to provide for a better quality of life for Namibians.

**This does not mean that conservation takes second place. But by including local residents in decision-making about wildlife, you can reduce conflict and negative attitudes towards wildlife, conservation and the MET.**

Some people, according to their duties, will be actively involved in the Wildlife Councils or liaising with the local conservancy committees.

As an official, you should familiarise yourself with the conservancy approach, legislation and workings of the Wildlife Councils. Ask your supervisor for help, or apply for the various documents which are available on the subject.

With a good knowledge of the policy and legislation, you should then be able to assist the public with the provision of information.

What about conservancies and Community-Based Tourism?

Conservancies encourage communities to develop tourism-based enterprises. In some areas, more benefits can be obtained from tourists viewing wildlife than can be obtained from consumptive use of wildlife.

Conservancies under the new tourism legislation will have the concession rights over lodge development and guided tours within the conservancy. They will be able to lease these to private operators.
Where can I find out more about conservancies?

Each Regional Office will be provided with a file containing important background information and documentation about conservancies. Files include policy documents on conservancies and community-based tourism, guidelines for starting conservancies and copies of legislation pertaining to conservancies.

Other information can be obtained, free of charge, from:

Directorate of Environmental Affairs
Private Bag 13306
Windhoek.

The Murphree Principles

The conservancy policy can be seen as an important component in the Ministry of Environment and Tourism’s Community Based Natural Resource Management Program (CBNRM). Namibia, along with Zimbabwe, Botswana and Zambia are all involved in community conservation programmes aimed at promoting sustainable development through wise use of natural resources. Although each national programme differs, five principles, developed by Zimbabwe’s professor Marshall Murphree, one of the founders of the Campfire Programme in Zimbabwe, capture the essence of CBNRM in Southern Africa:

1. Effective management of natural resources is best achieved by giving the resource a focussed value -

2. Differential inputs must result in differential benefits - this means that people who are closely involved with managing a resource, or experience more problems than others (eg farmers who have their crops raided by elephants and livestock killed by lions), should benefit more from the programme than those who experience no problems and who are not really contributing to the conservation of resources.

3. There must be a positive correlation between the quality of management and the magnitude of derived benefits - greater care of the resources will result in greater rewards through benefits.

4. The unit of proprietorship (ie who decides) - should be the same as the unit of production, management and benefit - those involved in conserving the resource should be involved in all levels of determining how the resource is managed, produced and how benefits will be shared.

5. The unit of proprietorship should be as small as practical, within ecological and socio-political constraints - smaller social groups are better at managing themselves and the resources than large anonymous institutions.

Compiled by Linda Bokor, consultant to the Directorate of Environmental Affairs. Special thanks to Mick de Jager and Helen Jones for providing information for this document.
Cost Vs Benefits of Wildlife in Caprivi

Research indicates that financial benefits from wildlife could outweigh the financial costs - if communities are given the rights and opportunities to wildlife and tourism.

Research in eastern Caprivi on four years of elephant damage to crops estimates that some of the worst-affected villages, such as those around Mudumu National Park on the east bank of the Kwando, lose around N$1 000 worth of crops annually. Losses of cattle and goats to hyena, lion and crocodile cost another N$2 000 or so per village - except for the four villages on the northern border of Mamili National Park, where lion attacks are more frequent. Here livestock losses range from N$1 300 to N$23 000 per village in 1994 (calculated at the market price of cattle of N$800 per head). These losses are catastrophic in a rural subsistence economy. Though the crop losses have a lower cash value, they are significant because the poorest households depend on crops rather than cattle.

However, these villages along the Kwando are also in prime tourist areas. Total losses per village averaging N$3 000 a year for most and N$12 000 for a few, are still less that what can be earned from tourism by local residents. A community enterprise, such as a traditional village or campsite, can earn a community anything from a few thousand to more than N$20 000 a year. A bed-night levy from a nearby lodge, such as Lianshulu Lodge, can bring in around N$15 000 a year, in addition to income of local staff of over N$50 000 annually. Once communities have established conservancies with tourism rights, they could lease out tourism concessions for tens of thousands of dollars a year.

This means that if the households that lose crops and stock can also receive the benefits of tourism, the costs of wildlife can be outweighed by the benefits. Much depends on who earns the wages, shares the community profits, or whether a share of profits is used by the community to cover compensation claims.

Altogether in the areas along the Kwando River in eastern Caprivi, it is estimated that local losses from wildlife damage has been around N$70 000 a year since 1991. By comparison, total annual income of local individuals selling crafts and working in lodges and camps are probably already around N$300 000. This could double if tourism and wildlife develop to their sustainable potential (for example community guided walks and mokoros, a couple more lodges) and increase further through joint ventures.

Cash alone won’t offset the costs of lost livelihood and disruption - especially if the benefits are earned by a few individuals not whole communities. But it shows that with appropriate rights and institutions it can be well worth it for local communities to develop wildlife as a complement to farming, despite the costs.

Caroline Ashley and Caitlin O’Connell (drawing on research by Jon Barnes and BDFN Community Game Guards in eastern Caprivi).
SECRET

LEGISLATION MEMORANDUM
TO
CABINET
(Memorandum by the Minister of Environment and Tourism)

19 October 1995

1. Subject

2. Background

2.1 On March 16, 1995, Cabinet approved a policy for Wildlife Management, Utilisation and Tourism in Communal Areas. The objectives of the policy are the following:

i) To remove discriminatory provisions of the Nature Conservation Ordinance, 1975 (Ordinance No. 4 of 1975), by giving 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 sustainable use of wildlife and from tourism.

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

2.2 At the same time, Cabinet authorised the Ministry of Environment and Tourism to draft an amendment to the Nature Conservation Ordinance which will give effect to the policy and enable it to be implemented.

2.3 The proposed amendment, which has been approved in principle by the Cabinet Committee on Legislation, is appended herewith.

3. Recommendation
I recommend to Cabinet that approval be given in principle to the introduction of a Bill in Parliament to amend the Nature Conservation Ordinance in order to give communal area residents rights over wildlife and tourism, and to provide for matters incidental
NATURE CONSERVATION ORDINANCE
AMENDMENT ACT, 1995

Explanatory Note:
* Words underlined with solid line ( __________ ) indicate insertions proposed.
* Words in bold type in square brackets ( [ ] ) indicate omissions proposed.

ACT

To amend the Nature Conservation Ordinance, (4 of 1975 as amended), to provide for an economically based system for the management and sustainable utilisation of wildlife in communal areas; to provide incentives for wise wildlife resource management; to facilitate both consumptive and non-consumptive wildlife based tourism; and to provide for matters incidental thereto.

(Signed by the President on ...............)

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

Amendment of section 1 of Ordinance 4 of 1975.

1. Section 1 of the Nature Conservation Ordinance, 1975, is hereby amended by the addition of the following definitions:

"Communal Area" means a geographic area habitually inhabited by a specific traditional community as defined in the Traditional Authorities Act 17 of 1995.

"Conservancy" means an area registered by the Minister to be a conservancy in terms of section 14 (3).

"Conservancy Committee" means an authority approved by the Minister under section 28A.

"Consumptive Use" means utilisation by permanent removal of individuals of a wildlife population, or their parts, from or within an area.
"Non consumptive use" shall mean use not entailing the permanent removal of individual members of a wildlife population and shall include use for recreational, educational, research, cultural, aesthetic or related purposes.

"Minister" means the Minister of Environment and Tourism

"Wildlife Council" means an authority registered by the Minister under section 28B

2. Section 14 of the Nature Conservation Ordinance, 1975, is hereby amended by the insertion of the following subsections 14(3) and 14(4) after subsection 14(2):

(3) The Minister may, subject to section 28A, declare an area in a communal area, excluding proclaimed conservation areas, to be a conservancy to enable inhabitants of such conservancy to derive benefits from the management and consumptive and non consumptive utilization of wildlife in such conservancy.

(4) The Minister may designate a Wildlife Council for an area designated by him or her as provided in section 28B, and falling within a communal area, excluding, proclaimed conservation areas, and areas registered as Conservancies under section 28A, to enable inhabitants of such area to derive benefits from the management and consumptive and non consumptive utilization of wildlife in such area.

3. Section 28 of the Nature Conservation Ordinance, 1975, is hereby amended by the substitution for paragraph (a) of subsection 1 of the following paragraph:

(a) "Subject to the provisions of chapter IV and to section 28A and 28B, no person shall, without the written permission of the [Cabinet] Minister hunt any hittable game, hittable game bird or exotic game or any other wild animal on any land including communal land owned by the [Government of the Territory or a representative authority] Government of Namibia.

4. The following section is hereby inserted in the principal Ordinance after section 28:
28A (1) The Minister may, at the request of a community inhabiting a communal area or portion thereof, register an area to be a Conservancy, provided that he or she is satisfied that:

(a) a conservancy committee has been established which is representative of the community residing in the conservancy and includes one or more representatives or nominees of the traditional authority, whether established in terms of section 2 of the Traditional Authorities Act 17 of 1995, or otherwise, in conformity with section 10(2)(c) of that Act;

(b) such conservancy committee has a constitution displaying a commitment to, and strategy for, the sustainable management and utilisation of wildlife within the conservancy;

(c) such conservancy committee has the ability to effectively manage the income and funds of the conservancy and has an appropriate method for the equitable distribution of benefits to the members of such conservancy derived from consumptive and/or non-consumptive use of wildlife;

(d) the conservancy committee has duly applied for registration of the conservancy in a format prescribed by regulations;

(e) the geographic area of the conservancy has been sufficiently identified by way of its physical boundaries taking into account the views of the Regional Council.

(2) Subject to the provisions of subsection (3), and subject to quotas agreed to by the Minister, a conservancy committee shall have responsibilities for, and rights to, consumptive and non-consumptive management and sustainable use of wildlife resources, on behalf of the members of a conservancy, including hunting and trophy hunting rights, rights to revenues and other benefits allocated to or generated from such management and use, as well as the right to enter into agreements and to retain, manage and distribute its funds and assets.

(3) The provisions of Chapter III of the Nature Conservation Ordinance, 4 of 1975, in so far as they apply to owners or lessees of land, but excluding provisions regarding fencing, shall mutatis mutandis apply to Conservancies and Conservancy Committees.

(4) Should the Minister at any time be of the opinion that the conditions under which a conservancy was declared in terms of subsection (1) are not being met, he or she may vary or impose such further conditions regarding such conservancy or rescind his or her registration of the conservancy, provided that
representations are invited from the conservancy committee concerned by notice of not less than 30 days prior to such imposition, variation or rescission.

5. The following section is hereby inserted in the principal Ordinance after section 28A:

28B (1) The Minister may, after consultation with the communities concerned, register Wildlife Councils in respect of communal lands or designated portions thereof, excluding privately owned measured farms, proclaimed conservation areas, and areas designated as conservancies under section 28A.

(2) The functions and duties of a Wildlife Council shall be to manage on a sustainable basis, and to co-ordinate the consumptive and non-consumptive utilisation of wildlife in the designated area, including revenues and other benefits allocated to, or generated from, such management, not falling within conservation areas or conservancies referred to in section 28A and subject to quotas agreed to by the Minister and the provisions of the Nature Conservation Ordinance, 4 of 1975.

(3) The provisions of Chapter III of the Nature Conservation Ordinance, 4 of 1975, insofar as they apply to owners or lessees of land, but excluding provisions regarding fencing, shall mutatis mutandis apply to Wildlife Councils.

(4) Should the Minister at any time be of the opinion that the conditions under which a Wildlife Council was declared in terms of subsection (1) are not being met, he or she may vary or impose such further conditions regarding such conservancy or rescind his or her declaration of the Wildlife Council, provided that representations are invited from the Wildlife Council concerned by notice of not less than 30 days prior to such imposition, variation or rescission.

6. Section 29 of the Nature Conservation Ordinance, 1975, is hereby amended by the insertion of the following subsection 29(3) after subsection 29(2):

(3) A Conservancy Committee or a Wildlife Council, shall be the owner of all huntable game, huntable game birds and exotic game in a conservancy, or area under the jurisdiction of Wildlife Council, as the case may be, as long as such huntable game, huntable game birds and exotic game are lawfully on such conservancy or area under the jurisdiction of such Wildlife Council.

7. Section 84 of the Nature Conservation Ordinance, 1975, is hereby amended:

(a) by the addition of the following sub-paragraph after paragraph (y):
(z) the conditions relating to the establishment, registration, constitution and procedures applicable to Conservancies and Conservancy Committees under section 28A.

(b) by the addition of the following sub-paragraph after paragraph (z)

(aa) the conditions relating to the establishment, registration, and procedures applicable to Wildlife Councils under section 28B.

8. This Act shall be called the Nature Conservation Ordinance Amendment Act, 1995.
Using conservancies and wildlife councils to enable communal area residents to use and benefit from wildlife on their land

This document provides information about how the Ministry of Environment and Tourism devolves rights over wildlife and tourism to communities in communal areas. It provides background information on why the MET believes communal area residents should manage their own wildlife and is a guide to the formation of Conservancies and Wildlife and Tourism Councils on communal land.

1. Introduction

Namibia has a good network of protected areas which covers most of the important habitats within the country and affords protection to most of our important species.

However, it is also important to protect biodiversity and maintain the health of ecosystems outside of protected areas. Otherwise our game reserves and national parks will become islands of protection surrounded by competing forms of land use and people who increasingly want to use conservation areas for other purposes.

In order to tackle the challenge of conserving wildlife and wild habitats outside protected areas, the Ministry of Environment and Tourism has adopted a policy of devolving rights over wildlife to farmers.

In 1968, the State devolved limited rights over wildlife to commercial farmers and this led to the large game farming industry which we have today. Now that commercial farmers can use and benefit from wildlife, they are conserving game on their farms. They are even re-introducing species which have disappeared from commercial land such as elephant, rhino and lion.

The Ministry has also agreed to devolve limited rights over wildlife to people in communal areas. As far as possible, given the different land tenure systems, the rights enjoyed by communal and commercial farmers will be the same.

The Ministry believes that incentives need to be created to encourage people on communal land to manage their land and resources sustainably.

A crucial incentive is that rural people should have rights over the land and resources. This means that they should be able to make decisions about how the land and resources are being used and they need to have the right to exclude other people from using the land or the resource. If they do not have the right to exclude others from using a resource there is little point in looking after that resource.
A conservancy is a group of communal area residents who have decided to pool their land and
resources for managing and utilising wildlife on their land.

Conservancies are not proclaimed land like game reserves and national parks. Within a
conservancy, the residents will continue with their other economic activities such as livestock and
cattle farming. They will, however, once registered by the MET, be able to add wildlife use and
tourism to their existing economic activities.

The MET will devolve rights to manage and use wildlife to a conservancy which has the
following:

a) A conservancy committee which is representative of the community residing in the conservancy
and includes one or more representatives or nominees of the traditional authority, and which has
the ability to effectively manage the income and funds of the conservancy and has an appropriate
method for equitable distribution of financial benefits to members;

b) A constitution which shows a commitment to, and strategy for, the sustainable management
and utilisation of wildlife within the conservancy;

c) Identified physical boundaries.

The conservancy must apply to MET for registration on a prescribed form and show that it has
met the above conditions.

The conservancy committee will have responsibility for and rights to consumptive and non-
consumptive management and sustainable use of wildlife resources on behalf of the members of
the conservancy. This will include hunting and trophy hunting rights and rights to revenues and
other benefits allocated to or generated from wildlife management and use. The conservancy
committee will also have the right to enter into agreements with other parties such as the private
sector for the use of wildlife.

3.2. Wildlife and Tourism Councils

Wildlife and Tourism Councils are a mechanism to ensure that people outside of conservancies
are still able to benefit in some way from wildlife utilisation. They will not be community-run,
however, but run by the MET in conjunction with local leaders. They will not compete with
conservancies, and as more and more conservancies are established in a region, the area of
jurisdiction of the Wildlife and Tourism Council will shrink. Conservancies will be represented on
the Wildlife and Tourism Council.

The Wildlife and Tourism Councils will be established to sustainably manage wildlife outside
conservancies and protected areas for the benefit of local people. They will also manage revenue
generated from sustainable use of wildlife in areas outside of Conservancies.

The four broad areas of responsibility for the Wildlife and Tourism Councils will be:
4. Conservancy formation

Conservancies are formed by a group of communal area residents who have the common purpose of managing wildlife sustainably and developing wildlife-based tourism activities on their land.

The need and desire for forming conservancies therefore has to come from the communities themselves. The MET and NGOs can inform communities about conservancies and the rights and responsibilities that are attached to them.

It will not be the role of MET or NGOs to actively establish conservancies themselves. The role of MET and any other organisations working with conservancies will be to support and assist those communities who indicate they want to form a conservancy.

This supportive role implies that the MET, NGOs and others need to place a high degree of emphasis on facilitation i.e. not telling communities what to do, but helping them to understand and work through the many difficult issues and choices that they will be faced with when forming a conservancy. This is a difficult role which requires time and patience and a particular set of communication skills based more on listening than on talking and on not imposing your own views. It also means that outside actors have to watch communities make their own mistakes and learn from them even though the outsiders might have been able to predict the problem.

5. Roles and responsibilities in conservancy formation and support to conservancies

5.1. The MET is the lead agency in supporting conservancy formation by rural communities. MET will request assistance from NGOs where it cannot provide services itself.

5.2. MET field staff will play the main implementing role within the MET in working with conservancies. They will work with the communities from the first steps in establishing the conservancy and once formed will provide the ongoing extension and support in wildlife management to the conservancy.

It is important to have field staff who regularly work with an individual conservancy. This is important for continuity as well as team building where MET staff are working with NGOs.

The following are the roles and responsibilities within MET:

Information Wardens/Rangers

Will be responsible for providing initial information to communities about conservancies (i.e. what is a conservancy, how can people benefit from conservancies, how to form a conservancy, application procedure etc.). In some areas, where Management Wardens/Rangers are unable to provide the lead in working with conservancies, Information Rangers could play a more active role in assisting in facilitating conservancy formation and providing extension on wildlife management. This would be left to the discretion of the Regional Head.
The natural resource economists within the DEA will continue to provide economic analysis for determining the economic viability of utilisation options and of individual conservancies and enterprises.

The community-based conservation coordinator in the DEA will continue to provide liaison and coordination within the Ministry and with the LIFE Project, NGOs and other Ministries. The CBNRM Unit within Resource Management will develop more direct liaison with the LIFE Project. He will also liaise with other Ministries over policy issues related to community-based conservation such as land tenure, grazing rights etc. The community-based conservation coordinator will also provide technical assistance for conservancy formation and assist in developing information concerning conservancies within the Ministry.

Forestry

The Directorate of Forestry is developing its own legislation for giving rights over forest products to communal area residents based on the conservancy approach. There should be greater cooperation over conservancy formation with forestry officials who should be involved from the start. Even if Forestry do not adopt the conservancy approach, there is potential for Forestry officials to work with conservancies over management of forest resources.

6. Steps in conservancy formation

Conservancy formation will be complex and time consuming, involving a variety of activities and inputs.

The steps required for conservancy formation are set out in the attached table. The broad categories are.

a) Information to communities about conservancies

b) A community makes an informal application to MET

c) MET and community carry out brief viability study

d) Community forms the conservancy (institution building) 

c) Conservancy defines its boundaries

d) Conservancy develops a constitution

e) Conservancy applies to MET on prescribed form

f) Conservancy becomes operational
develop Memorandums of Understanding with NGOs for individual projects or within regions. These MOUs should spell out the roles and responsibilities of each party and establish communication and liaison mechanisms (e.g. regular meetings, reports etc.).

A number of NGOs are already working closely with MET in the development of the conservancy approach and have already contributed much to community-based conservation within Namibia. These relationships, with Integrated Rural Development and Nature Conservation, WWF and the LIFE Project and others should be built upon. It is particularly important that all parties agree to and understand each other's roles and responsibilities at the field level. NGOs and the MET should be working as a team, under the broad guidance of MET.

8. Emerging conservancies

Several communities have already expressed the desire to form conservancies, and joint MET and NGO projects are working towards this in several areas of the country, notably Kunene, eastern Otjozondjupa, Omusati and Caprivi Regions.

We need to be in a position to respond quickly to requests to form conservancies once legislation has been passed.

We therefore need to be proactive in developing a strategy to deal with these applications.

Firstly, MET field staff, NGO personnel and other Ministries need to know and understand the policy and the legislation.

Secondly, the communities need to be informed about how they benefit from forming a conservancy, how to form a conservancy and how to apply to MET for approval.

Thirdly the communities will need assistance in the formation of the conservancy (see accompanying table on Steps in Conservancy Formation).

In order to carry these issues forward there needs to be a coordinating team in the MET which can provide some guidance for a concerted conservancy programme. This team will be composed of personnel from Resource Management, Research, Tourism and the DEA. This team will function until the CBNRM support unit has been established within Resource Management.

The conservancy policy and approach should be explained to those communities that have already expressed an interest in forming conservancies. These communities should be the priority for conservation formation.

The following is a list of agreed priority areas for conservancy formation:

Central Kunene Region, particularly the Bergsig area, Huab Catchment and Sesfontein District

The local communities, through community game guards and other mechanisms have shown considerable commitment to conservation and over the past few years there has been excess game...
West Caprivi Game Park

The communities within the park are keen to form a conservancy and already have some degree of organisation. There is potential to open waterholes and build up game numbers in the central areas. A parks and neighbours approach of sharing revenue and tourism opportunities will strengthen the conservancy potential.

11. Tourism rights

The Nature Conservation Amendment Act, 1995, which makes provision for Conservancies and Wildlife and Tourism Councils, gives conservancies rights over non-consumptive use of wildlife, which includes use for recreational purposes. This goes some way to giving conservancies rights to tourism development within the conservancy.

The proposed Tourism Act, which is still being developed, will give conservancies tourism concession rights. This means that the conservancy will have the exclusive right to develop tourism lodges and camps and to run guided tours for commercial purposes. The private sector will therefore have to negotiate with the conservancy to develop lodges and camps or carry out guided tours within the conservancy.

12. Existing hunting and tourism concessions

It is possible that conservancies will be established in areas where there are existing trophy hunting or tourism concessions.

In these cases the existing contract between the hunter or tourism operator and the State will remain in force and be fully honoured.

However, in order to ensure that conservancies receive some of the income from these concessions, the MET will budget to pay an appropriate amount to the conservancies. This amount will be based on the proportion of the tourism concession which falls within the conservancy and the trophy animals which are shot within the conservancy.

Once the current concessions lapse, the renewed contracts will be between the hunter/tour operator and the conservancy rather than with the State.

13. Information to NGOs and other Ministries

Information on conservancies and conservancy formation will be provided to NGO personnel once MET staff have been brought up to date. A programme of meetings for NGO staff and personnel from other Ministries will be worked out and local MET staff will be involved.

14. Further Information to MET personnel
# Steps in Conservancy Formation

<table>
<thead>
<tr>
<th>STEPS IN CONSERVANCY FORMATION</th>
<th>COMMUNITY NEEDS</th>
<th>WHO ASSISTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Information to communities about:</td>
<td></td>
<td>MET/NGO</td>
</tr>
<tr>
<td>• How they benefit from forming a conservancy</td>
<td></td>
<td></td>
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<tr>
<td>• How to form a conservancy</td>
<td>Info &amp; Meet Staff</td>
<td></td>
</tr>
<tr>
<td>• How to apply to MET for approval of the conservancy</td>
<td>Community NGOs at request of MIN.</td>
<td></td>
</tr>
<tr>
<td>2. Community makes its informal application to MET</td>
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<tr>
<td>3. Initial viability study</td>
<td></td>
<td>MET</td>
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<tr>
<td>• Is there wildlife? (or other resources?)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Is there potential for wildlife?</td>
<td></td>
<td></td>
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<tr>
<td>• Is there tourism?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Is there potential tourism?</td>
<td></td>
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</tbody>
</table>

*Commitment*

*Community organization*

*Economic viability*

*Educati/Cultural richness (high community value here)*
<table>
<thead>
<tr>
<th>4. Institution building</th>
<th>MET/NGO</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Definition of membership and who benefits</td>
<td>Facilitation on working through issues, eg inclusion of female-headed households, absentee, not just elite etc.</td>
</tr>
<tr>
<td>- Formation of committee</td>
<td>Facilitation on working through issue of representation and composition</td>
</tr>
<tr>
<td>- Procedure for benefit distribution</td>
<td>Facilitation on developing transparent methods eg public ceremonies</td>
</tr>
<tr>
<td>- Running the conservancy (running the committee, decision-making, accounting, feedback to the membership etc)</td>
<td>Training in organisational skills</td>
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</tbody>
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<table>
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<tr>
<th>5. Definition of boundaries</th>
<th>NGO/NGO</th>
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<tbody>
<tr>
<td>- Facilitation in resolving disputes</td>
<td>Information on habitat etc and maps</td>
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<tr>
<th>6. Constitution</th>
<th>MET/NGO</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Objectives</td>
<td>Facilitation in working through each component to ensure it is adequately addressed</td>
</tr>
<tr>
<td>- Rules for operation the conservancy (decision-making, benefits distribution, elections/appointment of committee members, annual report and financial report, definition of members, ways of enforcing rules.</td>
<td></td>
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<tr>
<td>- Commitment to developing management plan</td>
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</table>

<p>| 7. Application to MET | |
|----------------------| |
| Community set out + boundaries | |</p>
<table>
<thead>
<tr>
<th>Operation</th>
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</thead>
<tbody>
<tr>
<td><strong>Organisational</strong></td>
</tr>
<tr>
<td>- Committee</td>
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<tr>
<td>- Feedback to community</td>
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<tr>
<td>- Accounting</td>
</tr>
<tr>
<td>- Decision-making</td>
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<tr>
<td>- Benefits distribution</td>
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<tr>
<td>- Enforcing rules</td>
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<tr>
<td>- Employment (e.g. game guards)</td>
</tr>
<tr>
<td><strong>Wildlife Management</strong></td>
</tr>
<tr>
<td>- Management/land-use plan</td>
</tr>
<tr>
<td>- Game Guards</td>
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<tr>
<td>- Quota Setting</td>
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<tr>
<td>- Use of Quota</td>
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<tr>
<td>- Monitoring</td>
</tr>
<tr>
<td>- Problem animal control</td>
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<tr>
<td><strong>Enterprise Development</strong></td>
</tr>
<tr>
<td>- Negotiation with private sector</td>
</tr>
<tr>
<td>- Establishing enterprise</td>
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<tr>
<td>- Operating enterprise</td>
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</tbody>
</table>

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<tr>
<th>Skills Training</th>
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<tbody>
<tr>
<td>Information on: resource base, principles of wildlife management, options for utilisation, economic and ecological viability, economic value of other land uses. Assistance in addressing technical issues.</td>
</tr>
<tr>
<td>Information on resource base</td>
</tr>
<tr>
<td>Skills training</td>
</tr>
<tr>
<td>Skills training, assistance, information on methods</td>
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<tr>
<td>Information, facilitation in how to choose a partner (not who to choose!)</td>
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<tr>
<td>Information, skills</td>
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<tr>
<td>Information, skills</td>
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