



During this period, Garth Owen-Smith and Chris Eyre of the Directorate of Nature Conservation began to work with local traditional leaders in an effort to contain poaching from within. With very limited financial support and under the constant gaze of the SADF and some would say the state label of *persona non grata*, Owen-Smith gained the trust and respect of traditional leaders. The pre-Independence Government at that time viewed any efforts aimed at empowering black leaders and politicians with extreme suspicion. Contemporaries of Owen-Smith actually believed he was taking a considerable risk (K. Nott pers. comm.). Notwithstanding Government resistance to his approach, Owen-Smith, together with a number of others (Blythe Loutit, and Ina Britz) established an NGO – Namibia Wildlife Trust (NWT) – and began work on anti-poaching. Between 1982 and 1986 NWT together with community leaders established the CGG programme, the goal of which was to stop poaching. The broader objectives of the NWT included the provision of training for suitable local people so that they might play a professional role in the conservation of the region (Owen-Smith 2002). A key feature of the CGG approach was to work hand in hand with respected and mature members of the community and their own leaders – in this way, dealing with the poaching problem from within. The efforts of the NWT, local leaders and individuals in the Directorate of Nature Conservation and Recreation Resorts together with locally recruited CGGs eventually led to the foundation of CBNRM in Namibia.

The first moves to initiate a project in the Caprivi Region occurred in 1987 when the Endangered Wildlife Trust requested a feasibility study to be carried out by Garth Owen-Smith and Margaret Jacobsohn on the possibility of developing a programme in East Caprivi similar to that of Damaraland and Kaokaland in the north-west of South West Africa/Namibia. The Endangered Wildlife Trust that supported the CGG system in the north-west had become concerned over the rapid demise of wildlife in East Caprivi (Rice 1997).

In the Caprivi Region no further developments took place until 1990 when the Endangered Wildlife Trust held a parks and neighbours workshop in South Africa. Chief Mamili of the Mafwe attended this workshop and heard about the CGG system and community involvement in wildlife conservation in the north-west. Chief Mamili then invited Garth Owen-Smith to visit his area of East Caprivi to develop a similar programme (Rice 1997).

The CGGs were paid for by the Endangered Wildlife Trust in South Africa, but were responsible to the headmen. The CGGs were initially part-timers who carried on with their normal activities but were expected to patrol their areas at

least once a month (Jones 1999a). They were not there to apprehend poachers, but to monitor wildlife and any suspicious activities, and then report to their headmen who would decide upon a course of action. If there was a serious poaching incident, the headmen would hand over the case to the Government. Community leaders and many residents agreed to take on some responsibility for conserving wildlife before there was any prospect of wider economic benefit. The exercise of responsibility and regaining of some control over a resource from which people had been alienated by the State appears to have provided sufficient incentive to conserve wildlife (Jones 1999a). The foundation for this approach was an agenda of maintaining wildlife populations in the region that was shared by the community leaders and the conservationists.

CBNRM in Post-Independence Namibia

New initiatives and government support

Following Independence in 1990, Namibia developed a new constitution, Article 95 of which is dedicated to the issue of environmental management. This new focus, moving away from a parks and law enforcement paradigm, assumed a new meaning for the notion of environment: putting people at centre stage. The new thinking that came with Independence paved the way for the legitimacy of people and community-based approaches to conservation. The Ministry of Wildlife, Conservation and Tourism (MWCT) (later to become the Ministry of Environment and Tourism) embarked on an approach exploring the potential for involving local people in the management of wildlife and the benefits from wildlife and tourism within existing legislation. This stemmed from the recognition that the involvement of local community groups and leaders could lead to significant conservation success (as evidenced by the work of the CGGs in the north-west) and that wildlife has a commercial value (as evidenced by the interest in economic returns to wildlife on commercial farms).⁶ The approach was also influenced by community involvement in the management of wildlife in the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) in Zimbabwe. Building on these new insights and approaches, the then head of the MET Planning Unit (the precursor to the Directorate of Environmental Affairs), initiated a community-based planning process for NRM. This entailed conducting socio-ecological surveys, that aimed to:

“initiate the development of programmes in rural areas which [would] establish a partnership between local people and Government in the management of resources such as wildlife, forestry and fisheries. These programmes will [aim] also [to] enable local people to derive economic benefits from the sustainable use of these resources” (Jones 1993: i).

⁶ In 1991, for example, incomes from wildlife on the commercial estates amounted to N\$30 million (GRN 1995).



Independence brought the requisite political will to forge a path towards CBNRM, and the initiation of the socio-ecological surveys was aimed at working more closely with communities to plan to manage and benefit from resources. Despite this, there was still considerable resistance to conservation officials among communities themselves. The history of dual developments and the legacy of apartheid had left many rural people with animosity towards the Government and particularly the white conservators. The early experiences of implementing the socio-ecological surveys were fraught with difficulty because of the suspicions, and in some cases outright resistance, of local communities. It must be remembered that Ministry officials turning up in uniforms brought back memories of a former period, when it was not uncommon for herd boys suspected of poaching to be held without charge and without informing their families for weeks at a time. In Caprivi, for example, resistance came from all quarters: from the traditional authorities to ordinary villagers. Such resistance was so intense that in one incident a post-master was shot in the shoulder, being mistaken for a Ministry official (Chris Brown pers. comm.). Before Independence the SADF had provided East Caprivians with infrastructure (boreholes, feeder roads and the like), creating a dependency. Breaking this mould of expectation and dependence was not an easy task (Chris Weaver pers. comm.). Resentment to the Ministry is also reflected in the data collected during the socio-ecological surveys themselves (see for example Brown and Jones 1994: 49-51).

In the Caprivi Region the situation was compounded by the fact that many of the Nature Conservation officers were former SADF soldiers. It must be remembered that the successes experienced in the north-west through the CGG approach had only been achieved because of the long-term commitment and exposure of community groups to the persistence of those who supported them. It could be said that the basis of these successes was largely due to relationships of trust and mutual respect that had been established between Government, NGOs, local leaders and the CGGs. Despite the hostility to conservation officials encountered in Caprivi, the socio-ecological surveys established that local people did want to maintain wildlife in their areas. Their opposition had been to the way in which conservation was being applied through heavy-handed law enforcement, not to the idea of conservation itself.

The new approaches being developed met with covert resistance from within the Ministry 'old guard'. In part, this was an ideological resistance, rooted in the politics of apartheid that assumed that black people were not capable of conserving wildlife. It was also partly based on internal Ministry politics. Those pushing for reform were able to move forward because of support from the Permanent

Secretary, and Minister. At the field level, individuals in the MWCT, through the Directorate of Nature Conservation, had since the early 1980s been involved in working with the programme of CGGs (see above). Despite this, staff (rangers to wardens) had no formal job descriptions for the kind of liaison and negotiation work that they carried out (Nahor Howaseb pers. comm.). This did not deter the small committed group of field staff, who continued to work to develop a community-based approach to conservation.

With support from the political-level within the Ministry, officials together with NGOs, traditional leadership and community members collaborated in conducting the socio-ecological surveys. The results of this applied research led to the development of a number of holistic land-use plans and targeted proposals to support improved NRM for the communities involved. The surveys that were carried out in West Caprivi for example, recommended that a partnership approach be adopted to "establish an economically based system for the management and utilisation of renewable natural resources" (Brown and Jones 1994: 56). It was recommended also that a CBNRM programme be the means by which to implement such a system (ibid). The importance of the surveys was that, like the early work in Kunene, they aimed to build a consensus between community members and outsiders on a conservation agenda. A major feature of the surveys was a call by local residents for the same rights over wildlife as those enjoyed by the freehold farmers. With the improved coordination of CBNRM through MET, and an opportunity to speak with a common voice⁷, it became possible to address the discriminatory legislation that had disadvantaged communal area farmers. The Government recognised that to achieve the goal of "re-empowering rural communal farmers to fully participate and benefit from wildlife management in their areas" (GRN 1995) the Nature Conservation Ordinance would need to be revised. It is worth considering in more detail the background to the development of the policies and legislation that provided an enabling environment for the implementation of a CBNRM programme for communal areas.

The Evolution of CBNRM Policy and Legislation in the Wildlife and Tourism Sector

The most significant factors that eventually led to the development of CBNRM policy and legislation in the wildlife and tourism sectors in Namibia were: the concerns of rural residents over better wildlife management; the experiences of conservation NGOs working in the north-west of Namibia; experiences and lessons learned from elsewhere in the southern African region (notably the CAMPFIRE programme in Zimbabwe); the lessons learned

⁷ By this time there was greater collaboration between NGOs and the Government than had been previously experienced in Namibia.



from the freehold farming sector; and the development of common property resource management theory (Jones 1999a). All these factors combined to varying degrees, and led to the eventual development of CBNRM policy and legislation. Further exploration of these factors provides a useful understanding of the evolution of policy and legislation.

The socio-ecological surveys carried out by the MWCT and NGOs in the early 1990s (see above) demonstrated that there was a shared agenda among local residents, Government officials and NGOs for the conservation of wildlife. Among many rural people there was hostility to the way conservation had been imposed previously by the Government, and many residents were unhappy at the damage caused to crops by elephants and other herbivores and the stock losses caused by predators. However, there was agreement in all communities in which the surveys were carried out that wildlife should be conserved for future generations. During the surveys, officials were told that communal area residents would like to have the same rights over wildlife as the white freehold farmers. Residents also indicated that they would like to gain more control over the tourism activities on their land as white businessmen were setting up camps and lodges and local people did not benefit beyond gaining menial jobs.

As a result planners in the MWCT started to work on developing a policy that would lay the foundation for new legislation to give communal area residents the same rights over wildlife and tourism as freehold farmers. The policy development process benefited from the local pilot projects that resulted from the socio-ecological surveys. The development of pilot projects and policy in tandem meant that experiences from the ground could help to develop and test methods of community mobilisation and organisation, the distribution of benefits and the development of partnerships with the private sector. The lessons from the pilot activities could then feed into the development of policy and legislation (Jones 1999a). Thus policy arose in part as a response to needs identified by local residents in the surveys.

The policy makers drew on the experiences of neighbouring countries that showed the principles of economic incentives and devolving rights to local residents could work on communal land. In particular, lessons were learnt from CAMPFIRE in Zimbabwe (Jones 1999a). One of the main policy lessons learned from CAMPFIRE was that management authority and rights to benefit need to be

devolved to the lowest possible unit to have the maximum impact (an issue dealt with in more detail in Chapter 9). Another important lesson was that local residents should receive income directly as a result of their conservation input, rather than as a handout from the Government. Also it was important that residents should be able to retain 100% of their income. If the Government claimed a portion of this income it would represent an unfair tax on wildlife as a land use.

Namibia's community-based wildlife and tourism policy was also based on evidence from the freehold farms, demonstrating that providing some form of rights over wildlife and the opportunity to benefit from its use could promote better management⁸. In particular, freehold farmers had begun to combine their financial, human and natural resources to manage wildlife collectively in large units called conservancies because existing farm sizes (up to 8,000 ha) were not large enough for successful wildlife management in Namibia's arid and semi-arid savannas.

A very strong influence on policy was the thinking in common property resource management that was developing in the late 1980s (e.g. Bromley and Cernea 1989 and Ostrom 1990) and discussed at length by planners in MWCT. New ideas about the design principles for common property resource management institutions helped address some of the questions faced by policy makers about how to devolve rights over a common resource such as wildlife to a group of individuals on land owned by the State. The new thinking suggested that successful common property resource management institutions needed to have:

- clearly defined boundaries for the resource itself;
- a defined membership or group of resource users;
- a set of agreed operating and resource use rules;
- the ability to monitor compliance with rules and enforce them; and
- legitimacy from the resources users as well as from the State.⁹

An important opportunity for developing the CBNRM approach in Namibia was the environment of change and reform created by the country's independence from South Africa in 1990 (Jones 1999a). It was possible to introduce new ideas and rhetoric in conservation which matched government policies aimed at removing racial discrimination, poverty alleviation and decentralisation. It was also possible for individuals in the MWCT to drive these processes with political support from above.

⁸ For a discussion of the success of legislative change in providing incentives for sustainable use of wildlife on freehold land, see Barnes and Jones 2003, Barnes *et al.* 2002, Barnes and de Jager 1996.

⁹ The implications of these principles at a local level are explored in more detail in Chapter 9. It is important to recognise however that they are very much focused on the issue of institutional design. As the introduction to this report highlights there has been a considerable focus on the development of institutions within CBNRM and less focus on the relationship of the broader community to these new institutions.



Despite these positive influences and opportunities that assisted the policy formulation process, it is important to note that the outcome of the process was a result of a number of strategic decisions and compromises that had to be made by the policy planners (Jones and Murphree 2001). To a large extent the outcome of the policy process reflected the result of trying to reconcile different interests within the Ministry itself. While some of these officials were in favour of rural people benefiting from wildlife they tended to view benefit as an end in itself, rather than as an incentive linked to good management (Jones and Murphree 2001). Despite political support for change, the prevalence of conservative views among senior Ministry personnel meant that the details of the legislation intended to implement policy had to be negotiated by the policy planners. The major strategic decisions and compromises were as follows (partly drawn from Jones and Murphree 2001):

- Legislation had to be based on the existing legislation for freehold farmers, which gave conditional and limited rights over wildlife and did not reflect the full devolution favoured by the policy planners.
- A decision was taken to pursue the devolution of wildlife resource rights in the absence of reform of communal land tenure that would also give communities strong rights over their land.
- Emerging regional councils were not given a strong role in forming or operating conservancies (largely because of their role in Zimbabwe in holding on to power and income without devolving these to more appropriate lower levels of management).
- The decision to ask communities to define themselves. While this meets important requirements of institutional design for common property management (e.g. internal legitimacy), it contained the inherent risks that boundary disputes would delay conservancy formation and that a relatively large group of people would form a conservancy and then face a number of practical organisational as well as governance issues.
- Development of pilot projects and policy and legislation were pursued without accompanying institutional reform within the Ministry. It was thought once legislation was in place, and conservancies emerged, change would be inevitable.
- Provision was made in legislation for the establishment of Wildlife Councils which would operate at a regional level so that people outside conservancies could also benefit from wildlife and tourism.

Eventually the policy that was developed to support the amendment of legislation was approved by the Namibian Cabinet in March 1995. The policy set out the conditions that must be met before the Government would confer rights to communal area residents: i.e. that the conservancy must be legally constituted, it must have clearly defined

boundaries agreed by neighbouring communities, a defined membership and a committee representative of the conservancy members (Jones 2002). A description of the policy on Wildlife Management, Utilisation and Tourism in Communal Areas and the Nature Conservation Amendment Act is provided below.

Wildlife Management, Utilisation and Tourism in Communal Areas Policy of 1995

The objectives of the policy are as follows (MET 1995b: 2):

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

The policy states:

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