



The conservancy committee has a strong relationship with the GFU, a body that has existed in the area since 1990. It was the GFU that guided the process of conservancy formation and is largely viewed as the parent body of the conservancy. Although there are separate management committees for the GFU and ≠Khoadi //Hôas, there are large overlaps with committee members and memberships between the two organisations. It is not unusual for the same person to chair both organisations. AGMs for the two organisations are held during a two-day event split between the GFU and the conservancy. There appear to be differences of opinion about the desirability of this overlap between the GFU and the conservancy committee. Some on the conservancy committee believe the overlap to be healthy, providing the opportunity for good cooperation over different forms of land use. Others, however, believe there is not a clear enough distinction between the two organisations and it is not clear in what capacity people are taking decisions (Jones and Butterfield 2001).

Currently the majority of conservancy committee members (75%) come from one village, Anker. These include the chair, the secretary (the chair's wife), vice-secretary, vice-treasurer and a number of ordinary committee members. The constitution of the conservancy only allows for the election of people who are present at the AGM; this might have affected the outcome of the last elections to the committee (Schiffer 2002). In a feedback discussion with the committee, staff and traditional authorities, changes in the election processes were discussed:

*“We (committee/staff) are not content with the outcomes of the last election. We are thinking about ways to improve the process. We would like it if organisations like the farmers' leagues, women's association, youth league and so on nominate candidates beforehand, so at the general meeting you have a list of people to elect. So not anyone who comes to the AGM and brings a few friends along, can be elected into the committee.”* (Staff member of ≠Khoadi //Hôas Conservancy, cited in Schiffer 2002)

In contrast, Torra Conservancy has a smaller management committee of six (four men and two women at the time of writing). The committee is also based on merit rather than on representation of units within the conservancy. According to Humphrey and Humphrey (2003) Torra has a strong membership base with almost all adult residents being registered members. The committee also acts as Torra's executive management and is responsible for supervising nine staff members. This dual management and executive role “has often led to ambiguity and conflict between the staff and the committee” (Humphrey and Humphrey 2003: 9).

### Conservancies, traditional authorities and other institutions

In Kunene, there has been a mixed experience concerning the relationship between traditional leaders and conservancies. In the Sesfontein, Warmquelle and Khowareb areas, disputed headmanships contributed to delays in the formation and registration of a conservancy (Jones 2003b). In some areas the development of the conservancy organisation as a new institution with powers for decision-making over NRM has caused conflict with the traditional authorities that have felt left out or threatened (Vaughan and Katijua 2001). At least one headman viewed the proposed conservancy in his area as a threat to his patronage and ability to derive income from PTOs and tourism activities (Jones 2003b).

The structure of traditional authorities in many parts of Kunene Region is different to that of Caprivi and other northern regions. There are also differences within Kunene Region itself. Thus an area like the ≠Khoadi //Hôas Conservancy does not have its own tribal court or *khuta*, but a number of senior headmen who sit on the overall King's Council for the former Damaraland area. There are also different ethnic groups within the Kunene Region, which have their own traditional structures. The dominant ethnic group within the ≠Khoadi //Hôas Conservancy is the Damara group. Two headmen sit on the conservancy management committee as observers and report to the King's Council about conservancy decisions and activities. The traditional leadership has not driven the conservancy formation process in Kunene to the same extent as in Caprivi. While two headmen are observers on the ≠Khoadi //Hôas Committee, the conservancy does not derive such direct authority over NRM from the King's Council as the Caprivi conservancies appear to do from the central *khutas*. To some extent, the traditional leaders in Kunene Region are viewed as ‘patrons’ of the conservancies, who would be called in to resolve disputes. When the ≠Khoadi //Hôas Conservancy Committee was first elected, the headmen did not gain places. Subsequently one of the headmen tried to negotiate a separate deal for the sale of springbok from the conservancy in order to emphasise his own authority. It was after this that the headmen were co-opted on to the committee (Jones and Butterfield 2001, Jones 2003b).

Recent research by Schiffer (2003), also suggests that the relationship between traditional leaders and the ≠Khoadi //Hôas Conservancy (Kunene South) is not as strong as the relationship between traditional authorities and conservancies in other areas of Kunene (Kunene North) or indeed Caprivi.



“You know in Kunene South we have traditional authorities, but they see that their jurisdiction and the conservancies are two different things. The communities and committees do their work, then they consult and inform the traditional authorities. That is different in the Kunene North, here conservancies can do nothing if they don’t go through traditional authorities, they have to maintain very good relationships. In Kunene North conservancies have to follow traditional boundaries but as they are not clear that causes a lot of friction.” (Interview with Government Official, cited in Schiffer 2002: 16)

Research by Schiffer also highlights why the situation in ≠Khoadi //Hôas is more complex. Conflicts between individual traditional leaders are mingled with national-level political struggles. At the time of the field study the conservancy committee was strongly taking sides. An MET representative observes:

“Traditional interests and political party conflicts are intermingled. The traditional side is not so much of a problem but the political difference between committees and traditional authorities, like in ≠Khoadi. There is a power struggle between Ernst and Max [the two traditional leaders]. The committee is busy choosing sides between these old men. They started on their own but the conservancy comes to make use of one traditional leader [...] I tell conservancies to stay out of the matters of traditional authorities. Max is the recognised chief, he can write to the President. They do not recognise me, they let the PTOs be signed by someone else. The conservancy can only lose there; the President listens to traditional authorities, they have more power than us, the MET.” (Cited in Schiffer 2003: 17)

There are several ways in which the conservancy tends to compete with the authority of traditional leaders. Traditional authorities still retain the majority of control over land allocation and access.

“According to our knowledge, communal land allocation is the responsibility of the traditional authority and is stated by the national Government, these powers have been dictated, it is the responsibility of the traditional authority.” (J.M. Haraseb, Chief of the Damara Traditional Authority, cited in Vaughan *et al.* 2003)

However, the conservancy is also adopting a strong role in decision-making over land use in those areas with high wildlife and tourism development potential such as the Klip River wildlife area (Vaughan *et al.* 2002). In this area the aim is to exclude any human settlement. Grazing may only be allowed in the case of emergency needs during drought. However, the allocation of land for residential purposes and the allocation of grazing rights are still largely the role of the local traditional leaders. The same headman who tried to sell springbok allocated emergency grazing in the conservancy’s wildlife and tourism zone to some local farmers without consulting the conservancy. The conservancy committee discussed this with the headman and it was agreed that in future the conservancy should be consulted in all such decisions (Jones and Butterfield 2001).

The confusion concerning overlapping authorities over resource management and land issues was also reflected in discussions held at a WILD feedback meeting held in Kunene Region during May 2003 (Vaughan *et al.* 2003). Participants including traditional leaders were unsure of the powers of either headmen or conservancies to exclude outsiders from using conservancy land or resources, or from moving in to the conservancy to gain benefits.

“It is true the Chief does not have such a power to deny someone in a certain area, but on the other hand some policies are saying that if someone wants to go and settle in an area of grazing, they should have permission of the Chief. The problem is people are coming in from other areas. I don’t know how we as a conservancy should address this issue.” (Lucky Kasaona, Senior Headman, Warmquelle, cited in Vaughan *et al.* 2003)

In Kunene, the movement of livestock is a necessary management response to the uncertain and erratic rainfall of the north-west. The introduction of conservancy membership and the delineation of boundaries are viewed by policy makers and some community members as important for management of collective resources such as wildlife and grazing. In the same way that communities are unable to enforce the zonation of land for wildlife and tourism, they, or smaller groups, are unable to exclude outsiders easily from grazing lands. Following research in the Torra Conservancy, Mosimane (2000: 12) found that the conservancy committee had attempted to zone land for wildlife and tourism and attempted to develop internal rules to regulate access to grazing. However, non-resident livestock farmers did not know, understand or recognise the rules of the conservancy and used their customary system of tenure to assert their grazing rights. Mosimane concluded, “In the absence of formal rules and regulations governing grazing rights and the creation of effective enforcement mechanisms, open access to the conservancy’s grazing resources will remain a threat to its long-term viability and tourism potential.” Another problem is the tendency for increasing control over land to be claimed by individuals. However, the need for exclusion rights needs to be tempered with the ability to allow for negotiated access to grazing due to the vagaries of rainfall in the region:

“In the case of a predominantly Herero area, it is not all areas that receive rainfall at the same time, sometimes it is the same in Torra. So this one then goes there for the rainy season, and moves with the rain. That is how the farming patterns in this area are defined by rainfall and grazing, there are no fences. That is how we used to move up and down, so now what do we do with boundaries and that membership list? This has changed our society!” (Member of Anabeb Conservancy and IRDNC staff member, cited in Vaughan *et al.* 2003)

The need to maintain access to grazing across conservancy boundaries is important for those on both sides of the immediate boundary. How rights of access are governed has



changed and they are no longer the sole preserve of the headmen and farmers involved; now they are also a matter for the conservancies. In ≠Khoadi //Hôas, Jensen *et al.* (2002) found that the conservancy committee was beginning to play an increasing role in land allocation issues and would be generally consulted when someone was seeking permission temporarily to use emergency grazing or permanently to occupy a farm within the conservancy. Although the boundaries of the conservancies are mapped and appear in the Government Gazette, the land still formerly belongs to the State. The lack of secure group tenure is a treat to the conservancies jurisdiction, but allows for a degree of flexibility between farmers in border areas.

Jensen *et al.* (2002) also found that the rules of land tenure and access within conservancies were often unclear, especially for the poorer and more marginalised residents. Residents would cite more than one governing body for land allocation including the Government, traditional authorities and the conservancy. In one of the smaller and more isolated areas, a wealthier family had taken a dominating role and controlled land and grazing access. They concluded that “confusion over tenure status and related resource rights has allowed one or a few people to take *de facto* control over large tracts of productive land” (Jensen *et al.* 2002: 17). In 2003, a New Communal Lands Act was passed by the Government. This allows for the establishment of Communal Lands Boards. The conservancies and the traditional authorities will have a role to play on these boards, but since they will function at regional level, both traditional authorities and conservancy staff involved in WILD research were as yet unclear exactly who and how they could achieve representation on these new boards.

Table 35 illustrates the range of institutions that are involved in and hold responsibility for various aspects of resource management in ≠Khoadi //Hôas Conservancy. Jones and Butterfield (2001) and Jones (2003b) have examined the institutional arena in the ≠Khoadi //Hôas Conservancy. For example, if one takes the issue of authority over land allocation and use, a number of institutional actors can be identified. The central Government line ministry, MLRR,

has overall control over land which is owned by the State. MAWRD advises the traditional authority on allocation of grazing land. The regional government has no specific powers over land but coordinates regional development activities that have an impact on land use. The traditional authority is responsible for the allocation of residential and grazing land, but in ≠Khoadi //Hôas the GFU is a strong institutional player that advises the traditional authority on land allocation and has a vested interest in promoting decisions that favour livestock owners.

In addition the national policy of decentralisation has led to the development of RDCs and CDCs. There are also VDCs in some areas. The extent to which these latter institutions have been established and are currently functioning is limited. However, they will (in a similar way to Caprivi) add a layer of further complexity to the institutional dynamics that exist. The outcome of this is uncertain. Some of the possible implications for conservancies are discussed below.

Since there are a number of institutions at conservancy level which have a role and responsibility for resource management, it is useful to consider that conservancy institutions do not exist in isolation, rather they are networked into a complex of different institutions (see Table 35). The degree of institutional complexity that exists means that conservancies cannot be assured of the outcomes of key decisions they take over land use. Outcomes are often mitigated by the actions or decisions of other institutions or are the result of negotiation or conflict with other institutional actors. As Peters put it, “land and resource allocation and management in Africa present highly complex situations: the layering of institutional arenas and rights systems (for example, customary and statutory, and sometimes various types of custom), the pervasiveness of multi-use resource systems, extensive and long-established movements of people across resources, and overlapping and competing modes of administration and authority” (2000: 22). This description is very apt for the communal areas of Namibia studied by the WILD Project.



**Table 35: Overlapping authorities for NRM in #Khoadi //Hôas Conservancy**

Resource/activity	Central Government	Regional Government	Traditional authority	Water user assns./water point committees	Grootberg Farmers' Union	Conservancy
<b>Land</b>	Overall control by MLRR plus titling and registration. MAWRD advises traditional authority on allocation of grazing land.	No specific powers, but development coordination function impacts land use.	Allocation of residential and grazing land.	Management and maintenance of water points/right to exclude non-members. Control of water = control of land?	Advise traditional authority on land allocation.	Conservancy boundaries gazetted = land rights?? Land-use planning and zoning of exclusive wildlife and tourism areas.
<b>Wildlife</b>	Overall control by MET. Devolved limited authority to conservancies. Retains control over certain species.	No specific powers. Governor 'endorses' conservancies.	Traditional control over certain species. Vague legal duty to ensure sustainable use of natural resources. Important stakeholder: loss of power to conservancy.	No specific powers. Control of water = control of wildlife management? Important stakeholder: potential conflict between needs of members and wildlife.	No specific powers. Influence through relationship to conservancy. Important stakeholder: potential conflict between livestock and wildlife (water/grazing).	Devolved use rights (ownership) over certain species.
<b>Tourism</b>	Overall control by MET. Devolved some authority to conservancies. Advises MLRR on allocation of tourism PTOs. Controls Hobatere concession. Policy decision to hand over Hobatere to conservancy.	No specific powers. Governor 'endorses' PTO applications. Responsible for north-west tourism plan.	'Endorses' PTO applications before they reach Governor. Claims Hobatere should benefit all Damaras in Kunene. Would like to 'approve' PTOs = power and patronage.	No specific powers. Important stakeholder: potential conflict between needs of members and wildlife.	No specific powers. Influence through relationship with conservancy. Important stakeholder: potential conflict between needs of members and wildlife.	Poorly defined rights to commercial tourism activities. Claims Hobatere concession.
<b>Water</b>	Overall control by MAWRD. Rights and responsibilities over water points devolved.	Regional water management agency. Responsible for coordination and planning (planned).	No specific powers except duty to ensure sustainable resource management.	Management and maintenance of water points/right to exclude non-members.	No specific powers. Important stakeholder: members require water for human and livestock use.	No specific powers. Important stakeholder: wildlife needs water and elephants damage water points.
<b>Grazing</b>	MAWRD advises traditional authority on grazing allocation.	No specific powers.	Allocates grazing and 'emergency' grazing. Permission to outsiders for access to community grazing land.	No specific powers. Important stakeholder: control of water points = control of grazing?	No specific powers. Important stakeholder: members require grazing for human and livestock use.	No specific powers. Important stakeholder: wildlife uses grazing, zoned wildlife area may contain attractive grazing for emergencies.
<b>Development planning</b>	MRLGH and MAWRD responsible for community development. Line ministries carry out planning for own projects.	Responsible for development planning and establishing constituency and local development committees.	No specific roles or powers. Important stakeholder because of land allocation.	No specific roles or powers. Important stakeholder through control of water points.	No specific roles or powers. Important stakeholder because of farmer membership.	No specific roles or powers. Important stakeholder because of increasing focus on use of benefits for development projects.

Source: Jones and Butterfield 2001