



CGGs, the extent of their jurisdiction, and how in practice they would deal with incidents of local hunting. The second explores the ways in which the use and distribution of wildlife is managed at the farm and household level, but more importantly the ways in which the position of the game guards is essentially one of power and authority and as such can easily be exploited. This has implications for the further devolution of authority to conservancies and CGGs. The discussion draws principally on materials collected in Torra and ≠Khoadi //Hôas Conservancies in southern Kunene, and to a lesser extent through discussion with Community Rangers in Caprivi.

Although strictly speaking wildlife use at household level in conservancies is illegal, CGGs, Community Rangers and Environmental Shepherds have no legal powers to arrest anyone caught with illegal meat or in the act of hunting. CGGs essentially act as intermediaries between the local community, and the laws of the State. Unlike MET staff, they are not sworn officers of the peace and have no more power than that of citizens' arrest. They are not duty bound to report to the magistrates through MET. They are also members of the communities within which they work, and as such are network into a series of social relations involving kinsmen and women, and sometimes traditional leaders and the conservancy committee members. This puts them in an unenviable position of safeguarding and having responsibility over the resources of their conservancies and at the same time having to work within acceptable customary and traditional practices. That they are part of the communities' social make up is important, since they are also farmers and operate within the context of reciprocal relations to manage their livestock and access land, grazing and water. Just as the next man they rely on these kinds of relationships to ensure their own livelihood security.

Prior to conservancies, residents of the communal areas were allowed by the conservation authorities to hunt a quota of certain species of game. The permit for the hunting was issued in the name of the local headman who had a

considerable role in determining how meat and other benefits should be distributed. There were also customary rules associated with hunting and the distribution of meat in Kunene (Vaughan *et al.* 2003c). With the establishment of the CGG programme, the game guards, working closely with local headmen, the then Department for Nature Conservation and NGOs, it has been reported that in a five-year period between 1982 and 1987 they assisted in the conviction of over 80 people. The CGGs were quite clear about their position and responsibility, yet they were often required to give evidence against their neighbours, or even family members. From their inception it was crucial that they treated all accused with human dignity and that their traditional leaders were fully involved, including attending the subsequent court cases (Owen Smith 2002).⁷ With the passing of the 1996 legislation and the establishment of the conservancies the institutional contexts within which wildlife is locally managed has changed. Currently the CCGs operate within a complex of different authorities and they have no direct responsibility to be accountable to the communities within which they work, except through the conservancy management. While the headmen were consulted widely in poaching cases under the original game guards programme, since the establishment of conservancies they now also report to the conservancy chairs. Sometimes this has the effect of marginalising the headmen (this is not, however, the case in Caprivi where their positions of authority remain strong). The following statement lends support to the current position of headmen in the north-west.

“While the rights to manage wildlife are now legally vested in the conservancy committees, the traditional authorities are given no legal recognition for their role in managing wildlife, yet in the past they had played an active role.” (MET senior staff, Kunene, pers. comm.)

The following material drawn from workshops in Caprivi and Kunene illustrates not only what the CGGs consider to be their roles and responsibilities, but also what they feel should be their future roles, responsibilities and authorities.

Table 22: Current and future expected roles and responsibilities of CGGs and Environmental Shepherds

Current roles and responsibilities	Future roles and responsibilities
• Monitoring of wildlife numbers, species	• Support for powers of arrest
• Use and implementation of the event book for NRM monitoring	• Ability to investigate wildlife mortalities
• Monitoring of poaching and illegal activity	• Training in law enforcement
• Patrol in community areas	• To be able to remove ivory tusks and rhino horn and investigate mortalities
• Monitoring tourism	• Develop other wildlife use practices including shoot and sell
• Reporting stock theft and poaching	• Support to game reintroduction
• Assist in trophy hunting	• More clarity and autonomy to make locally appropriate decisions and take over NRM in conservancy
• Assist in community hunting	• Be given honorary ranger status
• Monitor people's settlement and movement	
• Community liaison	
• Reporting problem animal incidents	
• Guiding visitors	

Source: Vaughan *et al.* 2003c

⁷ Although discussions with those involved in the establishment of the CGG programme reveal that low impact subsistence hunting by local people was not a priority concern and it is well known that it continues in some areas today.



During the workshop sessions there was a consensus among conservancy NRM staff that they wanted more autonomy, and decision-making power. Of particular concern in the north-west was the issue of investigating wildlife mortalities without fear of prosecution. Related to this was the right to collect ivory or rhino horn if found out in the field or on the carcasses of animals. In respect to the issue of them being given the responsibility to manage wildlife, but not having any legal authority to make appropriate local decisions concerning arrests, there was a good deal of debate. The perspective of conservancy rangers and guards was that they wanted more formal legal training from MET and the Police, and ultimately they wanted to be given the status of honorary rangers.

To explore the processes associated with the apprehension of suspected local hunters the workshops used the technique of role plays to explore how decisions concerning the apprehension of local hunters were reached. The following provides a summary of these role plays, the processes involved in decision-making and the outcomes.

The two hypothetical role plays involved encounters between the game guards and individuals with very different socio-economic and livelihood circumstances. The hypothetical individuals were also from very different social networks. The first role play involved an encounter between the guards and a relatively wealthy young man (a conservancy chairman's son) visiting from town. He is discovered with springbok meat in his cooking pot. In this role play, the young man is known to the game guards, since they were at primary school together. In the second role play an old widow with many dependant children is encountered cooking springbok meat. The first half of the role plays, up to the point where the game guards discovered the springbok in the pot, was acted out by WILD and IRDNC staff. The game guards then picked up the story and acted out the final part bringing the incidents to a resolution.

In both cases the final outcome (as decided by the guards) was to have the individuals arrested. The road to arrest, however, was by no means straight forward. In the case of the chairman's son, there were four possible outcomes that were discussed and agreed by the participants. The first of which was that the young man would be taken directly to the MET and arrested, since the reputation and livelihood of the guards would be brought into question if found out. In the second option since the man was the son of an influential person it was agreed that a deal would be struck, since at some future time it would perhaps be advantageous of them both to ignore the incident. The third option was to speak directly to the conservancy chairman and issue him with a warning. The final possible outcome was that initially

the guard negotiated a bribe and took N\$1,000; then the two went off together drinking. Unbeknown to either of them the MET staff had discovered the springbok carcass for themselves and after some investigation found the guilty pair and arrested them both. They were both eventually sentenced to a vegetarian diet (!) and a number of years behind bars.

The discussion that followed raised a number of interesting issues relating to the position of the game guards. The first issue was that at the local level there are a number of accepted social practices that should be followed – these were agreed by the participants. To adhere to local customary practice the guards should first go to discuss the matter with the headman, then the conservancy office, and, if necessary or unavoidable, from there to MET and finally the courts. In the case of option four (above) the situation was irresolvable at the local level, since the MET officers had discovered the case for themselves and they were then legally obliged to take the matter through the magistrates court. Had the guard first gone to the headman's house and discussed the issue there may have been other ways to resolve the matter. Since it was a springbok and the conservancy had a number on their quota they may have been able to find a solution that would not bring the conservancy into disrepute.

Three comments that were made relating to the above scenarios and outcomes are noteworthy and bring the dilemma for game guards into sharp focus.

“Going direct to court creates a problem since it means that the community may not give any information in future because there is no chance for the local conservancy to be involved in the decisions that are made.” (Vitalis Florry cited in Vaughan et al. 2003)

“Although the law is the law, we should strive to involve the community in the process. Since the intent of the policy is to give rights to manage wildlife and make decisions, it should also include having a role in these sorts of decisions.” (Lucky Kasoana, cited in Vaughan et al. 2003)

The response by MET staff essentially supported the views expressed by CGGs. For example,

“The law is a technical problem – conservancy staff and traditional authorities don't have powers to hear poaching cases. The traditional authority has certain powers to act, but with the Nature Conservation Act they have no powers. There is now a new Bill. Maybe there will be a change but at the present moment no community members, traditional authority or conservancy can make civic arrests, there is no [local] forum to finalise the case.” (Nahor Howseb, cited in Vaughan et al. 2003)



In the role play involving the widower and the springbok, there were also a number of different possible outcomes. It was agreed that ultimately it would be an MET decision as to whether the lady should appear on a charge; however, there was some detailed enactment of the discussions that took place to reach this outcome. Here the local headman and conservancy chair were involved and the circumstance of the old lady weighed up. She was old, and probably ignorant of the new conservancy objectives. She had many dependant children and had to feed them. The resolutions that were included here, in the event that MET would not prosecute, involved the following. The conservancy would arrange for someone to visit the old woman to inform her of the current position with respect to hunting; they would see to it that something was done to assist the woman; and if at all possible, they would allocate a springbok from their own quota to her, claiming it as legitimate use (assuming the animal had been bagged in a legal manner and not with a snare).

There were a number of factors that influenced the outcomes for both the widower and the young man. These are summarised below:

- The relationship of the individual to the game guard, the committee, MET staff and other important stakeholders groups with power and status within the community.
- An outsider/visitor, and therefore outside local social and political networks, was more likely to be arrested than those that could be dealt with internally and were known.
- The livelihood status and particular circumstances of the individual. Both MET and CGG said they would look more favourably on a resource poor person, especially if they had many dependants.
- The extent to which the individual was aware of the conservancy's aims and the existing wildlife laws.
- The location and nature of the incident and whether it was open to public scrutiny or could be used in the future against anybody.
- The ability of the community to deal with the circumstances amongst themselves in a discreet manner that did not bring disrespect to the community or conservancy.
- The type of individual and whether they had been caught or been involved in the same types of instances in the past or whether likely to continue in the future.
- The types and species of game involved and its value to the conservancy – participants highlighted the difference between a springhare and a rhino as an example.

In both role plays, deciding whether or not to inform MET were not decisions that the CGGs made alone, despite the

fact that they considered each case individually. They would consult with both the conservancy chairperson and the headman and then if they deemed it appropriate would then inform MET. The MET field staff who were present commented that they actually faced some difficulties because as sworn peace officers it was their duty to uphold the law and they were therefore duty bound to take someone to court if they were apprehended for illegal hunting – morally they would find it very difficult to arrest the old woman, but would have little choice. They recognised that local factors were central to the decisions that CGGs, the conservancy and traditional authority would make but ultimately they were unable to act on these – the law was the law.

Statements from Community Rangers in Caprivi who participated in a focus group discussion concerning these issues broadly support the findings presented above:

“Good localised management should involve looking at poaching situations within the community differently, and not taking all cases to MET. Factors such as type of species involved, type of people involved. In some cases people should just be warned and not arrested.” (Clement Namebo, Mayuni Conservancy APU 19/06/03).

“If you build a house, you must manage your house, an outsider (MET) must not come and tell you how to run your house.” (Philemon Kumana, Mayuni Conservancy 19/06/03)

“Local management is good because people can manage resources the way they see it fit.” (Clement Namebo, Mayuni Conservancy APU 19/06/03) (See Murphy and Mulonga 2003.)

The discussion raises the issue of the extent to which CGGs have the responsibility to address local hunting but no authority in law. On the one hand, while individual cases were addressed in terms of local social, economic and political criteria, the CGGs have no mandate in law to address local hunting. This localised decision-making was deemed wholly appropriate by game guards from both Kunene and Caprivi. On the other hand, the MET staff have every legal mandate, but cannot deal with the situation according to local criteria. The lack of conservancy level rules and procedures compounds the situation further and may lead to situations in which game guards may act according to their own discretion (as with bribe scenario above). The implications of which are that without a legal mandate to act, supported either by the Government or the conservancy committees, there are opportunities for bias, and therefore a lack of transparency. The following real-life case illustrates how in unusual circumstances a game guard can act in a forthright and responsible manner, both in terms of upholding his role as a game guard and in consideration of the social and political consequences of not acting in the way he did (see Box 3).



Box 3: A CGG arrests his own son

Mr X has been a CGG for five years and is prominent member of his community being both a spiritual and traditional leader. "Other people told me my son was hunting, apparently he and a friend had killed an oryx. They shared the meat between themselves and some local households, then they sold some to the local shopkeeper to buy alcohol. By the time I heard everybody in the community knew. He also used my donkey cart when I was away. When I looked inside I found the blood of the oryx on the floor. I had to arrest him as everybody knew and it looked like I was involved, when I wasn't. If nobody knew then, well, I could have resolved it myself. I am a man of standing in the community and must set an example otherwise how can I apprehend others? It is difficult because we all know each other and are related in some way. Say somebody is hunting from the area close to mine, maybe he is a relative. What will I do when I need his help to graze my livestock, fetch my kids from school or use his water point when things are broken? No, you must be careful, not everybody gets arrested, it depends on many things, like how poor they are; why they are hunting and what species; but most importantly who they are connected to within the community. If it had been the conservancy chairman's son well, that might have been a whole different story." (Anonymous, cited in Katjua *et al.* forthcoming)

Earlier in this chapter, the issue of changing tactics and strategies to avoid apprehension were discussed. Without any authority to deal with hunting cases at the local level, there is the possibility that CGGs may act on their own terms if they can do so with impunity. The case above shows the dilemma faced by game guards. However, unusual as the above case may be, the game guards potentially have enormous power within their own communities. One local hunter reported that he knew if he was caught alone one to one with a game guard and in possession of a kudu or other meat, he had a good opportunity to negotiate his way out, possibly by sharing his spoils. However, the more people who became involved the less likely he could get away with any form of negotiation. In addition a local game guard stated that he did not go to the poorer people's house first in the neighbourhood, so they would have time to put away any wildlife products they should not be using. He also stated that there were different types of poachers. Those who abused alcohol or were petty thieves he would definitely report, but the men who hunt for the family pot would be less likely to be punished, especially if he was known to be a good or influential man.

The situation in Caprivi is similar, but the role of the traditional authorities is much stronger and they still have a strong part to play in cases involving local hunting.

"Most of the people arrested are taken to the *Khuta* and the *Khuta* hands them to the MET, with smaller species the *Khuta* hands fines. With larger species MET should be involved."

"In April this year MET dropped a case against a young man who killed a duiker in Mayuni area because he was fined by the *Khuta*." (Interviews with Community Rangers, cited in Murphy and Mulonga 2003)

The second body of material presents a verbatim interview with a hunter. This case raises a number of further issues associated with the ways in which wildlife is governed locally. These relate to issues of social organisation and the distribution of wildlife in local farm and village contexts; to the position of power that game guards hold; and to the extent to which in some contexts local hunters act in conscientious manner in regard to managing off-takes. It also raises issues of ownership and equity and contrasts with the perspectives given above during participatory workshops.

The following extracts from a joint interview with a 35-year-old CGG and young community leader from Kunene illustrate how local use is organised. The interviewee was resident among a group of kin-related settlements. Among others who were part of this settlement were two elected members of the local conservancy committee. One of whom had a close relationship with the two hunters.

"...as a child I used to hunt with my elder brothers and uncles. That was during the MET days before and after Independence. We used to hunt more regularly when going to cut reeds. We shared our meat with our immediate household members only, because people were very jealous and could easily report us to the MET. Currently I hunt with my cousin and we share with all households in our village because we are related and have lived and known each other for more than 21 years. We grew up together, played together and looked after each other in years of stress, for example, sharing food, using each other's donkey carts, building our houses together, looking after each other's children and livestock. We are very close to each other and trust one another very well. All households share their food with one another; therefore we don't always hunt when we're hungry because our neighbours would help us with food like maize meal, goat meat, tea or sugar. When we share the meat, it normally depends on the quantity of meat, the type of species and presence or absence of outsiders, since we always have to make sure that people from other places don't know about our activities. We don't share with people outside our village, because we don't trust outsiders and we can't risk our secrets..."

"...we know there is enough wildlife around but we don't take more than we need at a time. We are using the meat for food only; we are not selling the meat or trading for something. We are the only ones who hunt in our village since we are mature, know the skills of using snares and I'm also respected as a CGG and my cousin is the Water Point Committee chairperson..."

"...we use snares to catch the animals because snares do not make noise and are not easily detected. Since we use snares, it is not known in advance what types of species and when one is