

**The Updated Process Framework
for the Namibian Coast Conservation and Management
Project (NACOMA)**



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Table of Contents

The Updated Process Framework	0
for the Namibian Coast Conservation and Management Project (NACOMA)	0
1. Introduction.....	5
1.1 Background.....	5
2. Communication and participation framework	8
2.1 Community participation in developing and managing protected areas covered by NACOMA.....	8
2.2 Developing the ‘people and parks matrix’ concept in the DNP	9
2.3 Developing the Management and Development Plan for the Skeleton Coast National Park	10
2.4 Developing the Management and Development Plan for the Namib-Naukluft Park	11
2.5 Developing the Management and Development Plan for the Sperrgebiet National Park	12
2.6 Developing the Management and Development Plan for the Namibian Islands Marine Protected Area	13
3. Identifying target groups in the DNP affected by the proposed Park and its regulations	15
3.1 Proposed regulations governing activities in the Park	15
3.2 Process used to identify groups put at risk.....	15
3.3 Process used to assess the risks.....	18
3.4 Socio-economic description of the affected groups.....	19
3.4.1 !Nara harvesting and marketing.....	19
3.4.2 Special events.....	19
3.4.3 Filming.....	20
3.4.4 Paragliding and parasailing.....	20
3.4.5 Guided eco-tours.....	21
3.4.6 Quad bike and ORV trips and rentals	21
3.4.7 Sandboarding	21
3.4.8 Marine tours in Walvis Bay and the near-shore area.....	21
3.4.9 Horse and camel trails.....	22
3.4.10 Land yachting.....	22
3.4.11 Hot air ballooning	22
3.4.12 Salt production and aquaculture.....	22
3.5 Concerns from affected parties	23
3.6 Strategies for addressing the negative impacts	28
3.6.1. Fine tuning of the zonations.....	28
3.6.2 Introduction and administration of concessions	29
3.6.3 Enforcement of the Park regulations.....	30
3.6.4 Restricting future expansion of tourism-related activities	30
4. Detailed Terms of Reference for the Dorob National Park Consultative Forum (PCF).....	32
4.1 Overall mandate and roles of the Park Consultative Forum	32
4.2 Representation on the PCF.....	33

4.2.1 Terms of Reference for organizations on the PCF.....	33
4.2.2 Mobilization of stakeholders through institutional nominations	41
4.3 Template agenda for the PCF	41
4.4 Grievance and Conflict Resolution Procedure for the DNP	42
5. Transformation of the CMC to the PCF	43
6. Mobilization of the Topnaar Community	43
7. Finalisation of the Management and Development Plan	43
8. Monitoring and evaluation.....	44
8.1. Principles of coastal conservation and livelihood improvement to be monitored .	44
8.2 Current and potential new indicators for M&E	45
8.3 Consistency with the Environmental Management Act (2007).....	46
References.....	47
Appendix A: Process Framework for NIMPA.....	48
Appendix B: Regulations governing the DNP (MET, 2010).....	55

Abbreviations

BCC	Benguela Current Commission
BCLME	Benguela Current Large Marine Ecosystem
CEO	Chief Executive Officer
CEPF	Critical Ecosystem Partnership Fund
CETN	Coastal Environmental Trust of Namibia
CMC	Contingency Management Committee
CTAN	Coastal Tourism Association of Namibia
DEA	Directorate of Environmental Affairs, in the Ministry of Environment and Tourism
DNP	Dorob National Park
DRFN	Desert Research Foundation of Namibia
EIA	Environmental Impact Assessment
EMA	Environmental Management Act
EMP	Environmental Management Plan
FENATA	Federation of Namibian Tourism Associations
GRN	Government of the Republic of Namibia
HAN	Hospitality Association of Namibia
KDA	Kuiseb Delta Adventures
KDDT	Kuiseb Delta Development Trust
M&E	Monitoring and Evaluation
MDP	Management and Development Plan
MET	Ministry of Environment and Tourism
MFMR	Ministry of Fisheries and Marine Resources
MLR	Ministry of Lands and Resettlement
MME	Ministry of Mines and Energy
MPA	Marine Protected Area
MRLGHRD	Ministry of Regional and Local Government and Housing and Rural Development
MTA	Marine Tourism Association
MWT	Ministry of Works and Transport
NACOMA	Namibia Coast Conservation and Management Project
NAMETT	Namibian Management Effectiveness Tracking Tool
NAMPOL	Namibian Police
NamPort	Namibia Ports Authority
NATMIRC	National Marine Information and Research Centre
NEWS	Namibian Environment and Wildlife Society
NGO	non-governmental organisation
NIMPA	Namibian Islands Marine Protected Area (NIMPA)
NNP	Namib Naukluft Park
NRA	Namibian Roads Authority
NWCRA	National West Coast Recreation Area
NWR	Namibia Wildlife Resorts

OP	Operational Policy
ORV	Off-Road Vehicle
PCF	Park Consultative Forum
PCP	Participation and Communication Plan
PF	Process Framework
PWMB	Parks and Wildlife Management Bill
SEA	Strategic Environmental Assessment
SKEP	Succulent Karoo Ecosystem Programme
TASA	Tourism Association of Namibia
WB	World Bank

1. Introduction

1.1 Background

NACOMA's Global and Project Development Objective is to strengthen conservation, sustainable use and mainstreaming of biodiversity in coastal and marine ecosystems in Namibia.

The Project's four components for Integrated Coastal Zone Management are:

Component 1: Policy, legal, institutional and planning framework

Component 2: Targeted capacity building

Component 3: Targeted investments in critical ecosystems

Component 4: Project management and performance monitoring.

Under Component 3, NACOMA is trying to improve conservation management effectiveness in critical ecosystems. This involves creation and support for Protected Areas, both marine and terrestrial. In moving away from an open access regime to a more regulated land use, there is the possibility of reduced availability of and access to resources to some individuals, businesses and groups.

The World Bank safeguard policy on involuntary resettlement (OP/BP 4.12) was triggered only during project implementation in March 2008 because of the possibility of restricting access to natural resources due to the proposed creation of new terrestrial and marine protected areas (PA) as part of the project.¹ Consequently, the Bank requested the recipient to prepare a Process Framework (PF) which was cleared by the Bank in March 2009.

Noteworthy, the NACOMA project includes a participatory grievance plan (PCP) as described in the Project Appraisal Document (PAD) in annex 10 and 20 and approved both by the Government and the Bank that served the purpose of OP 4.12 as by time of appraisal it was not certain whether the Project will even include any activities that would necessitate a process framework.²

The purpose of a Process Framework is to establish a framework process by which potentially affected individuals participate in the project activities, determine measures necessary to achieve resettlement policy objectives, and ensure that these impacts are reflected in the monitoring and evaluation systems. Through agreement with the World Bank, the initial Process Framework involved a 3-branched approach, involving:

¹ The new protected areas proclaimed are (i) Sperrgebiet NP in December, 2008, (ii) NIMPA in February, 2009 and (iii) DNP in December 2010.

² The PCP consisted of: (a) the process whereby compensatory measures are formulated and agreed on for persons whose livelihoods are adversely affected; (b) grievance procedures; (c) legal/administrative procedures; and (d) monitoring arrangements.

1. Developing a participatory planning approach;
2. Developing a targeting strategy to identify ‘affected individuals’;
3. Developing an M&E system to ensure that no-one is worse off.

Namibia’s coast is mostly unpopulated, except for the stretch in the Dorob National Park (including the towns of Henties Bay, Swakopmund and Walvis Bay), and Lüderitz in the Marine Protected Area (Figure 1). The focus of the Process Framework is therefore on these two areas.

The initial Process Framework document was approved by the Bank and the Government of Namibia in March 2009 and disclosed at the Bank’s InfoShop and in-country through NACOMA’s webpage in June 2009. It proposed a three-level management framework comprising a Management Committee, Consultative Forum and Strategic Forum (Figure 2).

Subsequent inspection by the World Bank in September 2010, and proclamation of the Dorob National Park (DNP) in December 2010, prompted the need to formalise the interim management structures proposed in the initial PF, to enhance communication with the Topnaar community, to improve the Management and Development Plan for the DNP and to disseminate the Process Framework for the Namibia Islands Marine Protected Area (NIMPA), proclaimed in February 2009 (see Appendix A).

The hereby up-dated PF for the NACOMA project covers the project intervention area (marine and terrestrial protected areas) and is subject to approval by MET and the Bank before disclosure at defined local, regional, national and public locations including the Bank’s InfoShop.

It replaces the initial PF as well as the PCP and will be implemented through an action plan that is monitored and up-dated on a regular basis as part of the NACOMA’s work plan and budget.

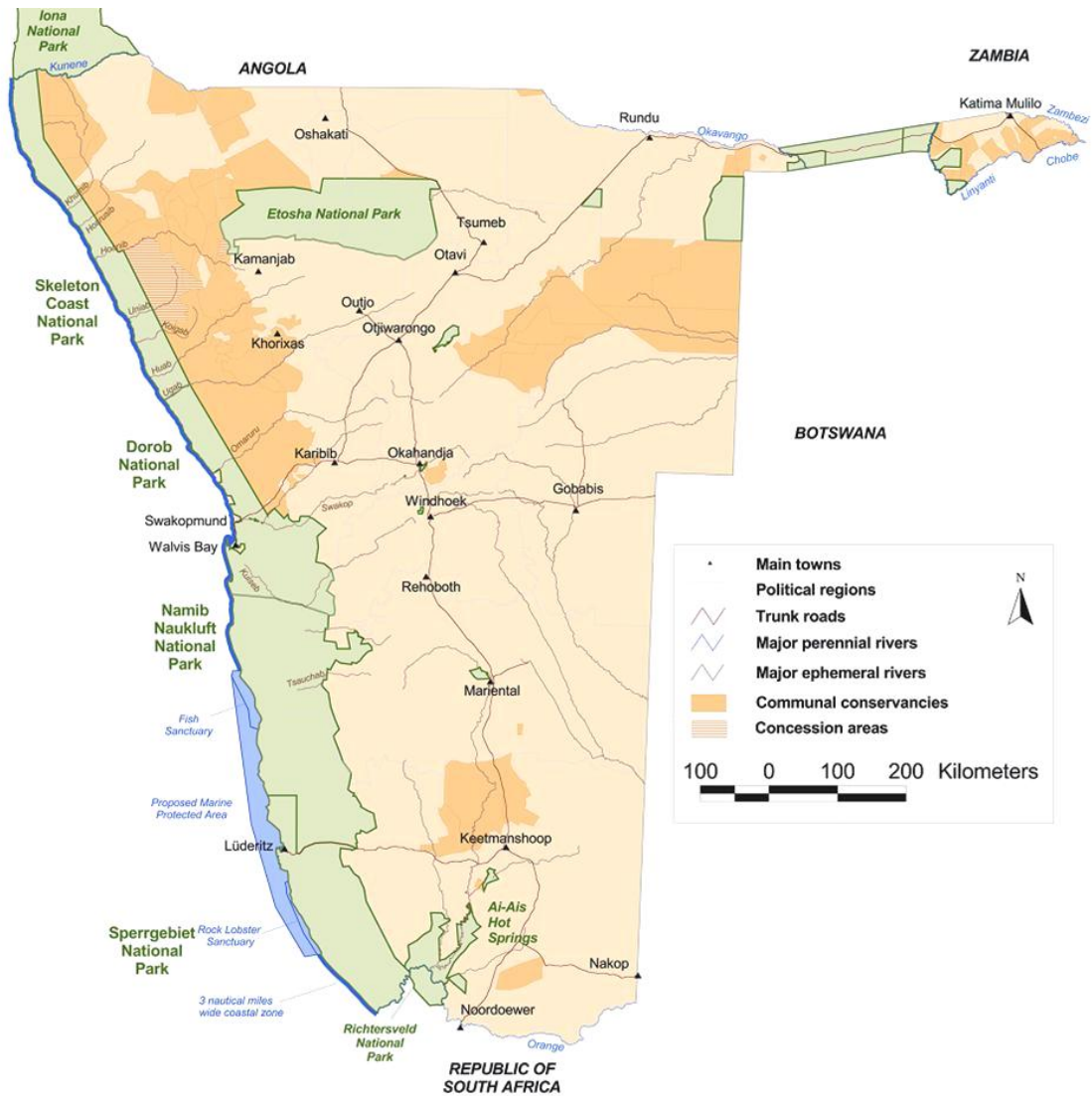


Figure 1: Namibia showing the continuous protected areas along the coast and the overall lack of population centres except in the Dorob National Park and at Lüderitz in the south.

2. Communication and participation framework

2.1 Community participation in developing and managing protected areas covered by NACOMA

The consultative process of developing Management and Development Plans for the coastal parks has been consistently applied, and will continue to be applied, to all the parts of it. The components of the coastal protected areas (Figure 1) from the North to the South are:

- the Skeleton Coast National Park (SCP) in the Kunene Region with no permanent settlements only Namibia Wildlife Resorts and MET staff as well as some prospecting and emerging lodges <150 people;
- the Dorob National Park (DNP) in the Erongo Region surrounding population in the municipalities of Walvis Bay (55,000), Swakopmund (35,000), Henties Bay (5,000) and Wlotzkas Baken Settlement Area (<100 permanent);
- the Namib Naukluft National Park (NNNP) partly in the Erongo Region with the Topnaar community in the park (1,300);
- the Namib Naukluft National Park (NNNP) partly in the Hardap Region with no population living in the park;
- the Namibian Islands Marine Protected Area (NIMPA) partly in the Hardap Region with no population living in the MPA;
- the Namibian Islands Marine Protected Area (NIMPA) partly in the Karas Region with only MFMR staff <10 people; and
- the Sperrgebiet National Park (SNP) in the Karas Region surrounding municipalities of Oranjemund (8,500) and Lüderitz (15,000) people.

The area which is used as Namibia's main coastal recreation place is the central coast area (previously named "central area"), comprising the area from Sandwich Harbour northwards to Walvis Bay and Swakopmund and the dune belt between them, and the former West Coast Recreation Area. Most effort was therefore concentrated on making the plans for the DNP thoroughly participatory. The 'people and parks matrix' concept demanded a fully consultative approach in this area, which is elaborated in this report.

The naming of different sections requires explanation. Prior to Independence, an area around Walvis Bay (including the lagoon and Kuiseb delta area, but excluding the dune belt up to Swakopmund) was proclaimed as the Walvis Bay Nature Reserve by the Cape Department of Nature Conservation. The protected status fell away when the Walvis Bay enclave was reincorporated with Namibia in 1994. When the NACOMA coastal parks programme began, the suggested name for the proposed park around Walvis Bay, Swakopmund and including the NWCRA was the *Walvis Bay National Park*. This was temporarily changed to the *Central Area* when the concept of one continuous coastal

protected area began to take root in late 2008. After further consultation it was decided to name the central area as Dorob National Park.

Management and Development Plans have also been compiled for the other sections of the coastal protected areas (see 2.3 – 2.6 below), but these areas have not enjoyed unrestricted access in the past, and large parts of them (especially of the Skeleton Coast and the Sperrgebiet) have allowed only very limited access. The NACOMA-facilitated Management and Development Plans do not involve any additional curtailing of access in these sections. On the contrary, access to these areas will be increased.

2.2 Developing the ‘people and parks matrix’ concept in the DNP

The communication and participation framework used for development of the Management and Development Plan for the DNP has grown and evolved since the start of the NACOMA project. The steps in the process are described in Table 1 below:

Table 1: Activities that have taken place in the NACOMA project for the development of the management plans for the DNP.

Date	Activity
2006	Nacoma project started, including commencement of a register of all coastal stakeholders, which is still in use and up to date.
August 2006	Start of SEA of Kunene-Erongo coastal regions
12-13 October 2006	NACOMA Consultative workshop, Swakopmund, to encourage public participation in decision-making for the coast; provide input into the SEA and White Paper; identify key threats; find ways to avoid or reduce negative impacts through improvement of policies and laws and improved functioning of institutions.
November 2006	Contingency Management Committee (CMC) for Swakopmund-Walvis Bay Dune Belt Area established (still functioning now). This meets weekly during peak tourist seasons, and periodically in other periods. The CMC includes representatives of many different stakeholders, including those with livelihood and commercial interests in the area, as well as national and local authorities. Its main objectives include information exchange, joint problem solving and activity coordination.
July 2008	Beginning of implementation of SEA recommendations, to develop land use plans, zonation maps and management plans for Walvis Bay Nature Reserve, NWCRA, Namib Naukluft Park and Skeleton Coast Park
8-9 July 2008	Stakeholder workshop to identify possible areas of conflict or synergy between various land-use activities in the coastal areas, particularly the areas between Walvis Bay and Cape Cross; provide input to possible regulations relating to various land-use activities in these areas; and allow all stakeholders to raise issues of concern relating to the process.
10-11 July 2008	Individual and Focus Group Meetings with stakeholders providing more input. These meetings took place in Swakopmund, Langstrand and

	Walvis Bay.
10 July 2008	Public meeting in Swakopmund to give feedback and seek further public input to the zonation and land use of the proposed park.
July – November 2008	10 Focus Group Discussions with stakeholder groups – tour operators, NGOs, citizen interest groups, Local and Regional Authorities. These were scheduled on an ad hoc, needs basis and held in Khorixas, Windhoek, Wlotzkasbaken, Swakopmund, Walvis Bay and Langstrand. In some cases, visits were made to the field for <i>in situ</i> inspections.
November 2008	High-level public announcements, as well as radio and newspaper presentations, interviews and stories.
29-30 December 2008	Public meetings in Langstrand, Swakopmund and Henties Bay to allow Christmas season tourists and non-resident property owners to give input and feedback on zonation and land use of the proposed park, and on the December’08 trial-period of the proposed regulations.
January-February 2009	Final solicitation by NACOMA and the consultants of stakeholder opinions, monitoring of citizen responses made to newspapers and radio call-shows, and informal telephonic and email interviews with key informants and stakeholders. Of particular relevance to the Process Framework was the trial period to test the draft regulations in the Christmas holiday period of December 2008 – January 2009. This is by far the busiest period for tourist activities on the central Namib coast. The meetings were scheduled for this period especially to allow up-country stakeholders, who visit the coast at this time, to raise their concerns.
29 March 2011	Inception Meeting of the DNP Consultative Forum, including disclosure of the Grievance Procedure to the public.

2.3 Developing the Management and Development Plan for the Skeleton Coast National Park

The NACOMA-facilitated MDP for the Skeleton Coast National Park does not involve any curtailing of access, since very little of the Park has allowed public access in the past. No-one can therefore be considered worse off as a result of denial of access from the new regulations being drafted by MET under the new Protected Areas and Wildlife Management Bill. The MDP was developed in a highly participatory, bottom-up way. The following steps, some of them in common with the steps for the DNP, were taken:

- An initial brainstorming meeting (8 September 2006) was held with MET Parks & Wildlife Director, MFMR officials and the Chief Wardens of the coastal Parks to identify key issues.
- A two-day public workshop was held in Swakopmund (12-13 October 2006) for all stakeholders to (a) explain and discuss the process, (b) identify the key issues for the area, (c) to develop a vision and objectives for the area, and (d) to map and discuss zonation and land use.

- A 1st draft of the MDP was prepared in 7 September 2008. This was distributed to key stakeholders involved in the workshop and meetings. All interested and affected parties were invited to obtain a copy and review the draft MDP and provide comments – a review period of 4 weeks was provided.
- Based on some minor suggestions, a 2nd draft of the MDP was prepared. This was presented to a technical meeting of senior park staff in Mowe Bay on 8 January 2009.
- Regulations were written and distributed for comment 20 October 2008 comments received between 16 and 19 November 2008.
- A final MET and MFMR meeting for senior management, chaired by the Permanent Secretary, was held to review the 2nd draft on the 15th April 2009.
- A separate companion document was developed on 26 August 2008, describing the ideal staffing arrangements for all the coastal parks which addresses the needs of each Management Area, including *inter alia* posts, categories, task descriptions, location – all personalized to the specific requirements of the Areas and Park and for the implementation of the Area MDPs that make up Park management.
- A Tourism Development Plan and a Park Business Plan were developed in November 2008, each designed to be operational at Area level as well as at Park and greater landscape levels.
- The 3rd draft was developed on the 28th of January 2009 of the MDP was circulated to key line ministries for comment (MFMR, MME, MWT), to the Kunene Regional Council and NWR.
- Comments were received, considered and the Management & Development Plan was prepared and formally adopted and signed off by MET in August 2009.

The approved Management & Development Plan for the Skeleton Coast National Park has been made widely available to all relevant stakeholders, partners and interested and affected parties.

2.4 Developing the Management and Development Plan for the Namib-Naukluft Park

Following the principles of development of the other MDPs, the Plan was developed in a highly participatory way. The following steps were taken:

- An initial brainstorming meeting (8 September 2006) was held with MET Parks & Wildlife Director, MFMR officials and the Chief Wardens of the coastal Parks to identify key issues.
- A recent Namib-Naukluft Park Management Plan had been developed, after extensive consultations with MET field and head office staff and other key stakeholders. This work was used as a basis for the present MDP.
- Follow-up consultations were held with MET staff to clarify details.
- A two day public workshop was held in Swakopmund (12-13 October 2006) for all stakeholders to (a) explain and discuss the process and (b) identify key issues.

- Two public meetings were held to discuss the outcomes of the workshop and receive further inputs, in Swakopmund and Windhoek (November 2008).
- A 1st draft of the MDP was prepared (8 January 2009). This was distributed to all stakeholders involved in the workshop and meetings, and placed on a public website. Information on this website was published in the media and distributed by e-mail. All interested and affected parties were invited to review the draft MDP and provide comments – a review period of 4 weeks was provided.
- Based on some minor suggestions, a 2nd draft of the MDP was prepared and placed on the website. This was presented to a technical meeting of senior MET and MFMR staff in Windhoek (February 2009).
- Regulations were written and distributed for comment on the 20th of October 2008 and comments received in November 2008.
- A second MET and MFMR meeting for senior management, chaired by the Permanent Secretary, was held to review the 3rd draft in May 2009. A number of minor comments were incorporated into the final draft. The following key next steps emerged:
 - A separate companion document was developed June 2009 showing the ideal staffing arrangements for all the coastal parks that addresses the needs of each Management Area, including *inter alia* posts, categories, task descriptions, location – all personalized to the specific requirements of the Areas and Park and for the implementation of the Area MDPs that make up Park management. Adopt a fresh approach to support Information, Extension and Environmental Education, Monitoring, Citizen liaison, inter-sectoral collaboration – and adopt an efficient business-outputs staffing approach with a Park CEO and sufficiently senior staffing at Area level;
 - Detailed Tourism Development Plan and a Park Business Plan each designed to be operational at Area level as well as at Park and greater landscape levels.
 - This 3rd draft of the MDP was circulated to key line ministries for comment (MFMR, MRLGHRD, MLR, MME, MWT), to the Erongo Regional Council, the town Councils of Walvis Bay and Swakopmund, the Topnaar Community, the local Chamber of Commerce & Industry, FENATA, the Fishing industry, Salt Mining Company, TransNamib, NamPower, etc.
 - Comments received were considered and a final draft of the Management & Development Plan was prepared and formally adopted and signed off by MET in August 2009.

The approved Management & Development Plan for the NNP (dated 28 february 2011) has been made widely available to all relevant stakeholders, partners and interested and affected parties.

2.5 Developing the Management and Development Plan for the Sperrgebiet National Park

The Sperrgebiet has been involved in a process of land use planning, zonation and compilation of MDPs from 2001 to its proclamation as a National Park in December

2008. This process was run independently of the NACOMA project. It involved the following steps:

- Development of a Land Use Plan for the area, which was tabled and discussed by Cabinet.
- On the basis of a Cabinet decision that the Sperrgebiet be proclaimed as a National Park, the MET and NNF raised funds from the Critical Ecosystem Partnership Fund (CEPF) for development work in and around the proposed Sperrgebiet Park with a focus on the entire Succulent Karoo Ecosystem in Namibia – SKEP. The focus of this programme was to (a) support the MET in the development of the proposed Sperrgebiet National Park, and (b) to support civil society initiatives (projects) that promote livelihoods linked to environmental sustainability, information collection and dissemination, environmental education, and focused research. These combined focal areas also raised the profile of the ecosystem, the ecological and socio-economic importance of the proposed Park and started building a partnership between the park and its neighbouring communities.
- The programme developed a Biodiversity Assessment of the proposed Park and a Management & Development Plan. This MDP sets out the consultative manner in which the process was run, including public meetings in Lüderitz and Rosh Pinah, and close engagement with the Regional Council, line ministries and the private sector.
- A Strategic Tourism Development Plan was prepared for the Sperrgebiet, again with a number of public meetings, which has been accepted by MET.
- A Business Plan for the Sperrgebiet has been developed and widely discussed, which aims to make the Sperrgebiet financially self-sustaining. This has implications on other sectors of government, and there will need to be detailed discussions with, for example, the Ministry of Finance, before some of the key recommendations can be implemented.
- In addition, a number of focused assessments and reports were produced on issues such as a Monitoring programme for the Sperrgebiet, a Rehabilitation Programme for mined areas, and Sensitivity mapping for priority conservation protection, etc.

Like the Skeleton Coast Area, this park has not enjoyed public access in the past and the regulations governing its management involve increasing rather than curtailing public access. This will be achieved through a Consultative Forum involving the key stakeholders sectors, both public and private, including tourism, mining, fishing and regional and local government, as well as the environmental NGO sector. Opportunities for entrepreneurial activities in the Park, as presented in the Strategic Tourism Development Plan, will be channeled through the local Management Committee and Consultative and Strategic Forums as described in Section 4.1.

2.6 Developing the Management and Development Plan for the Namibian Islands Marine Protected Area

The proclamation of the first Namibian Marine Protected Area (NIMPA) in February 2009 centred around islands surrounding Lüderitz followed the same consultative and participatory process as for the other coastal parks described above, and it will be governed by similar management structures (see Appendix A for MFMR's PF for NIMPA) based on a Operational Management Plan and approved MPA management effectiveness tracking tool and score card.

3. Identifying target groups in the DNP affected by the proposed Park and its regulations

3.1 Proposed regulations governing activities in the Park

The regulations pertaining to the DNP are included in Appendix B of this report. These were compiled during the consultative process using concerns and regulatory measures suggested by stakeholders to prevent environmental damage and to harmonise various activities as much as possible.

The regulations govern the following main activities

- Access to certain areas (as prescribed by the zonation), in what vehicles and for what purposes
- Signage and advertising structures
- Tourism and concessions
- Plant and animal harvesting
- Prospecting and mining
- Industries
- Waste, pollution and littering

3.2 Process used to identify groups put at risk

Firstly, the list of stakeholders consulted during the NACOMA consultative process (started in mid-2006) and the management plan formulation process (run from July 2008) was used as the basis for identifying affected stakeholders.

Secondly, the regulations to do with vehicle access in the dune belt and beach areas generated much public interest. As well as being printed in local newspapers, pamphlets describing the regulations were available at all the permitting stations and at tourism-related offices. Anyone involved in business in the affected areas had adequate opportunity to find out about the regulations from these sources and the public meetings.

Thirdly, all business activities advertised in local newspapers and in tourism-related shops and centres (e.g. NamibI) were noted during the fieldwork period (January-February 2009) in the central Namib coast.

Fourthly, interviewees in the January 2009 fieldwork period were asked to name other parties or individuals active in the area who were still not involved in the consultative process. These latter two steps added a few extra parties such as hot air ballooning, land yachting and an extreme adventure company.

The parties and individuals can be broken down into ‘theme groups’ according to the nature of the businesses or livelihood operations they run, as shown in Table 2:

Table 2: Parties and individuals that undertake businesses or livelihood activities in the Dorob National Park arranged according to ‘theme groups’.

Main activity or theme group	Parties involved
!Nara harvesting and marketing	General Topnaar community, as well as a few non-Topnaar harvesters
Special events and functions	Desert Catering Abenteuer Afrika
Filming	Namib Film Phoenix Films
Quadbike, motorbike and 4x4 tours	Dare Devil Adventures Desert Explorers Outback Orange Dune 7 Adventures Namib 4x4 Club Bike SA Motor Sport Federation of Namibia
Paragliding and parasailing	Baron Tours Microlight Association of Namibia Namibia Paragliding Adventures
Sandboarding	Alter-Action Dune 7 Sandboarding Swakop Sandboarding
Desert ecology, history and archaeology tours	Tommy’s Tours Living Desert Tours Charly’s Tours Kuiseb Delta Adventures Turnstone Tours Mola Mola
Marine tours	Mola-Mola Tours Levo Tours Laramon Tours Pelican Tours Ocean Adventures Aquanaut Tours Catamaran Charters Sun Sail Catamarans Eco-Marine Kayak Tours Namibia Underwater Federation
Horse and camel riding tours	Okakambe Trails Camel Farm
Hot air ballooning	African Adventure Balloons
Salt production and harvesting enterprises and associated aquaculture (oyster farming)	Salt Company (Swakopmund) Walvis Bay Salt Refiners

In addition to the above, there are other institutions and groups involved and/or affected by the proposed park (Table 3). These organizations do not have their livelihoods put at risk by the proposed park, but are involved to varying degrees in its formulation and implementation, and their activities are therefore impacted.

Table 3: Stakeholder institutions in the Dorob National Park.

Group	Individual institutions	Role
Local Authorities (Municipalities and City Councils)	Walvis Bay Municipality Swakopmund Municipality Henties Bay Municipality	Share responsibility with MET for open-space cleaning and public toilets maintenance, and have law-enforcement officers
Regional Authorities	Erongo Regional Council	Involved in planning for regions
Government Ministries	<ul style="list-style-type: none"> - Ministry of Environment and Tourism - Ministry of Fisheries and Marine Resources - Ministry of Lands - Ministry of Agriculture, Water and Forestry - Namibian Police - Ministry of Mines and Energy - Ministry of Local and Regional Government, Housing and Rural Development 	<ul style="list-style-type: none"> Implementing ministry Implementing ministry Involved in land-use planning Involved in water infrastructure developments Law enforcement Involved in mining-related developments Involved in planning for regions and municipal service provision
Uranium mining companies and representative bodies	Chamber of Mines Rössing Uranium Ltd Langer Heinrich Uranium Valencia Uranium Ltd	All involved in mining-related developments
Parastatals	NamPower NamWater NamPort Namibia Wildlife Resorts Namibia Roads Authority	All involved in infrastructure developments
Tourism representatives	<ul style="list-style-type: none"> - Coastal Tourism Association of Namibia (CTAN) - Tourism Association of Southern Africa (TASA) - Federation of Namibian Tourism Associations (FENATA) 	All involved in promoting and monitoring tourism industry

	<ul style="list-style-type: none"> - Hospitality Association of Namibia (HAN) - Marine Tour Association of Namibia (MTA) 	
Civil society groups and NGOs	<ul style="list-style-type: none"> - Coastal Environment Trust of Namibia (CETN) - Friends of Swakop River - Namibian Environment and Wildlife Society (NEWS) - Gobabeb Training and Research Centre - Wlotzkasbaken Home-owners Association 	Involved in lobbying, researching and promoting conservation issues

3.3 Process used to assess the risks

January and February 2009 were used to interview all the identified stakeholders who run businesses or any kind of livelihood activities in the area to be proclaimed. Face-to-face, telephone and email interviews were conducted, asking for critical evaluation of the regulations and whether businesses or livelihoods were at all jeopardized.

The trial period, run during the Christmas holiday period, was used to test public opinion and acceptance of the regulations, even though the proclamation of the Park had not yet happened, and Honorary Wardens had not yet been deployed. The intention was to introduce the regulations and allow the public to respond to them before making them final. Comments by stakeholders on the regulations therefore refer to their experiences in the trial period, even though the regulations were not yet fully legislated.

The stakeholder meetings focused on particular issues for each stakeholder and, if necessary, tried to resolve practical difficulties by suggesting solutions to the issues that were raised. The questions addressed to all individuals and groups are shown below.

Box 1: Interview questions posed to stakeholders and key informants to assess the impact of the proposed regulations.

Nacoma Process Framework

Questions to parties potentially negatively impacted by the proposed regulations for the DNP:

1. How have the new regulations and zoning affected your business operation?
2. We need to roughly quantify the financial value of the businesses that use the area (only a very rough estimate needed). Has the value of your investment been reduced through the zoning or regulations? Are there other ways (apart from the financial value) in which your operation is worse off?
3. Suggest ways you would like to see the regulations / zoning adjusted to mitigate any negative impacts you experience.
4. Do you know any other parties or operations who are negatively impacted by the regulations / zoning, who have not been involved in the public consultation process so far?
5. Any other feedback on the process so far?

3.4 Socio-economic description of the affected groups

3.4.1 !Nara harvesting and marketing

The Topnaar people living in Walvis Bay and the Kuiseb River bed, numbering approximately 25,000 people (1995 estimate from Botes *et al*, 2003) have traditionally harvested !nara melons as a food source, and they recognize the !nara plant as an important component of their traditions and culture. Efforts to increase the value of the !nara harvest through commercial value-addition such as pressing the oil for sale as an upmarket luxury item have started, but not yet gone very far. The value of the !nara harvest is therefore still small in financial terms, but high in the sense that it can be freely harvested as a food source, and thereby provides food and income to many local Topnaars as well as a few other Walvis Bay residents who are starting to harvest the melons.

3.4.2 Special events

Certain areas in the dune belt are scenically stunning and provide great opportunities for holding special events such as organized sundowners and starlight dinners, weddings and 'Arabian Night' feasts. The clientele comprises Namibians as well as southern African and international tourists. Amphitheatre-like dune settings are good for these, as well as special spots such as Pelican Point at the tip of the Walvis Bay spit. Such places are used

by a few companies that specialize in organizing functions and catering. Its value for one of the main operators is about N\$4 million per year.

The 'Vasbyt' event is held annually close to Christmas, initially in the dunes opposite Langstrand but lately in the dunes opposite the Kramersdorf suburb of Swakopmund. It is an off-road rally with various obstacles and hazards, with about 20 vehicles. In December 2008 it attracted about 10,000 spectators, comprising holiday-makers and locals. The organizer cleaned up all the litter and the wind wiped out the tracks sufficiently that two days after the event there was very little indication it had taken place. In this sense it is an example of how this potentially destructive sport can be managed to have very little significant impact. A few groups of people organized their own private 'vasbyts' and drove in off-limit areas, but these were mostly dealt with by MET officials in the December 2008 event.

3.4.3 Filming

The proximity of well established towns and pristine desert landscapes makes the central area a favoured place for filming operations. Shoots of various movies such as Flight of the Phoenix and BC10, and advertising and modeling features, have used this area. Two local agents facilitate the organization of such shoots with their local knowledge and familiarity with the Namibian setup. Approximately N\$500 million has been spent by South African and overseas film companies using this area through one film agency over the last 9 years.

3.4.4 Paragliding and parasailing

Paragliding involves launching oneself from a high spot attached to a parachute-like kite which lifts you up and into the air for a flight. The dunes facing the sea, with an upward breeze and soft sand to cushion your landings, are ideal for this activity. An area for paragliding is demarcated close to Swakopmund next to the main road towards Walvis Bay.

Parasailing is similar but involves being towed up into the air by the lift of the parachute from a car pulling you along. This has no area set aside for it but is usually done on the gravel plains immediately east of the dunes, where a long straight track provides the necessary effect.

Paragliding is a growing sport with much potential for expansion in Namibia. It is currently worth about N\$7 million per year through the three operators who are involved at the coast. With greater interest from the South African market, this figure could probably be at least doubled. There is a small core of local paragliders, and most of the clients are foreign tourists.

3.4.5 Guided eco-tours

A number of operators run trips into the dunes under slogans such as ‘the living desert’, ‘the little five’ and ‘historian tours’, all of which take tourists on quads or 4x4s to appreciate the interesting reptiles, scorpions and insects, as well as elephant tracks in ancient sediments and archaeological sites in the dunes. The historical and archaeological sites are easily damaged by heavy vehicles, and the various small animals that provide the greatest attraction are relatively abundant in certain areas. These attractions need protection from unscrupulous driving which would damage them. The eco-tour operators generally use a few quad bikes or 4x4s and turn over up to N\$1.4 million per year. The client base comprises Namibians and predominantly foreign tourists.

3.4.6 Quad bike and ORV trips and rentals

This is the group with the largest turnover operating in the dune belt. Operators run businesses with up to 100 quad bikes and generate turnovers up to N\$0.5 million per month, attracting Namibian holiday-makers and southern African and overseas tourists. Activities include guided quad bike trails into the dunes and rental of bikes for individuals. The sector is presently represented by four operators, operating at various entry points at the northern, central and southern end of the dune field. The centres from which they operate mostly offer bookings to other activities in their ‘adventure’ packages such as paragliding, angling and skydiving.

3.4.7 Sandboarding

Three operators currently run sandboarding activities in the coastal dunefield. These vary in size with turnovers between N\$60,000 and N\$1 million per year, attracting Namibian and predominantly foreign tourists. Their areas of activity are determined mainly by the dunes themselves – dunes with some steep and some gentle slopes, and gradual bases, are best. Areas for these activities have been demarcated and the operators claimed there was little interference from other private or commercial activities.

3.4.8 Marine tours in Walvis Bay and the near-shore area

Various operations in ski-boats, yachts, kayaks and other boats run tours in the Walvis Bay and nearshore area. Attractions here are the at-sea experience itself, views and interactions with seals from the seal colony at Pelican Point, sightings of dolphins and more rarely whales, and interesting marine and bird life. The operations mostly run from the Walvis Bay Yacht Club with a few occasionally from the Mole at Swakopmund. An umbrella body, the Marine Tour Association of Namibia, is in place. The client base comprises Namibian holiday-makers and foreign tourists.

There are approximately 25 tour-related vessels using the bay. Altogether this represents an investment of about N\$40 million, and the estimated turnover is about N\$30 million per year. This sector employs 100-150 permanent employees, and attracts about 60,000 clients per year (all figures based on personal communication from Dryer and Schafer, January 2009).

The zoning identifies the area used by the boats and places no regulations on their activities, provided they stay out of Ramsar sites such as the Walvis Bay Lagoon and Sandwich Harbour. No commercial activities are presently run in these areas.

3.4.9 Horse and camel trails

These businesses operate out of smallholdings in the Swakop River bed. Horse trails of a few hours, whole day or a few days are offered by Okakambe Trails, on and close to the farm of this name, and extending to about a radius of 30km from it. Day tours go eastwards to the 'Ringing Stones' and also down the Swakop River to the beach.

The camel business offers rides on camelback into the Swakop River bed and surrounding area, and is frequently involved in assisting movie sets with camels. During peak seasons camel rides are offered from the southern edge of Swakopmund.

The client base comprises locals and predominantly foreign tourists.

3.4.10 Land yachting

This is a sport done on flat plains in which a yacht-like sail powers a person in a light vehicle with three large soft tyres. One operator runs a fairly small but growing business, using the gravel plains on the east side of the main road immediately north of Swakopmund, where he has secured permission from MET to do so. The turnover is approximately N\$100,000 per year, from locals and predominantly foreign tourists.

3.4.11 Hot air ballooning

One operator runs hot air balloon flights at a few favoured places in the proposed Park. The launching and recovery places are accessed by 4x4 vehicles following the regulation of driving on established tracks only. The sport is generally quiet, does not cause environmental harm and is not invasive to other recreation activities. The client base comprises locals and predominantly foreign tourists.

3.4.12 Salt production and aquaculture

Salt production and harvesting operations are found at Walvis Bay, immediately north of Swakopmund and further up the coast. Constructed shallow-water pans are very attractive to coastal birds, and are an overall environmental benefit to the area. Oyster farms in the pans add further value, with no significant negative impacts. Mining of rock salt is a related operation. This happens in the Cape Cross area on land, and involves excavation and earth-moving operations which are, like other mining activities, destructive to natural habitat.

Turnover from just one of the salt producing operations is N\$200 million per year, and most of the salt is exported into Africa.

3.5 Concerns from affected parties

Responses from the potentially impacted groups and individuals were recorded during the interviews. The issues raised are grouped together for each theme group as a whole in Table 4. The interviewee's names and details of the contact are provided in Appendix A of the original Process Framework.

Table 4: Livelihood and commercial activities which take place in the DNP, and the concerns they raised during interviews.

Theme group	Issues raised, comments and suggestions made
!Nara harvesting	<ul style="list-style-type: none"> • Regulations are silent on the issue of nara harvesting, so presume the status quo holds. • People without the knowledge of how to harvest naras at the best time and with the least waste are now harvesting naras. Reduces the livelihood value and the economic value of the resource, with the greatest impact on Topnaar people who are most dependent on it.
Special events	<ul style="list-style-type: none"> • Booking system for exclusive use of sites is ineffectual. Must be improved so that clients are not put off.
Filming	<ul style="list-style-type: none"> • Zones for film events are OK, but occasionally it happens that other sites are needed. System must be flexible enough to accommodate these, so can get exclusive use for defined periods. • Poor administration and over-regulation in the Park will chase film directors away to easier locations such as Morocco.
Paragliding, Parasailing	<ul style="list-style-type: none"> • Area for paragliding is OK, no issues. • In future, would like to expand to other prime paragliding areas e.g. immediately north of Sandwich Harbour.
Guided eco-tours	<ul style="list-style-type: none"> • Operators should have to register and then have permission to go into certain areas only. Archaeological sites such as graves in Kuiseb Delta are being destroyed by ignorant private and freelance operators. People who lead trails here should be trained and qualified. Exclusive concessions will help to solve this problem. • Biggest concern is that the regulations should be effectively enforced. Everything will fail if they are not, making the quad problem worse than before. • Honorary Wardens must have the capacity and authority to catch offenders and confiscate their equipment (incl vehicles).

Theme group	Issues raised, comments and suggestions made
Guided eco-tours (contd)	<p>Heavy punishment will act as deterrent.</p> <ul style="list-style-type: none"> • Enforcement of regulation that 4x4s can only drive on ‘well-used’ tracks is impractical. Impossible to define, makes it impossible to enforce. • Information must be more ‘in-your-face’. People did not read pamphlets in December. Every quad should be registered as it comes in to the coastal area – could be done at main police roadblocks.
Quad bike and ORV trips and rentals	<ul style="list-style-type: none"> • Wide corridor opposite Langstrand is problematic. DareDevil Adventures needs to ensure safety for his customers, so wants exclusive access to keep out speeding hooligans, only in the few weeks of peak activity. There are only a few places where one can safely get into the main dunefield – if these have open access, accidents are likely, and because DareDevil is so conspicuous, it will be blamed. • Many private quad bikers still enter dunefield from Kramersdorf (Swakopmund suburb closest to dunefield). Can this be considered as an alternative entry corridor? • Zoning around Dune 7 needs revision to accommodate sandboarding and Dune 7 Adventures. • Concern that applications for concessions will be wide open, anyone (not necessarily the existing operators) will be able to come in. Existing operators feel that they have risked a lot and are now reaping the successes they deserve. • Concern that concessions should be reasonably priced. Operators will pass the price on to their customers, but do not want this to be very expensive. Happy to pay the fee so long as it is not a long beaurocratic nightmare. • If operators will be required to pay concession fees, they want to see something from MET in return, such as more efficient cleaning up, waste removal and keeping public toilets clean. • In Kuiseb delta – private quads now starting to follow the tracks of KDA, but they don’t act responsibly. A concession to an operator in this area must allow him to keep others out. • Willing to support Honorary Wardens, but do not want to get involved with law enforcement when leading trails. Must be arranged so can easily report an offender to an HW and carry on the trail. • Future expansion is intended by at least two operators, but their plans would be limited by the new regulations. Quad safaris up the coast and into Messum, or down the coast to Meob and Conception Bay. Will new developments such as these be considered? • Dune 7 Advetures would like to erect Info Centre at Dune7.

Theme group	Issues raised, comments and suggestions made
	<p>Plus other expansions – play park for kids, heli-pad, etc. Will such expansions be allowed?</p>
Sand boarding	<ul style="list-style-type: none"> • Dune7 Sandboarding offer quad bike lifts back up the dune for his sandboarders. But this is now illegal. Can a narrow corridor up the back of Dune7 be considered? He is still operating, but this is a major drawback to his business and he has scaled down by about half. He operates a more children- and family-orientated business than the other sandboarders, feels that it would be a loss to the industry as a whole if he closes. • Operators happy to pay a concession fee, but hope that it will be administered properly, without corruption. Ideally would like the concession to be for exclusive use of an identified area.
Marine tour operators	<ul style="list-style-type: none"> • The regulations have very little to say on the marine operations. A possible future issue is jet-skis and how they might invade the tranquil bay areas that all the larger vessels help to keep attractive. • Concern that concessions will be introduced, which will require a fee but will bring no benefits to the industry, only beaurocracy. • Sometimes quads go up Walvis Bay spit and interfere with seal colony, this looks bad for tourists on boats. More enforcement necessary, especially during peak season. A single-strand cable and more signs would help to reduce interference. One operator volunteered to sponsor signs. • Regulations are silent on the maximum number of operators that the area can or should accommodate. One operator: Should set a ceiling so that the bay and seal-watching experience is not diminished by too many operators. Another operator: Don't want the industry to be regulated, reluctant to limit or stop the growth of the sector. • Concern that NamPort proposals for expansion will interfere with the tourism operators.
<p>Horse and camel rides</p> <p>Horse and camel rides (contd)</p>	<ul style="list-style-type: none"> • Zoning around Nonidas, where there is shallow fresh water and reedbeds, wildlife (springbok, kudu) concentrate there. Should be zoned off for no vehicle access. • Trails which go up the Swakop River camp overnight at certain places. This has been allowed under old legislation, although no concession or permitting was required. Will it still be allowed? • Enforcement of regulations is critical. Sometimes have interference from quad bikers, can scare the horses, make it dangerous for riders. • Would like to volunteer to be Honorary Wardens, have the authority to stop bikers, fine and arrest offenders where

Theme group	Issues raised, comments and suggestions made
	<p>necessary.</p> <ul style="list-style-type: none"> ● Future expansion – would like to use a quadbike in the event of an emergency on a horse trail. This would have to drive in non-quad areas. Can there be a clause to allow this to happen? ● Secondly, Okakambe would like to run small guided quad trips for those people who cannot or don't want to go on horses but who are with riding colleagues. In the Swakop R bed and Mini Moon Landscape. Can this be considered? ● Camel rides do not take place in any areas where access is totally prohibited (eg Damara tern zones), so no conflict with the regulations.
Land yachting	<ul style="list-style-type: none"> ● The Management and Development Plan is silent on this sport and the land-yachting vehicles. The vehicles make shallower tracks than quad bikes, and are quiet, so are less environmentally harmful than quads and 4x4s. ● Prepared to pay a concession fee if it was used locally for the tourism industry i.e. ploughed back directly for the good of the businesses. It should not be absorbed into general government budget. ● Concerned about how future concessions will be run. If not exclusive and not able to keep others out, not willing to take responsibility for keeping area intact. ● Interference from quads is a problem. Donuts in area make surface uneven, dangerous for landyachting. He rakes area to rehabilitate, but there were bad incidents in Dec2008, covered large area (200x150m). ● Once better established, would like to expand operation to a stretch of gravel plains N of Dune7. Quads are banned there, 4x4s only on established tracks. Would this be considered?
Hot air ballooning	<ul style="list-style-type: none"> ● Regulations have little impact on operations. ● Mining activities may interfere with ballooning, e.g. by making certain areas behind above-surface pipelines inaccessible for recovery vehicles, and by inadequate rehab of sites leaving the surface hazardous for landing.
Tourism sector in general Tourism sector in general (contd)	<ul style="list-style-type: none"> ● Operators will be unwilling to pay concession fees if these are not complemented with improved visibility and effectiveness of the authorities. Concession fees that are paid over should be channeled into development of the sector. Included here are permit fees for bikes and 4x4s that are expected to be introduced. ● Reckless quad bikers are a negative impact on tourists because their noise and irritation chases people away.

Theme group	Issues raised, comments and suggestions made
	<ul style="list-style-type: none"> • Concerned that the quad problem will get much worse if enforcement of the regulations is not done properly. People will do even more damage than before if they see that they can get away with illegal activities. Honourary Wardens must have the capacity and the authority to make arrests, confiscate bikes. Must have a uniform that shows authority. • Assistance from traffic authorities is lacking. Their support and backup will help the MET and MFMR officials greatly. Eg taking under-age drivers off public roads, checking for licences, reflectors and other basic vehicle regulations will remove a large part of the quad problem. All law enforcement bodies – Fisheries, MET, police, traffic – must cooperate to share the responsibilities. • People who hold events such as the Vasbyt and the large bonfire at Langstrand on New Year’s Eve must be held responsible for cleaning up afterwards. (This was done at the Vasbyt.) This job falls onto MET if it is not done, adding to their work load in the busiest time of the year.
Salt production and aquaculture	<ul style="list-style-type: none"> • The operation at Swakopmund is in the townlands, not affected by new regulations. • At Walvis Bay, the area operates under a Mining Licence and is guided by its EMP under that. This allows sand to be excavated from outside the salt pan area, to build up berms and roads, as part of their responsibility to make the area safe for operations and safe from flooding. • Swakop Salt has operations near Cape Cross, would like to have exclusive access to beach as an Accessory Works Area (as at Swakopmund). Zonation does not address this need.
Local Authorities	<ul style="list-style-type: none"> • Clear definition of responsibilities is required in the MDP. Eg cleaning of litter and daily maintenance of toilets in public areas along the beach between WBay and Swakopmund – this is done voluntarily by WBay Municipality, but in areas that are under MET jurisdiction. • Calls from other groups (above) for greater involvement and presence of traffic authorities from the two municipalities, to assist law enforcement.

While Table 4 concentrates on the problems, it is worth noting that most operators and authorities interviewed were wholly supportive of the zoning and regulations, and considered the trial period a great improvement on previous years. There was appreciation for the blanket banning of quad bikes on beaches between Swakopmund and Walvis Bay, and for improved safety by more clearly managing the reckless element. It

was said that the public parking area at Dune 7 was now more orderly and cleaner, and that MET officials had done very well with enforcement of the new regulations in difficult circumstances.

One operator suggested that the regulations should be given a positive spin by calling them something like ‘protective measures’.

3.6 Strategies for addressing the negative impacts

The concerns raised by the interviewees cover a few main points, namely:

1. Fine tuning of the zoning, particularly corridors into the dunefield
2. Concern over how concessions will be introduced and administered
3. Concerns over enforcement of the regulations, and
4. Concern that the regulations will limit future expansion of the operations.

3.6.1. Fine tuning of the zonations

3.6.1.i Dune 7 Sandboarding request for a corridor up the back of Dune 7:

This is a delicate issue, as the request is reasonable and its impact would probably be insignificant, so long as only one or two quad bikes were involved. The problem is that other people in biking businesses or on private bikes might see this as permission for them to drive on Dune 7, or as unfair advantage being granted. Both erode the smooth functioning of the management plans, as it was emphatically agreed in the 2008 public meetings that there would be no vehicle access on Dune 7.

The impact of the present regulation is certainly severe on this one operator, who has a relatively small turnover that, according to him, has been approximately halved by this restriction to his business.

3.6.1.ii Public vs exclusive zoning in dune corridor opposite Langstrand:

The corridor opposite Langstrand into the dune field was originally planned to be two fairly narrow strips originating at defined parking and offloading areas immediately east of the tar road. The very high demand for a larger area to accommodate the volumes of cars and trailers, and the difficulty in moving people out of the area where they wanted to be (on the western dune face, where they could be seen from the tar road) forced MET to widen the entry corridor considerably in December 2008. Concern for the safety of novice riders led the owner of Dare Devil to extend the boundary of his exclusive zone, so that they could practice on the gentle slopes and then get into the main dunes playground without risk of an accident with reckless private bikers. Complaints from the public that Dare Devil was taking over too much of the prime dune area for itself then forced MET to order Dare Devil to retract the boundary of his exclusive zone. This then

allowed the public access to a large area on the west-facing dune, where speeding and extreme driving by many quads and 4x4s was the norm.

The unmanaged and quite chaotic situation on the dune slope goes against the principles of the management plans. It is suggested that an area is set aside where Dare Devil will allow the public to park and use the dune for free, but where he will be able to expel reckless drivers.

3.6.1 iii Zoning for salt production

Salt pans, associated oyster farming, and rock salt mining operations need to be zoned for restricted access, to prevent interference by public and vehicles with the production and mining activities.

3.6.2 Introduction and administration of concessions

Most operators interviewed were happy with the concept of concessions. But, as shown in Table 4, many were worried that concessions will be prohibitively expensive, poorly administered, prone to corrupt practices and, in the end, an irritating and unbeneficial burden.

Concessions will not financially jeopardize any operators to the extent that their operations become less viable. The principles behind the introduction and running of concessions are:

- People with current operations will be given the first option to apply for concessions, in the areas where they currently operate.
- Concession fees will not be punitive, but will be based on a set percentage of the operator's approximate average turnover.
- Concessions will be given for exclusive use of certain areas (e.g. special events), and for shared use in others (e.g. ad hoc tours by various operators to Sandwich Harbour). Enforcement of the exclusive right to an area will be through the Honorary Warden system (see 3.6.3 below).
- Administration of the concession fees will be independently audited.
- Concession fees will be set aside for use locally for the benefit of the industry as a whole, at the discretion of the Consultative Forum.
- Operators will be held responsible for keeping exclusive concession areas clean and in good condition (including rehabilitation of damage to sites).
- The booking system will be improved, whereby parties wanting exclusive use of a particular area for a short period will be able to reserve it in advance and be assured that it will be exclusively available. A booking system currently runs, but it is not efficient or properly enforced. Operators mentioned that double bookings, or one party booking and another not (but still using the area) - thus increasing the disorganization, frequently occur.

3.6.3 Enforcement of the Park regulations

Many interviewees voiced the opinion that the success or failure of the new management system depends on the ability to properly enforce the regulations. Some operators called for strong deterrent measures such as heavy fines and confiscation of equipment for offenders.

We agree. The Honorary Warden system proposes to strengthen the powers of the authorities by bringing in assistance from the private sector (see Box 2).

Box 2: Roles and responsibilities of the Honorary Wardens, as set out in the Management and Development Plan (MET, January 2009)

The **Honorary Wardens** (HWs) are an important component of the team, and the target should be 40 for the CA, covering conservation, recreation and tourism, resource use, business and development components. The habitats that need to be covered by HW expertise includes marine and coastal, desert ecosystems, wetlands. The HWs should be present/active in various locations in the park (e.g. towns, outlying lodges, tourism concession areas, public recreation areas, dunefields, the Swakop river and the marine environment).

The Honorary Wardens shall have the following powers:

- To provide information on the MDP, zonation and regulations of the CA and on the Namib-Skeleton Coast National Park
- To inform people who break the law that they are in contravention of the above, and request them to immediately comply
- To stop a person and search a vehicle, boat or aircraft, providing there is a reasonable suspicion that the person has been involved in an illegal activity
- To demand a person's name (as above)
- To inspect a suspect's luggage (in search of any illegal items, such as fish, shellfish, bait, venison, live animals, plants, etc.)
- To count and/or measure fish or shellfish to determine if they comply with legal requirements
- To confiscate any items found to be illegal – and to then issue a confiscation receipt to the offender and to store the confiscated items in a safe place
- To issue an offender with an official warning.
- To report an offender to the authorized law enforcement agencies, whose task it is to perform an arrest/fine as the case may be.

3.6.4 Restricting future expansion of tourism-related activities

The establishment of managerial bodies, namely the Consultative Forum and the Strategic Forum (see Section 4.1), will help to guide future growth and developments as

they emerge. Issues such as placing a ceiling on the number of operators in a particular activity or area, and judging the capacity to allow more growth of any one sector, will be addressed by the Consultative and Strategic Forums.

4. Detailed Terms of Reference for the Dorob National Park Consultative Forum (PCF)

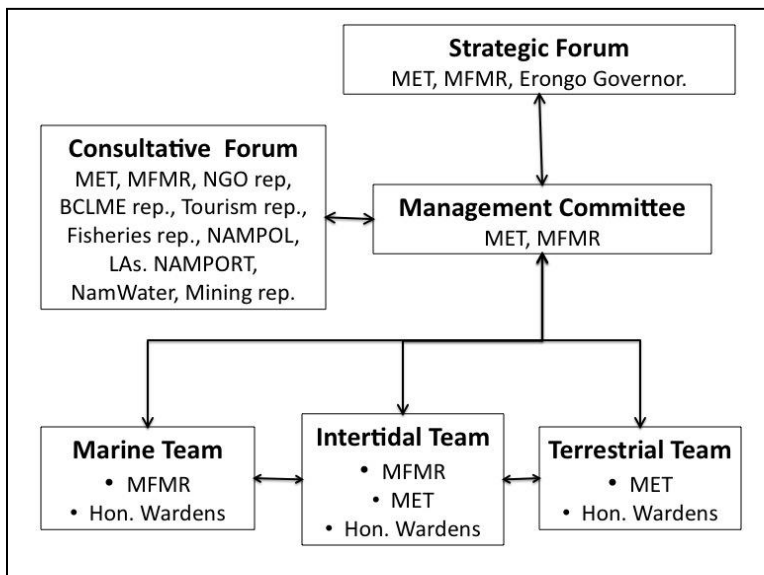
4.1 Overall mandate and roles of the Park Consultative Forum

The MDP for the Dorob National Park describes broadly how the Consultative Forum should operate, the principles that should guide it, and suggests a list of sectors that should be represented on it (Boxes 2 and 3). The MDP reflects this structure.

Box 2

The **Consultative Forum** will play an advisory role, and should meet at least four times each year. Its membership is suggested in the organogram above, but this can be an inclusive structure that welcomes newcomers who may have insights and something to offer to the park in terms of ideas and support. This is the Park's formal mechanism for consulting with key stakeholders and building an all-inclusive team approach towards park management and development. It also promotes a broad-based feeling of ownership about the park. The main purpose of Consultative Forum meetings is to track progress towards meeting set objectives (e.g. annual work plan), solving problems and capitalizing on opportunities that may arise.

At the Consultative Forum meetings, representatives will brief each other on their activities and plans, and exchange views on how best their respective sector interests might be accommodated in the park, and how they may contribute to the management and development of the park. The Management Committee should 'bounce ideas' off the Consultative Forum and their advice should be carefully considered.



Box 3

The PCF is therefore mandated to be the link

between the public and MET, and between Park staff ‘on the ground’ and the Strategic Forum. Its three main roles are:

- An advisory role to MET-MFMR;
- The forum through which stakeholders can consult with Park management;
- A grievance and conflict resolution forum for the public

4.2 Representation on the PCF

4.2.1 Terms of Reference for organizations on the PCF

Using the suggested outline of the Consultative Forum from the MDP, the Table below lists the organizations that will be represented on the PCF, and suggests Terms of Reference for each.

Institution or sector	Subsections or groups	Suggested main representative(s) (his/her position), and name(s)	Roles and responsibilities of the institution
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Institution or sector	Subsections or groups	Suggested main representative(s) (his/her position), and name(s)	Roles and responsibilities of the institution
MET	<p>Directorate of Parks and Wildlife</p> <p>Directorate of Scientific Services</p> <p>Directorate of Environmental Affairs</p>	Chief Control Warden, Erongo Region, Dir of Parks and Wildlife	<ul style="list-style-type: none"> • Report on law enforcement in the Park esp with respect to mining, tourism and recreational activities. Linked to this, give feedback on management and activities of the Honorary Wardens system • Report on wildlife and all biodiversity in the Park, with information on trends, interesting observations, issues requiring attention. • Report on management of tourism activities in the Park, including concessions. • When appropriate, advise on the policy framework and outcomes of research projects or EIAs that are relevant to the Park. • Collaborate with Park residents and neighbours, esp the Topnaar community and conservancies, with respect to optimizing conservation achievements and local livelihoods. • Build partnerships with the private sector for optimizing conservation achievements. • Report developments and trends in any of the above to the Forum and carry news from the Forum back to all Ministry staff. • Report on awareness raising campaigns • Lead discussion on resource use rents/permits/fees. • Report on funding applications and disbursements for activities in the Park

Institution or sector	Subsections or groups	Suggested main representative(s) (his/her position), and name(s)	Roles and responsibilities of the institution
MFMR	<p>Directorate of Operations (DoP)</p> <p>Directorate of Resource Management (DRM)</p> <p>National Marine Information and Research Centre (NatMIRC)</p>	<p>Director of Operations</p> <p>Dr. H. Holtzhausen</p> <p>B. Tjizoo</p> <p>Director Resource Management</p>	<ul style="list-style-type: none"> • Report on law enforcement, esp with respect to angling, boats, jet skis. • Report on occurrences of marine life in the Park e.g. whale strandings, unusual turtle or seal mortalities. • Report on significant marine pollution incidents which may impact on the Park • Report on management of marine tourism activities in the Park, including concessions. • Advise on the policy framework and outcomes of coast or marine research projects or EIAs that are relevant to the Park. • Build partnerships with the private sector for optimizing marine and coastal conservation achievements. • Carry news from the Forum back to all Ministry staff. • Lead discussion on establishing marine resource use rents/permits/fees. • Report on awareness raising campaigns. • Report on funding applications and disbursements for activities in the Park

Institution or sector	Subsections or groups	Suggested main representative(s) (his/her position), and name(s)	Roles and responsibilities of the institution
Walvis Bay Municipality	<p>Dept of Community and Economic Development (includes Traffic Police)</p> <p>Dept of Water, Waste and Environmental Mgt</p>	<p>David Uushona Gert Kruger Monica Thomas Beverly Fernandez E. Platt</p>	<ul style="list-style-type: none"> • Share town plans, future growth scenarios, emerging town concerns with the Forum. • Report on environmental issues such as water consumption, waste management, pollution events. • Report on traffic and vehicle issues which concern the Park • Bring issues from WBay residents to the Forum. • Take Park news and decisions back to the WBay municipality. • Participate in discussion on final DNP boundaries ?? • Participate in discussion on setting –up resource use rents/permits/fees. • Report on funding applications and disbursements for activities in the Park
Swakopmund Municipality	<p>Traffic Department</p> <p>Health Department</p> <p>Town Planning Department</p>	<p>Trudie Xoagus</p> <p>Berdine Potgieter</p> <p>A van der Westhuizen</p>	<ul style="list-style-type: none"> • Share town plans, future growth scenarios, emerging town concerns with the Forum. • Report on environmental issues such as water consumption, waste management, pollution events. • Report on traffic and vehicle issues which concern the Park • Bring issues from WBay residents to the Forum. • Take Park news and decisions back to the Swk Municipality • Participate in discussion on final DNP boundaries • Participate in discussion on setting-up resource use rents/permits/fees. • Report on funding applications and disbursements for activities in the Park

Institution or sector	Subsections or groups	Suggested main representative(s) (his/her position), and name(s)	Roles and responsibilities of the institution
Henties Bay Municipality	<ul style="list-style-type: none"> • Environmental Health Services • Law enforcement • Tourism 	<p>Strategic Executive: Corporate Services, Economic Development and Urban Management</p> <p>Or represented by one of the following:</p> <ul style="list-style-type: none"> • Tourism Officer • Environmental Health Officer • Law Enforcement Officer 	<ul style="list-style-type: none"> • Share town plans, future growth scenarios, emerging town concerns with the Forum. • Report on environmental issues such as waste management, off-road driving problems. • Report on traffic and vehicle issues which concern the Park. • Bring issues from HBay residents to the Forum. • Take Park news and decisions back to the HBay Municipality • Participate in discussion on setting-up resource use rents/permits/fees. • Report on funding applications and disbursements for activities in the Park
Erongo Regional Council	<ul style="list-style-type: none"> • 		<ul style="list-style-type: none"> • Participate in discussion on setting-up resource use rents/permits/fees. • Report on funding applications and disbursements for activities in the Park
NGOs	<p>Coastal Environment Trust of Namibia</p> <p>Namibia Environment and Wildlife Society</p> <p>DRFN / Gobabeb?</p>		<ul style="list-style-type: none"> • Report to the Forum on issues and concerns felt by the sector. • Act as spokesperson and negotiator on behalf of NGOs involved in the Park. • Build partnerships with MET+MFMR authorities for optimizing conservation goals in the Park. • Take Park news and decisions back to other NGOs • Participate in awareness raising campaigns • Contribute to law enforcement activities • Report on funding applications and disbursements for activities in the Park

Institution or sector	Subsections or groups	Suggested main representative(s) (his/her position), and name(s)	Roles and responsibilities of the institution
Benguela Current Commission (BCC)			<ul style="list-style-type: none"> • Report on funding applications and disbursements for activities in the Park
Tourism sector:	Coastal Tourism Association of Namibia, representing: Abenteuer Afrika; Africa Calls; All Around Namibia; Atlantic Aviation CC; Baron Tours & ; Catamaran Charters; Charly's Desert Tours; Damarana Safaris; Desert Adventure Safaris cc; Desert Explorers cc; Ground Rush Adventures; Hotel Europa Hof; Kallisto Tours & Services; Levo Fishing & Pleasure Tours; Living Desert Adventures; Mola Mola Safaris; Namib Enviro Tours; Namib I; Ondjamba Safaris Namiba; Outback Orange cc; Pleasure Flights & Safaris Photographic Enterprises Photoventures Namibia Rossmund Tours & Car Hire cc Schweizer Haus, Hotel Scenic Air (Pty) Ltd Sunrise Fishing & Safaris The Stiltz Travel Time Tourist Guide Association Nam Uri Adventures Villa Wiese	Merrilyn Leippert	<ul style="list-style-type: none"> • Report to the Forum on issues and concerns from CTAN members. • Act as spokesperson and negotiator on behalf of tourism / recreation enterprises active in the Park. • Build partnerships with MET+MFMR authorities for optimizing conservation goals in the Park. • Take Park news and decisions back to CTAN members • Participate in discussion on establishing resource use rents/permits/fees. • Report on funding applications and disbursements for activities in the Park

Institution or sector	Subsections or groups	Suggested main representative(s) (his/her position), and name(s)	Roles and responsibilities of the institution
Filming sector	Namib Films Fantom Films		<ul style="list-style-type: none"> • See above
Fisheries sector			<ul style="list-style-type: none"> • See above
Town residents			<ul style="list-style-type: none"> • See above
DNP residents	Topnaar Traditional Authority Kuiseb Delta Development Trust		<ul style="list-style-type: none"> • See above
Uranium mining sector	Rössing Mine Langer Heinrich Areva Husab Etango Valencia Reptile		<ul style="list-style-type: none"> • Share results of the environmental indicators that are monitored by the Uranium SEMP office. • Bring uranium mining-related issues and trends to the Forum. • Take Park news and decisions back to the mining sector.
Non-uranium mining sector	Walvis Bay Salt Works Swakop Salt Cape Cross Salt Granite, marble quarries Sand mining rep Gypsum		<ul style="list-style-type: none"> • Bring non-uranium mining and quarrying -related issues and trends to the Forum. • Take Park news and decisions back to the mining sector.
NAMPOL	CID Operations Traffic	Regional Crime Investigations Coordinator - C/Insp. Kalimbula Staff Officer Operations - C/Insp. Gerber Regional Traffic Coordinator - Insp. Lange	<ul style="list-style-type: none"> • Share law enforcement and emerging trends and concerns with the Forum. • Cooperate with Forum partners where possible e.g. in distributing information leaflets and regulations. • Report on traffic and vehicle issues which concern the Park. • Take Park news and decisions back to NAMPOL staff.

Institution or sector	Subsections or groups	Suggested main representative(s) (his/her position), and name(s)	Roles and responsibilities of the institution
NamWater	Environment Section Supply Section		<ul style="list-style-type: none"> • Share plans, future growth scenarios, emerging concerns with the Forum. • Report to the Forum on EIAs and implementation of water-related developments in or close to the Park e.g. pipeline routes, construction camps. • Collaborate with and build partnerships with MET+MFMR authorities for optimizing conservation goals in the Park. • Take Park news and decisions back to NamWater staff.
NamPort			<ul style="list-style-type: none"> • Share future plans and growth scenarios, port concerns with the Forum. • Report to the Forum on specific issues and EIAs around port-related developments or occurrences (e.g. pollution events). • Act as spokesperson on behalf of NamPort when issues that affect port activities are discussed. • Build partnerships with MET+MFMR authorities for optimizing conservation goals in the Park. • Take Park news and decisions back to NamPort staff

Institution or sector	Subsections or groups	Suggested main representative(s) (his/her position), and name(s)	Roles and responsibilities of the institution
NamPower	Environment Section Transmission Section Generation Section		<ul style="list-style-type: none"> • Share plans, future growth scenarios, emerging concerns with the Forum. • Report to the Forum on EIAs and implementation of power-related developments in or close to the Park e.g. powerline routes, bird mitigation measures. • Collaborate with and build partnerships with MET+MFMR authorities for optimizing conservation goals in the Park. • Take Park news and decisions back to NamWater staff.

4.2.2 Mobilization of stakeholders through institutional nominations

Individuals and representatives of all organizations on the CMC are being approached for information on their involvement. These organizations will be requested to comment on our suggested structure of the PCF, and to suggest additional or alternative institutions which should be represented on the PCF.

As preparations for constituting the PCF, organisations or institutions which are nominated for it will be required to motivate their participation and to show that they have some representation and credibility. This is to show that all the major users of the natural resources of Dorob have a voice on the PCF and will help to make the ‘people and parks matrix’ concept a success. These activities are part of the PF action plan.

4.3 Template agenda for the PCF

Given its mandate and roles, the following framework agenda is suggested for running PCF meetings (scheduled 4 times per year):

Chairperson: MET Regional Director or higher rank

1. Welcome and apologies

2. Presentations from members of the public, or brought to the Forum by representatives, to consider problems or suggestions for the Park.
3. Report on past grievances resolved or still ongoing, and record of decision of the resolution.
4. Matters arising from previous meetings
5. Progress on the DNP Annual Work Plan
6. Financial report linked to progress of the Work Plan
7. Matters presented by representatives
8. Short presentation on any issue of interest, for the sake of informing and raising awareness of Forum members

4.4 Grievance and Conflict Resolution Procedure for the DNP

Should anyone feel aggrieved or put at a disadvantage by the proclamation and regulations of the Dorob National Park, the following procedure is in place to deal with such problems.

The first office to be contacted should be the MET. The complaint should be in writing and should include at least the following points:

1. The date and time of a specific incident, or the timeframe over which the problem has been present
2. A description of the incident or the way the person/group is disadvantaged
3. Details of officials or other members of the public who can provide witness descriptions of the incident or support to the complaint
4. Suggested corrective or compensatory measures that could help to resolve the problem.

The PCF pledges to consider the issue and make a decision on how it will be resolved. This will be communicated to the aggrieved party through the Management Committee.

The proposed template Agenda of the PCF, Terms of Reference for each sector, and Grievance Procedure will be confirmed and disclosed at the Inception Meeting of the PCF.

5. Transformation of the CMC to the PCF

As part of the PF action plan and based on consultative meetings and workshops, the details of the transformation of the CMC to the PCF will be developed and agreed upon. Interviews will be held with all current representatives of organizations on the CMC, to ensure that concerns will continue to be addressed in the PCF. Each organisation will be asked what their current contribution is, and how and by whom this role should be carried out in the PCF.

6. Mobilization of the Topnaar Community

The draft regulations for the Dorob National Park (accessed from http://www.nacoma.org.na/Downloading/Regulations_DorobNationalPark2010.pdf on 28 Feb 2011) state that harvesting of plants for commercial purposes in the Park is prohibited, but by implication allows harvesting for subsistence. This applies to the Topnaar Community and others who traditionally harvest !nara melons in the Kuiseb delta. This traditional livelihood strategy needs to be clarified in the law.

As part of the PF action plan, the Topnaar community will be approached through the Traditional Council and the Kuiseb Delta Development Trust and arrangements made to address their concerns and safeguard the traditional practices.

7. Finalisation of the Management and Development Plan

As part of the PF action plan, the Inception Meeting of the PCF will discuss the overall management process, based on annual work plans and associated budget. The meeting will also address monitoring, and we will workshop suggested indicators and monitoring responsibilities so that these roles are clearly defined. There will be an emphasis on indicators that are readily accessible and that do not require additional work to gather data.

These additions and amendments will be compiled in an updated MDP which reflects the new status of the Dorob National Park and the updated institutional arrangements.

8. Monitoring and evaluation

8.1. Principles of coastal conservation and livelihood improvement to be monitored

All coastal protected areas are managed and monitored according to similar principles (see previous chapters) using on an annual basis the Namibian Management Effectiveness Tracking Tool (NAMETT) and an adapted version for the MPA.

As the latest addition to the coastal protected area network, the Dorob National Park, due to its diversified resource uses and users, is spearheading the protected area planning and management process on the coast. The DNP Management and Development Plan is “principles” based. These principles serve essentially as mini policy statements. Not all eventualities can be planned for, but if the basic principles are established, decisions can be readily made against these principles and thus be in line with national park policy and monitored and evaluated by governmental and non-governmental stakeholders.

The overriding principle behind the DNP MDP is that the commercial operators have the continuation and growth of their businesses in their own interest, and they need to collaborate with the government ministries (MET and MFMR) to keep and grow their operations while ensuring that conservation aims are not jeopardized. These private and public components complement each other and work together through the Consultative Forum. Ongoing monitoring and evaluation of all aspects (planning, management, implementation and participation) are not set out as separate activities, but are part of the day-to-day work that the Park’s Management Committee and the Forums undertake and are integrated into the NACOMA’s monitoring and evaluation plan.

The MDPs will be thoroughly reviewed and, where necessary, revised, every five years. Any changes that must be made in the interim to Parts 1-4 and 7 (which address management issues and regulations) must be recommended by the Park’s Consultative Forum and approved by the Strategic Forum, and be reflected in the respective minutes by means of a signed and dated amendment. Changes may be made to Parts 5 & 6 (inventories, background information, reports), with the joint approval of the Park CEO, the Directors of Parks & Wildlife and Fisheries respectively, as new information becomes available. MET will manage the budgetary requirements of the administrative hierarchy and establishment of the Honorary Wardens for the Park. Templates for the Annual Work Plan and budgetary allocations are included in the MDPs to facilitate their implementation by government.

8.2 Current and potential new indicators for M&E

Monitoring and evaluation efforts of the NACOMA project, including the safeguard instruments and particularly the Process Framework, are focusing on two main project development objectives:

- a) improving conservation of coastal and marine protected areas, and
- b) enhancing sustainable use and livelihoods of the coastal population.

The NACOMA M&E Plan includes at objective level two outcome indicators that are monitored and reported regularly serving this purpose. These higher level indicators are complemented by intermediate outcome indicators under the relevant site-specific component 3 (Targeted Investments in Critical Ecosystems for Biodiversity Conservation, Sustainable Use and Mainstreaming) addressing again both the biodiversity conservation and sustainable livelihood issues:

- The increase in the number of conservation areas and the improvement of their management effectiveness form part of the Annual Work Plan that the MDP stipulates. These are tracked and reported on in the quarterly and semi-annual reports to the PCF.
- Under Outcome Indicator 2 (OI 2: Increase in the number of people engaged in sustainable use activities by Year 5 compared to baseline situation) it was agreed to repeat the methodology used to establish the baseline, at the end of the project (scheduled for April 2011).
- The intermediate outcome indicators under Component 3 assess progress with alignment of management plans with local development plans (IOI 3.1.2.); successful implementation of investments (matching grants; IOI 3.2.1.) and enforcement of management plans (IOI 3.2.2.).
- Regular progress reports include a specific safeguard section and are shared with the SC, ICZMC and all the relevant stakeholders when necessary.

The PF and its action plan will further monitor and report the project's impacts on the Topnaar community and livelihoods as described below:

- The livelihood situation of the Topnaar community will be reported on by their representative(s) on the PCF. As part of the ongoing work on strengthening conservation efforts and improving livelihoods the Topnaar Community has formed a trust registered as the Kuiseb Delta Development Trust (KDDT). This Trust will financially benefit from a NACOMA's Matching Grant for sustainable ecotourism investment under Component 3. In addition to the improved income and fair distribution of benefits, the KDDT will ensure that the Topnaar Community is represented on the Dorob National Park (DNP) Consultative Forum.
- The harvesting of !Naras in the Kuiseb delta by the Topnaar Community will not be hindered by the new DNP regulations. The regulations are in the process of being finalized together with the finalization of the Protected Area and Wildlife

Management Bill and regulations. The Topnaar Community have been collecting !Nara melons legally in the Namib Naukluft Park since 1907 and there is no plan to stop this in the newly gazetted neighbour DNP. Levels of harvesting activity are monitored as part of the regular area patrols undertaken by MET staff, and will be reported on at the PCF meetings.

- Also present on the DNP Consultative Forum are the commercial Tour Operators represented through the Coastal Tourism Association of Namibia (CTAN). The CTAN representative(s) are specifically tasked with reporting on issues from the sector that deals with rents/permits/fees which may affect their operations (and therefore livelihoods).

The PF action plan includes a number of consultative meetings with the Topnaar community where a review of the existing indicators will be included. As a potential result, new or improved indicators might be added and become part of MET's monitoring scheme for the DNP.

8.3 Consistency with the Environmental Management Act (2007)

Section 27 of the Environmental Management Act (2007) stipulates that any activities to do with, *inter alia*,

- land use and transformation,
- resource renewal,
- transportation,
- recreation;

may not be undertaken without issuance of an environmental clearance certificate.

The proposed National Park and its Management and Development Plan falls within this scope, and MET should therefore seek such an environmental clearance certificate for its proposed proclamation.

The purpose of the Act is “to promote the sustainable management of the environment and the use of natural resources”, which the proposed MDPs clearly do. Furthermore, the procedure for assessment includes a consultative process (Section 44). The consultative process which has and will continue to be followed for the coastal parks, as set out in the MDPs, sets a new standard in terms of the involvement of the public in decision-making over protected areas. The proposal clearly meets the requirements of the Act.

Issuance of an environmental clearance certificate will be done by the same competent authority as the one making the proposal. This conflict of interest is unavoidable; nevertheless, the procedure of gaining environmental clearance should still be followed to show that government is not exempt from its own regulations.

References

Botes, A., J. Henderson, T. Nakale, K. Nantanga, K. Schachtschneider and M. Seely. 2003. Ephemeral rivers and their development: testing an approach to basin management committees on the Kuiseb River, Namibia. *Physics and Chemistry of the Earth* 28(20-27): 853-858.

MET, 2009. Management & Development Plan for the Central Area of the Namib-Skeleton Coast National Park. Third Draft. January 2009.

MET, 2009. Management & Development Plan for the Namib-Naukluft Area of the Namib-Skeleton Coast National Park. Third Draft. January 2009, and Final Draft 28 February 2011.

MET, 2009. Management & Development Plan for the Skeleton Coast Area of the Namib-Skeleton Coast National Park. Third Draft. January 2009.

MFMR, 2009. Namibian Islands' Marine Protected Area report prepared for the Ministry of Fisheries and Marine Resources by NACOMA

NACOMA PAD, 2005. Namibian Coast Conservation and Management Project Appraisal Document prepared for the Namibian Government by the World Bank 3 August 2005

Appendix A: Process Framework for NIMPA

Process Framework (grievance procedure)

Namibian Islands Marine Protected Area (NIMPA)

Background to the NIMPA proclamation process

Following on a rigorous, legally enshrined process³ of stakeholder consultation and engagement, the proclamation of Namibia's first marine park, the Namibian Islands' Marine Protected Area (NIMPA) was formally endorsed and approved by cabinet on 2 September 2008. This followed on the completion of various legally required steps and provisions in terms of section 51 of the Marine Resources Act no. 27 of 2000. In terms hereof, a legal review⁴ was conducted towards the end of 2005, and included the initiating phases of meeting with government and some of the stakeholders, including the mining industry. From government this included the offices of the Permanent Secretaries and Directors from the Ministries of Mines and Energy, Justice, Environment and Tourism and Fisheries and Marine Resources.

Following on project approval from these sectors, a formal, scientific zonations workshop was convened in Lüderitz, in order to better define and delimit the proposed marine reserve. The outcomes hereof were presented to the Fisheries Management Committee (FMC) of the Ministry of Fisheries and Marine Resources (MFMR). A rigorous process of individual and collective stakeholder consultation was then conducted, through meeting with affected sectors, users and their representatives from the area, and included site visits. The outputs, negotiations, agreements and compromises from this process were consequently included and incorporated into the proclamation and zonations process of the marine park itself, as documented in the Namibian Islands' Marine Protected Area report⁵, which was subsequently also formally endorsed by cabinet.

Prior to cabinet approval, an official, two-day multi-stakeholder workshop was conducted,⁶ in order to conclude the first, all-important round of stakeholder engagement.

³ According to requirements, policies and legislation of specifically the Ministry of Fisheries and Marine Resources

⁴ Currie, H. (2005) Declaring Namibia's Offshore Islands and Surrounding Waters as Marine Protected Areas: Legal Review of the applicable National and International Provisions. WWF-SA Marine.

⁵ Currie, H., Grobler, K. & Kemper, J. (2008) Namibian Islands' Marine Protected Area.

⁶ From 16 – 17 November 2007, in the Diamond boardroom of the NEST Hotel in Lüderitz.

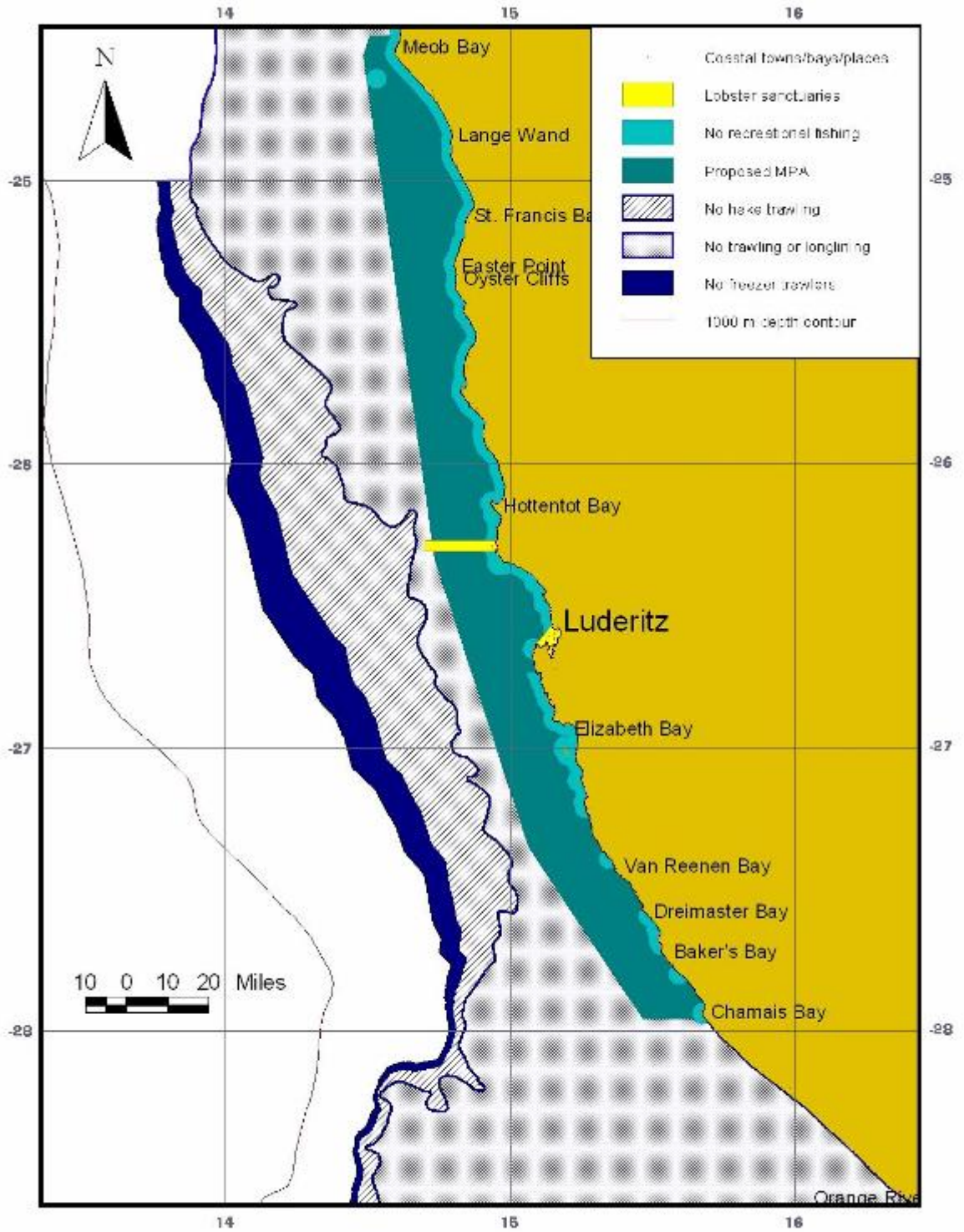
In February 2009, the Namibian Islands' Marine Protected Area was formally proclaimed and gazetted as a marine reserve, by the Honourable Minister of Fisheries and Marine Resources, Dr. Abraham Iyambo exercising his legally enshrined discretion under section 51 of the Marine Resources Act.

NIMPA was proclaimed in February 2009, in the MPA gazette, government notice no. 4210. NIMPA's Boundaries and co-ordinates are indicated in this MPA gazette.

The land-ward boundary of NIMPA runs along the high-water line, according to the Ministry of Fisheries and Marine Resources' stipulated jurisdiction. The adjacent and terrestrial Sperrgebiet National Park (SNP) has its coastal boundary along the low-water mark, thereby resulting in an overlapping of the marine and terrestrial parks in this narrow coastal strip that falls between the high water mark and low water mark. The two Institutions have agreed to address this over-lapping area via co-management arrangements, joint enforcement and compliance.

No existing livelihoods were denied or restricted through this proclamation, as a large part of the proclaimed area falls into what was a closed area and / or restricted access prior to the proclamation, in terms of mining legislation and existing fishing regulations. For example, a large part of NIMPA falls into what was previously defined as 'diamond area no. 1' in terms of the old Diamond Act, which is therefore a closed and restricted area to the public, in terms of mining laws. Most of the islands falling within mining concessions exist under similar restrictions. Regarding any fishing activities, as the map below indicates, existing fishing regulations⁷ prohibited the following in the affected area, prior to the proclamation of the NIMPA: No trawling, no freezer vessels, no long-lining allowed, due to fishing depth limit restrictions in the area; no recreational fishing allowed from the shore side of most of the coast-line and islands within the NIMPA.

⁷ Government Gazette of 7 December 2001, No. 2657, Government Notice No. 241



Proposed MPA in relation to marine areas that are presently protected from specific activities through Fisheries regulations.

Existing fishing activities in the NIMPA which are currently still allowed include some recreational rock-lobster fishing, and Namibia's main commercial rock-lobster fishery; these are still allowed to operate, and detailed conditions and parameters regarding such activities within the NIMPA have been negotiated, discussed and outlined with the industry itself, through its representative and legally mandated 'rock-lobster association'. This is also documented and recorded in the above-mentioned NIMPA report.⁸

Regarding restrictions on purse seining fishing activities within the NIMPA, this was formally discussed and agreed to by the representative body, chairperson of the legally recognized fishing association, Hugo Viljoen, as formally documented in the report.⁹ The same applies to the restrictions imposed on the line-fishing activities of two fish species in the north of NIMPA, through agreement with the representative at the time of stakeholder engagement, Wayne Hart, likewise formally agreed to, recorded and documented.¹⁰

Similar provisions and conditions of access and use apply to other affected stakeholders and users operating within the NIMPA, such as the mining industry, tour operators, guano harvesting etc., and is elaborated in more detail below.

Appendix 2 of the draft NIMPA Operational Management Plan contains a complete and approved Monitoring and Evaluation Strategy, an approved MPA management effectiveness tracking tool (METT) and score-card.

The existence of a Process Framework or Safeguard for NIMPA

Should anyone from the community be affected by the proclamation of the Namibian Islands Marine Protected Area (NIMPA), according to World Bank requirements, there should be a clear procedure in place, as to how to deal with problems arising in such regards. This could play an important role from a socio-economic perspective.

Namibia's constitutional and legal systems provide sufficient avenues in this regard, in line with internationally recognized frameworks of procedural justice and administrative law operating in a democracy. This includes the laws, policies and legal agreements forming part of the applicable legal framework as listed in the table of relevant legal Acts, regulations, policies and conventions at the end of this document. The most important of these relate to Namibia's Constitution, the Marine Resources Act and regulations promulgated thereunder, as listed more specifically further below.

In addition, the entire process and stakeholder consultation leading up to the proclamation of the NIMPA has been conducted in such a way, for it to be legally defensible and as was required in terms of the checks and balances and procedural requirements stipulated in terms of the Marine Resources Act, Namibia's Constitution and other relevant national, regional and international legal requirements and policies. No livelihoods were threatened by the proclamation of NIMPA. Regarding guano rights-holders, existing fisheries

⁸ Currie, H., Grobler, K. & Kemper, J. (2008) *Namibian Islands' Marine Protected Area*.

⁹ Currie, H., Grobler, K. & Kemper, J. (2008) *Namibian Islands' Marine Protected Area*.

¹⁰ *supra*

legislation provides no legal guarantee of renewal attached to such rights once they have expired, and the NIMPA proclamation did not in any way alter the nature of such rights. Where grievances or uncertainties arise, the first office to be contacted or approached should be the MFMR. No dependant communities were displaced by the proclamation of the NIMPA and no prior existing access rights were refuted. All affected industries, stakeholders and users were consulted, and their input was formally incorporated into both the planning – and proclamation processes of the NIMPA, as documented in the report.¹¹ Should affected claimants on justifiable and reasonable grounds in law be unsatisfied with feedback received from the MFMR, they may approach the Permanent Secretary of the MFMR, thereafter the Honourable Minister and, finally, approach the Ombudsman. If the public and communities are adequately informed about the benefits apparent from MPAs, problems of this nature should not arise. Proven families of deceased persons may have the right to visit the gravesites, provided they abide by general permit conditions, protocols, rights of access and are accompanied by island personnel. The human remains from these graves have been returned to the families of these deceased persons. Regarding the benefits to the local community, through the NIMPA, the following should be noted: recommendations have been made, through the proclamation process, to actually increase the area available to the Lüderitz community for recreational fishing activities, as the current area open to such activities is presently unjustifiably and unreasonably small. Arrangements and procedures regarding this ‘opening up’ of access to resources for the local community are currently under way and applications and recommendations for revised permit conditions as underlined have been lodged by the NIMPA project with the Permanent Secretary of the MFMR.

¹¹ Currie, H., Grobler, K. & Kemper, J. (2008) *Namibian Islands’ Marine Protected Area*.

Legal Framework

Table of Legal Acts, Regulations, Conventions, Legislation

Ministry of Fisheries and Marine Resources: Regulations relating to the Exploitation of Marine Resources Government Gazette of 7 December 2001, No. 2657, Government Notice No. 241

Ministry of Fisheries and Marine Resources: Marine Resources Act No. 27 of 2000, Government Gazette of 7 December 2000, No. 2458, Government Notice No. 292

Ministry of Fisheries and Marine Resources: Vessel Monitoring Regulations Government Gazette of 14 June 2007, No. 3446, Government Notice No. 65

Namibian Islands' Marine Reserve MPA Gazette of 16 February 2009, Government Notice No. 4210

Constitution of the Republic of Namibia 1990

Environmental Management Act No. 7 of 2007

IUCN (International Union for the Conservation of Nature) Guidelines for Protected Area Management Categories

1992 Convention on Biodiversity (CBD)

1995 Jakarta Mandate on Marine and Coastal Biodiversity

2003 World Parks Congress Recommendations

2002 World Summit on Sustainable Development (WSSD0 Goals

1971 Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention)

1968 African Convention on Conservation of Nature and Natural Resources (Algiers) and the revised 2003 African Convention

Territorial Sea and Exclusive Economic Zone of Namibia Act No. 3 of 1990, as amended by Act 30 of 1991

1982 United Nations Convention on the Law of the Sea (UNCLOS)

1995 Straddling Stocks Convention (Implementation Agreement relating to the Conservation and Management of Straddling Stocks and Highly Migratory Stocks)

Appendix B: Regulations governing the DNP (MET, 2010)

Draft Regulations for the Dorob National Park

Preamble These regulations specify what is permitted or not permitted in the Dorob National

Park (DNP) of the Namib-Skeleton Coast National Park (NSCNP) (hereinafter referred to as ‘the park’. They are a compliment to the Management and Development Plan (MDP) of the NSCNP. Thus, an issue not included in the regulations, but covered in the MDP, is in such cases regulated by the text in the MDP.

A. Public Access

1. Any person entering the DNP does so wholly at his/her own risk. Thus, the Government of the Republic of Namibia shall not be liable for any damage suffered on account of physical injury, whether fatal or not, incurred in any way whatsoever in the park.
2. Unless permitted through a concession agreement authorized by the Minister, bikes and quad bikes may only access the following areas:
 - a. Any proclaimed road, subject to the relevant Traffic Ordinance and regulations,
 - b. The coastal strip between Swakopmund and Henties Bay, west of the main coastal road but excluding all demarcated and signposted exclusion areas (seaward of Mile 14, Jakkalsputs and Wlotzkasbaken), private property, the Swakop River, Damara tern breeding sites and dune hummocks (note that no bikes or quad bikes are permitted off a proclaimed road anywhere north of the Omaruru River in the Namib-Skeleton Coast National Park).
 - c. The ‘ORV area’ east of Swakopmund, bounded by the Swakopmund Municipal boundary in the west, the Namib Lead Mine road in the east, the railway line in the north and the Usakos-Swakopmund tar road (B2) in the south
 - d. The central strip of the dunefield between Swakopmund and Walvis Bay, with access to this strip through demarcated corridors near dune 7, Dolfynstrand and Langstrand (all demarcated)
 - e. The river bed (between the north and south banks) of the lower Omaruru River, from the river mouth to a point 5km inland of the mouth.
3. Unless permitted through a concession agreement, beach buggies and motor vehicles may only access the following areas:
 - a. Any proclaimed or park road, subject to the relevant Traffic Ordinance and regulations,
 - b. The coastal strip between Swakopmund and Ugab river, west of the main coastal road but excluding all demarcated and signposted exclusion areas (seaward of Miles 14, 72 and 108, Jakkalsputs and Wlotzkasbaken), Damara tern breeding sites, lichen fields, private property and dune hummocks.
 - c. The ‘sacrifice area’ east of Swakopmund, bounded by the Swakopmund Municipal boundary in the west, the Namib Lead Mine road in the east, the

railway line in the north and the Usakos-Swakopmund tar road (B2) in the south

d. The central strip of the dunefield between Swakopmund and Walvis Bay, with access to this strip through demarcated corridors near dune 7, the guano platform, Dolfynstrand and Langstrand (all demarcated)

e. The river bed of the lower Omaruru River, from the river mouth to a point 5km eastwards of the mouth.

f. The river bed of the Swakop River east of the Swakopmund Municipal boundary,

g. The coastal strip between Walvis Bay and Swakopmund, excluding the demarcated areas on the sea side of the beachfront houses in all municipal areas, as provided for by municipal by-laws

h. The “well-used” track network (existing tracks) throughout the park north of Swakopmund, except where signage stipulates that such tracks are closed (therefore, other than on the beach, driving off a road or existing track is not permitted).

i. In the gravel plains area between the Kuiseb and Swakop Rivers and inland of the Swakopmund – Walvis Bay dunefield, vehicles may only drive on proclaimed roads or park roads. In the case of driving on the park roads, a permit is required.

j. Residents of the Topnaar community that require access to their properties and natural resources in the Kuiseb River area in the park, may use existing tracks off the road network, but may not create new tracks.

3. Horse riding, bicycling, walking and jogging is permitted anywhere in the park unless specifically not permitted in demarcated and signposted exclusion areas (e.g. Damara tern breeding sites, lichen fields, private property). Pets may accompany the owner anywhere in the park unless specifically not permitted in demarcated and signposted exclusion areas (e.g. Damara tern breeding sites, Ramsar sites), providing they are with and under the control of the owner. ‘Under control’ in this case means being either on a leash or obedient to the owners commands such that they do not threaten another pet or a person or wildlife. It is illegal for pets to chase, harass or kill any type of wildlife in the park.

4. Sand boarding is permitted in the dunes in areas specifically designated for sand boarding

5. Paragliding is permitted on the western face of the Swakopmund-Walvis Bay dunefield, in areas specifically designated for paragliding

6. Motorized boats, jet ski’s or yachts may access the marine component of the park except registered Ramsar sites (Sandwich harbour and the Walvis Bay lagoon) or any other areas specifically excluded by means of signs or public notices (e.g. aquaculture farms). Rules issued by MFMR regarding the safety of marine mammals shall be adhered to, and rules regarding boat safety and operation issued by the MWTC must be adhered to.

7. Human-powered boats (e.g. kayaks, canoes), one-person wind-boards and surfers may access all parts of the marine component of the park except areas specifically excluded by means of signs or public notices (e.g. aquaculture farms). Rules issued by MFMR regarding the safety of marine mammals shall be adhered to.

8. Aircraft, microlights and gliders may overfly the park providing they are at least 3000 feet above registered Ramsar sites and Important Bird Areas (Sandwich harbour, Walvis Bay lagoon Mile 4 and Cape Cross lagoons, the coastal area between Swakopmund and Walvis Bay) and above 1000 feet anywhere else, and that all Civil Aviation laws and regulations are conformed with. Aircraft may only land on registered airfields, unless a forced landing is required in an emergency, in which case the required Civil Aviation procedures must be followed.
9. Overnighting in the park is only permitted in designated campsites, lodges and overnighting is permitted from 12h00 on the 31st of December to the 12h00 on the 1st of January each year between the Swakop River Mouth and Langstrand.
10. Fires may only be made in designated fireplaces or in a mobile 'braai' facility. In the case of the latter, coals and ash must be removed from the park or disposed of in an official refuse facility.
11. Bonfires and fireworks may not be made/discharged unless specifically allowed by the Park authorities in writing per event, and then only in accordance with stipulated conditions.

B. Signage, advertising and structures

1. Only the Government of the Republic of Namibia (GRN) may erect signs in the park, and all signs shall conform to the standards specified by the Namibian Roads Authority (NRA).
2. Billboards or outdoor advertising of any kind are/is explicitly prohibited.
3. Unless authorized in writing, no one may erect any structure other than a temporary shaded wind-shelter (in the case of beachgoers) in the park.

C. Tourism and Concessions

1. No one may offer accommodation, tours or special events in the park unless they have a valid concession or permit authorized by the respective Ministers and issued by the Permanent Secretaries of MET and MFMR
2. No lodge or campsite may be established in the park unless its establishment has been guided by either an Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP), or a fast-track EMP should MET decide that an EIA is not necessary. In any event, there must be an Environmental Contract that stipulates the environmental safeguards that must be complied with.
3. The GRN may issue concessions in the park in accordance with the MET's tourism and concession policies.
4. No person may make any film or photo for commercial purposes without the written permission of the Park Authorities.
5. Without the written permission of the Park Authority, no person, except an officer acting in an official capacity, may
 - a. present public entertainment,
 - b. collect money from the public,
 - c. carry out any trade or business,
 - d. distribute any pamphlet, book, handbill or any other printed or written document,
 - e. organize, hold or address any meeting or assembly, or

- f. hold an organized angling competition
- 6. In all cases, conditions will be stipulated for the concession and these must be adhered to.

D. Plant and animal harvesting

1. Unless explicitly allowed by virtue of a valid permit, no-one may harvest any plant or animal for commercial purposes in the park
2. Angling, fishing and crayfishing is permitted anywhere along the coast in the park except in designated Ramsar sites (Sandwich harbour and Walvis Bay lagoon), and then only on condition that all Fisheries Regulations are adhered to.
3. Bait and shellfish may be harvested anywhere along the coast in the park except in designated Ramsar sites (Sandwich harbour and Walvis Bay lagoon), and then only on condition that all Fisheries Regulations are adhered to.
4. Beach-combing is permitted, providing that the intention is to collect items for personal use only, and that items are collected by hand only,
5. Permit holders may only harvest marine mammals in accordance with GRN policy of sustainable utilization of natural resources and under strict conditions set by MFMR and/or MET.
6. Other than the above, no animal may be killed, chased, baited or harassed, and no eggs may be removed from a bird's nest, nor may the nest be tampered with or damaged.

E. Prospecting and mining

1. Prospecting and mining for strategic minerals only, will be permitted in the park, and then only in areas where they will not unduly undermine conservation priorities (i.e. nowhere in the intertidal zone, not within 5 km's of lichen fields, Damara tern nesting sites or seal colonies, not in or within 5km's of the Messum Crater) and/or public recreation and tourism (i.e. not within 5km's of any lodge or public campsite).
2. All prospecting and mining will be preceded by an EIA and EMP, in accordance with Namibia's Environmental Management Act of 2007, and the relevant mining legislation.
3. All mines must be rehabilitated after closure or abandonment, in accordance with the Environmental Management Act of 2007.

F. Industries

1. Given that the park is surrounded by development nodes (Walvis Bay, Swakopmund, Henties Bay, etc.) it is acceptable that certain industries required to satisfy national and/or public interest, may be located in the park. Examples include roads, powerlines, pipelines, desalination plants, aquaculture projects, and research facilities.
2. In all such cases, the developments will be preceded by an EIA and EMP, in accordance with Namibia's Environmental Management Act of 2007.
3. Notwithstanding 1 and 2 above, no person may erect or lay out any building, structure, water installation, fence, seaward protection, beach wall, boat house landing place, nursery or any other works or facilities without the written

permission of the Park Authority.

G. Waste, pollution and litter

1. Any form of littering is illegal. 'Littering' in this case means discarding or leaving a human-made object or food item in the park or on or adjacent to a public road running through the park. 'Leaving' in this case means going away from the place or area where the item was left by the person, whether or not the person intended returning to fetch it later.
2. Fish offal and unused natural bait may be returned to the sea, but may not be left on the beach.
3. Any form of environmental defacing is illegal. 'Defacing' in this case means painting, scratching, writing or spraying names, patterns or motifs on any part of nature or creating new vehicle tracks on the unspoilt desert environment.
4. No waste disposal site may be created in the park unless authorized in writing by the MET.
5. Should a person have no alternative than to use nature as a 'toilet', the toilet paper must either be burnt or removed, and the human waste buried or removed.
- 7
6. No person may pollute the soil, ocean or freshwater in any manner.

H. Honorary Wardens

Honorary Wardens will be appointed to assist the GRN in managing the park, and shall have the following responsibilities and powers:

1. To provide information to the public and other stakeholders
2. To inform people that they are in contravention of the regulations, and request them to immediately comply
3. To stop a person and search a vehicle, boat or aircraft, providing there is a reasonable suspicion that the person has been involved in an illegal activity
4. To demand a persons name (as above)
5. To inspect a suspects luggage (in search of any illegal items, such as fish, shellfish, bait, venison, live animals, plants, etc.)
6. To count and/or measure fish or shellfish to determine if they comply with legal requirements
7. To issue an offender with an official warning.
8. To report an offender to the authorized law enforcement agencies, whose task it is to perform an arrest/issue a fine, as the case may be.

I. Powers of an Officer

An officer shall have all the powers accorded to Honorary Warden, as well as the following additional powers:

1. An officer who performs duty in the park may order a person who, in his/her considered opinion commits or has committed an offence, or does or has done anything which gives offence or has given offence to other people in the park, to leave the park forthwith.
2. Any person who has been lawfully ordered by an officer to leave the park in accordance with 1, above, shall leave the park forthwith along the shortest route

on which the public may travel.

3. If the Park Authority decides that the person evicted from the park in accordance with 1, above, is a threat to the park or the public in the park, s/he may order that the person may not re-enter the park for a period of 6 months.

4. Any person banned from entering the park in accordance with 3, above, may appeal his/her ban in writing. The appeal will be considered by the Permanent Secretaries of MET and MFMR, and the decision conveyed by them in writing to the appellant.

5. An officer who performs duty in the park may warn, fine or arrest a person who, in his/her considered opinion has contravened any of the park regulations. In the case of a fine, the amount to be fined shall be made known in the Government Gazette from time to time. If the contravention was damage to State property, the officer may issue a fine that is in relation to the costs of repairing or replacing, as the case may be, the damaged property.

6. An officer who performs duty in the park may confiscate from any person an object that has been used to contravene any of the park regulations, or an item that constitutes evidence of the contravention, when s/he issues a fine to the person for the contravention, or arrests the person, as the case may be. The officer shall issue the person a confiscation receipt for the item and shall be responsible for its safekeeping until the case is heard by a competent Court. The Court shall decide whether the item be forfeited to the State or returned to the person.