

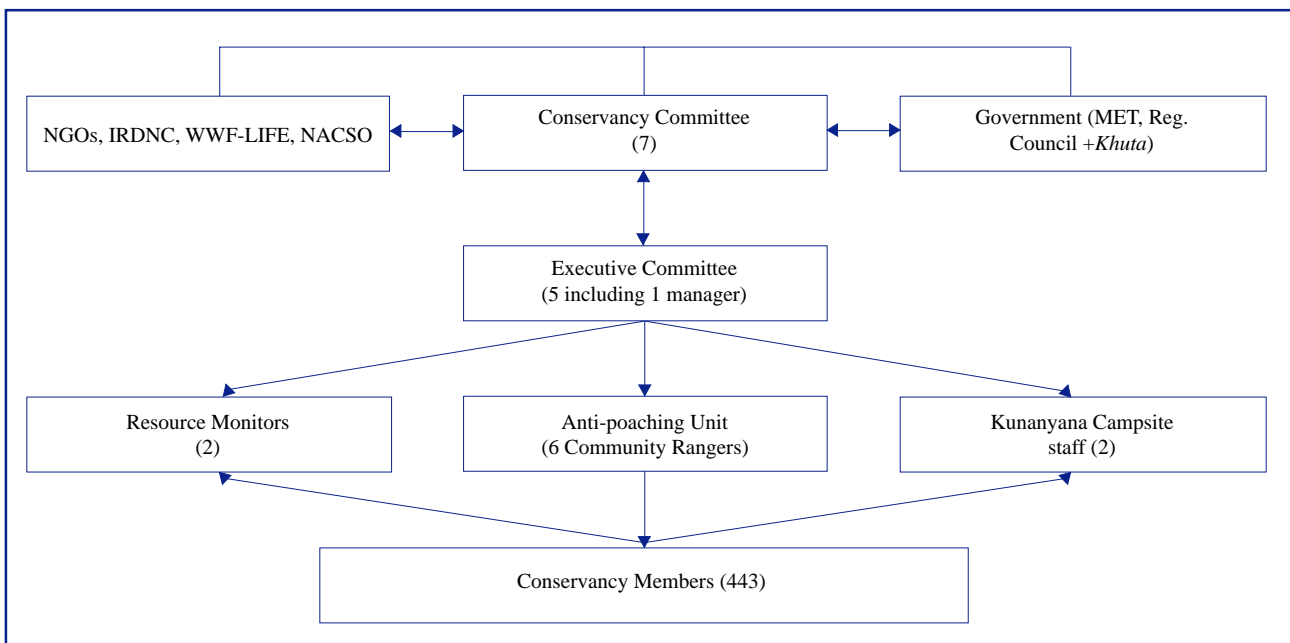


Figure 41 provides an illustration of the structure and organisation of Salambala Conservancy. It clearly shows that the link to membership flows directly through the traditional authority, which is composed of a series of substructures that are then directly linked to the individual villages and conservancy members within Salambala. This arrangement is significant and leads to the inclusion of representatives from the 19 villages within the conservancy. In addition, the conservancy is staffed by a number of people from the local community operating as Community Resource Monitors and Community Rangers. This creates a strong link between the conservancy committee and the residents through the traditional authority structures. To this extent issues relating to land access, natural resource utilisation and problems of HWC, for example, can be communicated and where possible assimilated into the plans and decisions of the conservancy. Customarily these would be communicated to the headman and the traditional authorities in cases of dispute or incident. This remains the case, but

since the traditional authority-conservancy link is strong and some of these issues are now under the jurisdiction of the conservancy (for example, HWC), the traditional authorities would take the issue to the conservancy for consideration.

Mayuni Conservancy, on the Kwando River, has a similar set up to Salambala, with a strong link through the traditional authority, but on a smaller scale. There is a conservancy committee of seven people, which is made up of representatives from the three main villages in the conservancy and two members from the *khuta*. The committee has established a smaller executive committee of five people, employed on a full-time basis to carry out day-to-day operations. The executive committee consists of a conservancy manager, the chair, a secretary, a treasurer and a senior game guard. The activities of the executive are then overseen by the conservancy committee (Humphrey and Humphrey 2003). The organisational structure of Mayuni is represented in Figure 42.

Figure 42: Organisational structure of Mayuni Conservancy



Source: Adapted from Humphrey and Humphrey 2003

The Mayuni *Khuta* plays a major role in the conservancy by supporting the executive committee, and serving as a conflict resolution body (Humphrey and Humphrey 2003). This links the established traditional authority role to the new institution of the conservancy. Chief Mayuni himself has played a prominent role in the development of the conservancy and in various conservation initiatives in the area (Jones 2000b). He appointed and paid an Anti-poaching Unit with tribal funds and has been involved in various

negotiations with the private sector and the Government. Currently the two joint ventures in the conservancy are governed by tripartite agreements between the lodge owner, the conservancy and the *khuta*. The income from the joint ventures is shared between the conservancy and the *khuta* (Humphrey and Humphrey 2003). Chief Mayuni appears to continue to play a strong role in the running of the conservancy and in controlling some of its activities (Diggle pers. comm. 2002).



Conservancies, traditional authorities and other institutions

In Caprivi, as indicated above, traditional authorities play a crucial role in conservancies. Indeed the tribal *khutas* are the most important existing institutions that conservancies have to interact with not only because of their social, cultural and political importance, but because of their control over land allocation. Neither the CBNRM policy nor the legislation, however, address the issue of relationships between conservancies and traditional authorities. It is left to communities themselves to decide on how these relationships should be structured. The following discussion describes the role of the *khuta* in respect to NRM (including land allocation), and provides an understanding of the status and authority of the *khuta* and its links to the conservancy in terms of decision-making. From this discussion a number of implications for livelihoods are drawn.

In Salambala, the traditional authority structure is organised around a centralised tribal court, or *khuta*, which is the dominant traditional institution. The Chief is assisted by a *ngambela* whose role is comparable to that of a Prime Minister. The *khuta* is presided over by the Chief and *ngambela* and consists of senior headmen called *induna*. Each main area of settlement within the tribal area also has its own *khuta*, with a senior headman and local *silalo induna*. Although land is formally owned by the State, the traditional authority still wields considerable influence over the allocation of land. The endorsement of the *khuta* is required before land can be used for major development projects and the tribal authorities allocate land for residential and cultivation purposes. In Caprivi, customary law has provisions regarding illegal hunting, fishing, and the cutting of trees (Hinz 2003). At the village and household level, access to and control over land is under the authority of the headman. Since the structure of authority is based on a hierarchy, it is first the responsibility of the village headman to ensure that local land access and disputes relating to land, water access, grazing and the use of natural resources are addressed. If the resolution of disputes or an infringement of the customary rules cannot be resolved at this level, cases can be brought before the *khuta* for consideration and fines imposed where necessary.

Throughout Caprivi, the conservancies have been formed with the express support of the traditional authorities. NGOs and Government Officials carried out initial discussions about conservancy formation with the *khuta* before going to the general public (see Chapter 3). The traditional authorities have essentially devolved responsibility for NRM to the conservancy committees.

“The conservancy will only work if the committee falls under the *khuta*, and a member of the *khuta* sits on the committee to give it guidance... The traditional authority can give advice to the committee on many issues; they, the traditional authority, also

make sure that the conservancy is doing its job properly, transparently and make sure that donor funding is spent properly.” (Caprivi Chief) (Source: Beavan Munali/Richard Diggle, IRDNC Caprivi: transcripts of interviews with traditional leaders; cited in Jones and Luipert 2002: 22)

The devolution of authority from the *khuta* to the conservancy committee in Salambala is very clear. Institutionally the conservancy derives its authority from the Basubia traditional leadership, which, to a large extent, has driven the formation of the conservancy. The *khuta* formed the conservancy in order to retain wildlife, manage natural resources for future generations of Basubia people, and increase the ability of the Basubia to undertake community development initiatives with funds generated by the operation of the conservancy. The *khuta* has devolved to the conservancy responsibility for NRM within the conservancy area. According to conservancy management committee and staff members, the central *khuta* provides leadership to community members; guides people to manage their resources; helps in land distribution; land disputes and other conflicts; helped in initiating the setting up of Salambala Conservancy; helped in demarcation of core area boundaries; and is the main body/institution in arbitration of disputes in the conservancy (Murphy *et al.* 2002). Community Rangers may bring cases of illegal hunting (particularly those relating to small game and birds) before the *khuta* (Mulonga 2003).

Access to land for cultivation and grazing and authority over its jurisdiction is also subject to some interpretation, which illustrates the nature of institutional management at local levels. Research with one headman (interview with Headman Mvuma, Mayuni Conservancy 21/08/02) revealed that in Mayuni Conservancy there were no clear boundaries between areas of grazing. There were clear movements of cattle based on seasonal availability of grass and water and subsequent shifts between riverine and forest areas, but the exact demarcations between areas belonging to one village or headman and another were unclear. This was not, however, deemed problematic. It actually allowed for a degree of flexibility. This flexibility or ‘fuzziness’ works within the conservancy area to provide a degree of grazing security and allows for the movements of animals as need arises. Access is negotiated between village users enabling grazing over an extensive area. This type of management system appears to work well in unpredictable environments – affording access to all.

There have been cases where the decisions of the *khuta* have conflicted with the interests of the conservancy. One example was a plantation of exotic trees for a commercial forestry project, for which the *khuta* gave its permission without consulting the conservancy management committee. This was despite the plantation being in a key wildlife migration corridor and constituting a land-use conflict. However, the



khuta and the conservancy appear to have learnt from this incident and the *khuta* has undertaken to consult the conservancy over such development plans (Jones and Butterfield 2001).

Other institutions also play a role in resource management decisions and planning. In Salambala, for example, a community forest committee is being established. The DoF in MET is negotiating a forest management agreement with the conservancy for the establishment of a community forest. According to a management committee member, Raymond Kwenani, (cited in Jones 2003b) the conservancy decided that a separate committee should be established under the forest management agreement because the conservancy committee covers a broader area. There are already two other forest committees within the conservancy at Bukalo and Kwena. Relationships between the new forest committees and the conservancy will need to be worked out. Water point committees have also been established within the conservancy, but there are no formal links between these institutions and the conservancy committees. These institutions will ultimately control access to the water required not only by residents, but by livestock and wildlife. In addition to the above, Village Development Committees (VDC) have been established as part of a hierarchy of institutions that form the basis of the Government's decentralisation policy. Other levels in the hierarchy include Constituency Development Committees (CDC) and Regional Development Committees (RDC).

In other conservancies in Caprivi there are similar situations in which there are a number of different institutions that exist with a variety of functions and roles relating to NRM. The Kwandu Conservancy in Caprivi, although not studied in detail by WILD, provides an example of attempts by a conservancy to deal with this institutional complexity (Jones 2002). Kwandu appears to be breaking new ground in terms of internally integrating sectoral approaches to resource management. It has built on the FIRM (Forum for Integrated Resources Management) approach pioneered in #Khoadi // Hôas and developed this approach further. The conservancy has negotiated the use of part of the neighbouring state forest reserve with the DoF. As part of the management agreement, there has to be a community forest committee. The conservancy has decided that the conservancy and forestry committees will be the same body. The conservancy boundaries and the boundaries of the forest use area will overlap but not be the same. The forestry use area will be smaller. One of the aims, however, is to build up game numbers in the forestry area for later use through trophy hunting. But, as part of an overall community institutional approach, the conservancy/forestry committee is also building links to the VDCs that have been established under the Government's decentralisation policy. These committees will form more localised units of decision-making. These

reflect the requirement to establish institutions at the appropriate scale for the resources being managed. In Salambala, links with the traditional authority have also been institutionalised and a member of the CDC informs the traditional authority and the Regional Councillor for the area about the conservancy/forestry committee's activities and plans.

The above material relating to the institutional contexts within the two conservancy study areas in Caprivi shows there is a degree of complexity in terms of the existence of a number of institutions that have responsibility for resource management. Of central importance is the traditional authority. The Salambala case, for example, shows how there are strong links between the conservancy and the community through the structures of the traditional authority. This ensures a complementarity in terms of resource management functions between the different local institutions. The willingness by the traditional authority to devolve the management of natural resources to the conservancy is important and gives legitimacy to new institutions. Sectoral legislation at a national level is also leading to the establishment of a number of different community institutions all within the same area. In summary, Salambala will have a wildlife and tourism conservancy, a forest committee or committees, water point committees, and a number of VDCs being established by the Ministry of Regional, Local Government and Housing (MRLGH).

Institutional dynamics at conservancy level also include the presence of non-local agents who represent different institutions. In a CBNRM context these include the NGOs who support the development of the conservancies through NACSO, by providing technical support in NRM and planning and in the development of the other components of the conservancy approach. These were discussed at some length in Chapter 4, and include support for institutional development and enterprise development. Through NACSO, donor funds are distributed to the conservancies in the form of grants. These cover staff and running costs. MET also plays a role through the CSD and regional services staff. Previous chapters provided some understanding of the roles and services that these external institutional agents play in the development of the conservancies. In some cases the NGO 'external' agents are actually local, in the sense that the 'on-the-ground' staff are recruited from within the communities themselves or at least from within the region (for example, IRDNC). In other cases the support provided (for example, support for regular financial management support [NNF], or enterprise development support and training [RF, NACOBTA]) is delivered by those who visit from Windhoek. While these interactions rarely affect the internal organisational arrangements associated with the way in which the traditional authority and various committees interact, they are influential in shaping the outcome of both



internal relationships and the focus of conservancy activities. The existence of conservancy institutions is a relatively new phenomenon, and the NGOs have played an important role in the process of conservancy registration. They continue to assist with the processes of grant applications and grant management. To receive such grants, proposals and submissions must be reviewed by NACSO members at quarterly meetings. In view of the role of NACSO partners in the allocation and subsequent management of funds, they variously wield a considerable amount of power at the local level.

WILD research findings relating to the survey data on satisfaction also highlight the extent to which NGO support is considered important (see discussion at the beginning of this chapter). Combined with overall conservancy performance, NGO support services appear to score well in terms of the satisfaction index relative to other conservancy attributes. This implies that the NGOs are considered important institutional agents at the conservancy level.

A number of issues are raised by the above discussion. These include the role of a strong and locally-accepted body that can mediate and give legitimacy to new institutions (in this case the traditional authority); the need for coordination between the various institutions; and in the context of managing common pool resources the need to establish a balance between regulation for managing collective resources with flexibility to ensure access (as in the case of grazing management). A further issue relates to the nature of the relationships between ‘internal’ and ‘external’

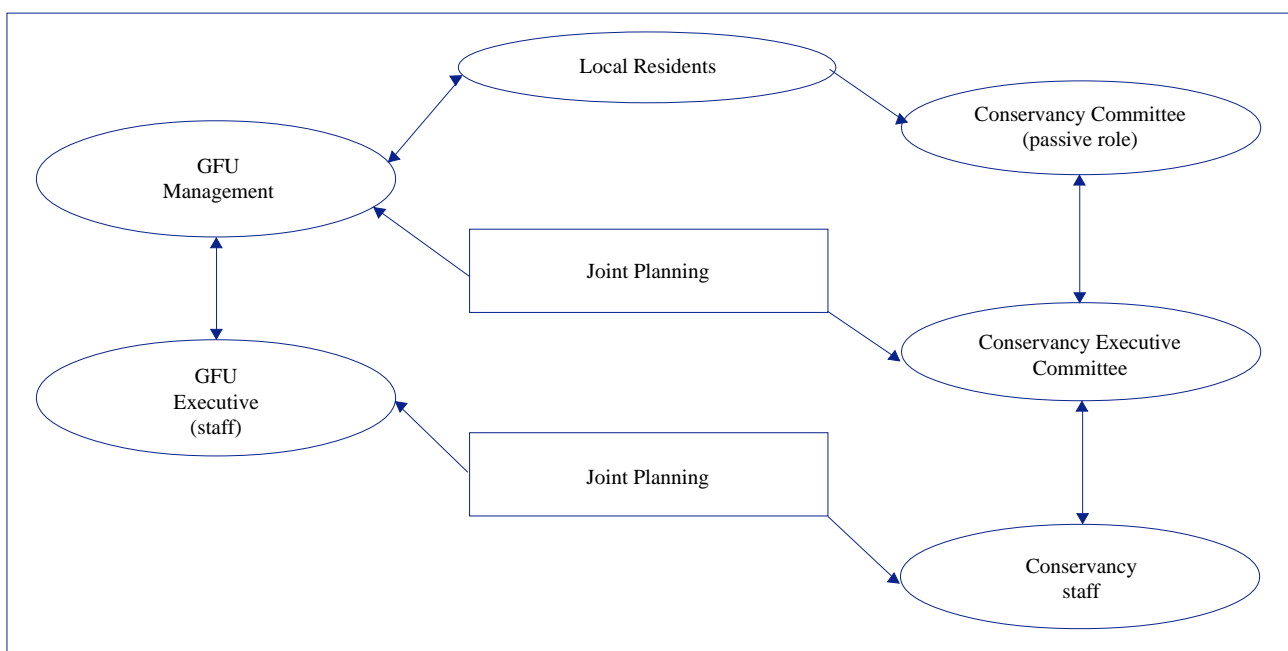
institutional agents and the influence of the latter on shaping institutional development. These issues will be discussed in more detail in the conclusions and following the presentation of materials from Kunene.

Kunene

Much of the following material draws on an understanding of the institutional arrangements that are currently in place in the ≠Khoadi //Hôas Conservancy, and to a lesser extent in Torra. Both conservancies are in southern Kunene. There are some considerable variations and differences in social organisation and land-use patterns within the Kunene communal lands, particularly between northern and southern or Herero and Damara communities. Therefore much of the material presented here may not be specifically relevant to conservancies other than those within the study areas. Despite this the discussion of the relationship between institutions and their links to the broader community is important. It highlights some key differences between Kunene and Caprivi and raises a number of issues of general significance for further institutional development in the conservancies.

≠Khoadi //Hôas Conservancy has an elected committee of 17 members. The committee was elected on the basis of individual merit rather than area-based representation. Two local headmen are included on the committee as non-voting members. The members of the management committee are elected by the general membership for five years. If members resign before the five years, they are replaced through an election held during the AGM.

Figure 43: Organisational structure of ≠Khoadi //Hôas Conservancy



Source: Humphrey and Humphrey 2003