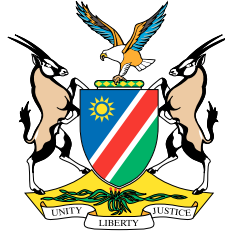


# Climate Change Vulnerability and Adaptation Assessment for Namibia's Biodiversity and Protected Area System

May 2010

Ministry of Environment and Tourism  
Directorate of Parks & Wildlife Management





**REPUBLIC OF NAMIBIA  
MINISTRY OF ENVIRONMENT AND TOURISM**

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**REPUBLIC OF NAMIBIA  
MINISTRY OF ENVIRONMENT AND TOURISM**

**GUIDELINES FOR MANAGEMENT OF CONSERVANCIES  
AND STANDARD OPERATING PROCEDURES**

**August 2013**

## FOREWORD

In Namibia, the Communal Conservancy Programme is a model of the Community Based Natural Resource Management (CBNRM) approach which is working towards restoring the link between conservation and rural development and achieving biodiversity conservation within the framework of the National Development Plans, Vision 2030 and Poverty Reduction Strategies.

It is through the Communal Conservancy Programme that rural Namibians have gained rights over wildlife and tourism and are generating income from the sustainable use of wildlife. Due to the commitment shown by Namibians, there has been a remarkable recovery and increase of wildlife populations in certain areas, including key predator species and internationally threatened or endangered species such as black rhinoceros.

The adoption of wildlife and tourism as additional forms of land use by rural communities and the recovery of wildlife in many conservancies confirms this success of the Government's CBNRM programme.

Namibia's Conservancy Program is regarded by many as one of the most innovative and effective community conservation and development initiatives in the world, with Conservancies being the fruition of Namibia's long term investment in community based natural resource management. This programme, which had its beginning in the early 1980s, has evolved through a number of phases, growing from an embryonic community game guard project in northwest Namibia into a full blown, national rights based communal conservancy movement covering more than 17% of Namibia's surface.

The Conservancy program is underpinned by legislative reform, the Nature Conservation Amendment Act, Act 5 of 1996 that has led to a paradigm shift in how communities perceive and value wildlife. In contrast to pre-apartheid antagonistic attitudes towards wildlife, communities across Namibia are increasingly recognizing the values and contributions which wildlife and tourism can provide towards rural development and livelihood enhancement, and the importance of managing these valuable resources in a sustainable fashion.

Despite all this successes and achievements, conservancies still faces some challenges, particularly in their governance and management and it is therefore compulsory that these guidelines and operating procedures should be met.



**Uahekua Herunga, MP**  
**Minister**

MINISTRY OF ENVIRONMENT AND TOURISM  
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## PREFACE

Since the first conservancies were registered by the Ministry of Environment and Tourism and gazetted in 1998, many lessons have been learnt about implementing the Community Based Natural Resource Management and providing support to conservancies. One of the key lessons is that developing and operating a conservancy requires a wide range of skills to address natural resource management, good governance and managing enterprises or joint venture contracts.

Conservancy Committees and the membership require considerable training and capacity building in these areas to be able to manage the conservancy effectively and to generate benefits for members. The CBNRM programme therefore needs to be in a position to provide a wide range of support and assistance to conservancies in these different areas.

Another important lesson is that conservancies have different wildlife and tourism assets, and so need to design their activities and set their expectations accordingly. Further, conservancies have been formed for different reasons and it is important to understand the objectives of the communities when they start to form a conservancy and the objectives of the community are important for giving direction to service providers in deciding how best to help an individual conservancy and how the Government can help the Conservancy to develop further, and deciding which organizations are best placed to provide the support.

It has become clear that despite the differences between conservancies, there is a minimum package of support that every conservancy should receive. This document provides some principles, standard operating procedures and guidelines on how the communities should manage their conservancies members, how the Ministry can assist conservancies in their development and management, and the involvement and support of partners and stakeholders thereof.

13 NOV 2013

  
Office of the  
PERMANENT SECRETARY  
REPUBLIC OF  
**Simeon N. Negumbo**  
Permanent Secretary

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## ABBREVIATIONS

AGM	Annual General Meeting
MET	Ministry of Environment and Tourism
NGO	Non Governmental Organization
PS	Permanent Secretary

## **1. Introduction**

The Conservancy programme is based on a number of underlying principles that have been developed through experience in community-based natural resource management in Southern Africa and elsewhere in the world. Experience indicates that where these principles have been most strongly applied, CBNRM has shown the most success.

The programme provides appropriate incentives and conditions for rural people to invest their time, money and effort in conservation of wildlife and wild habitat. Through active management of wildlife in a sustainable way, benefits can then be generated for communities that contribute to improving rural livelihoods. Conservancies and CBNRM in general, provides economic incentives by enabling land holders to earn income from wildlife, it gives land holders the management authority to take key decisions regarding the use of wildlife, it enables communities to establish management systems and institutions and reduce the costs and barriers that discourage sustainable management.

The Nature Conservation Amendment Act (Act 5 of 1996) provides a legislative basis for the provision of conditional rights to communities to manage wildlife and to benefit from its management by setting the formation of a conservancy as the condition upon which ownership over huntable game and use rights over game species will be given to communal area residents.

## **2. Aim**

To provide a framework and standard operating procedures for the establishment and management of conservancies in Namibia, provide a coordinated effort and involvement of stakeholders in conservancy support and conserve biodiversity outside Protected Areas through the wise and sustainable use of natural resources.

## **3. Objectives**

- 3.1 To provide appropriate standard operating procedures, monitoring and compliance measures for ensuring that natural resources are not over exploited and that conservancies are properly established, managed and administered.
- 3.2 To provide appropriate and effective support to conservancies.
- 3.3 To enable communities to manage conservancies in a guided manner and that their benefits from the sustainable use of natural resources is enhanced.

## **4. Establishment and management of conservancies**

There are a number of key steps in the formation and operation of a conservancy. Each of these steps requires different types of support from the Ministry and its partners. These steps fall into the broad categories initiation, formation, application and declaration, planning for Sustainability and implementation and monitoring as follows:

### **4.1 Initiation**

The need and desire for forming conservancies has to come from the communities themselves. It is not the role of the Ministry or NGOs to actively establish conservancies, but to support and assist those communities who indicate they want to form a conservancy. The Ministry and NGOs therefore need to provide appropriate information to communities about conservancies and the rights and responsibilities that are attached to them. This supportive role implies that Ministry need to place a high degree of emphasis on facilitation, i.e. not telling communities what to do, but helping them to understand and work through the many difficult issues and choices they will be faced with when forming a conservancy.

There are three important steps in the initiation phase of conservancies. First the communities require information on conservancies, the potential benefits from forming a conservancy, how to form a conservancy, the rights and responsibilities that come with registration and how to apply to the Ministry for approval and registration. Second, if the community shows interest in forming a conservancy, the Ministry and the community must carry out a basic feasibility study that assesses:

- The assets of the conservancy
- The potential of the conservancy to generate income
- The social cohesion of the community (i.e. the likelihood that members will cooperate and work together)
- The biodiversity importance of the conservancy
- The type of the conservancy

This assessment is important because it helps the community to decide if a conservancy is really appropriate for its particular circumstances. For example if there is little wildlife, little wild habitat and a high human population with land uses that conflict with wildlife, then it would be best not to form a conservancy. Or if the main aim of the community is to improve their rangeland and water management, then it would be best for them to approach the Ministry of Agriculture, Water and Forestry for support rather than MET.

The assessment also provide MET and its partners with an indication of the type of conservancy that is likely to emerge based on its assets such as tourism attractions and wildlife or other natural resources. The assessment also provides an indication of the biodiversity importance of the conservancy. Based on these factors, it is then possible to decide on the type of support that should be providing to the conservancy. At this stage, communities will also identify their main stakeholders and clarify their roles and responsibilities in establishing and managing the conservancy, according to this guideline document. The third step is that the community decides to form a conservancy and informs of its decision.

## **4.2 Conservancy formation**

Once a community has decided to form a conservancy following the initial feasibility study, it requires clear guidelines on what steps to follow so that it complies with the policy and legislation. There are four main steps in the formation process based on the requirements of the Nature Conservation Amendment Act (No. 5 of 1996) and the accompanying regulations.

First, the community needs to develop a new institution that is representative and can take decisions on behalf of the community. In order to do this, the community needs to:

- Define the conservancy membership and who benefits
- Elect a committee to represent the members
- Develop a constitution which sets out the objectives of the conservancy, and its rules of operation. This step can only be completed once the boundaries have been defined as the boundaries of the conservancy need to be included in the constitution.

Second the community needs to define the boundaries of the proposed conservancy. This is an important step because it ensures that there are no conflicts with neighboring communities in future over benefits from wildlife and tourism. It also helps to define the members of the conservancy. In order to define the boundaries, the community needs to identify the boundaries (e.g. clear physical features on the ground); negotiate and agree these boundaries with neighbors and finalize the boundary description and record the boundaries with a GPS.

Third the community needs to develop a preliminary benefit distribution plan that indicates the main objectives for community benefit. For example the community could decide to target the poor, the people most affected by Human Wildlife Conflict to provide benefits for all, or a combination of these and similar objectives. Deciding on the main objectives for benefit distribution will help to indicate how benefits should be distributed. The preliminary plan should give examples of how benefits will be distributed.

Fourth the community needs to develop an initial game management and utilization plan as described in section 8.



### 4.3 Application and Declaration

The third main step in forming and operating a conservancy is the application and declaration stage when the community makes its application to the MET for the conservancy to be approved and registered. The key activities for the conservancy are to:

- Complete the application form
- Obtain signatures of the Regional Governor and Traditional Authority
- Submit the application to MET

It is important to have an effective and efficient procedure for dealing with applications from communities to have conservancies approved and registered. It is the role of the MET to receive and review all applications and to approve or reject applications.

### 4.4 Planning for sustainability

Once a conservancy has been formed and has been gazetted, it needs to carry out some basic sustainability planning. There are three main areas of sustainability planning:

- Visioning and developing an overall management framework: Conservancy members need to develop a clear vision of where they want the conservancy to be in the future that is what they want the conservancy to achieve and what changes it must bring. They should also develop a set of objectives and some strategies for achieving the objectives. This is the overall framework guiding conservancy planning and activities.
- Developing work plans: Conservancies should begin the process of developing an annual work plan based on the overall management framework and should develop mechanisms for reviewing and adjusting the work plan as appropriate.
- Sustainability planning: Conservancies should begin the process of developing a sustainability plan that looks at their projected income and matches expenditure against these projections.

### 4.5 Implementation and Monitoring

Once a conservancy has been carried out its sustainability planning formed and has been gazetted, it needs to move into the implementation stage. There are three main areas of implementation:

- Natural Resource Management: Conservancies need to develop a wildlife management plan, a natural resource monitoring system, identify utilization options, carry out land use planning and zonation, and learn to set quotas.
- Institutional development: Conservancies need to ensure that the committee remains representative of members and acts in their interests. Members and the committee need to develop mechanisms to ensure participation of members in decision-making according to the provisions of the conservancy constitution. Conservancies need to ensure that AGMs are properly conducted, so that members can approve budgets developed by the committee. They also need to develop administrative systems, financial management systems, and develop staff policies, vehicle management policies, etc.
- Enterprise development: Conservancies need develop their own businesses and establish joint ventures with business partners where appropriate. This involves understanding the tourism industry, understanding markets, carrying out feasibility studies, developing business plans, and operating the business. Conservancies will need support in all three of these implementation areas. It is important that they receive expert support from agencies or individuals that are fully competent in these areas. For example, in the area of enterprise development it is important that conservancies receive training and advice from persons who are running or have run successful businesses.

In addition, part of the implementation phase will be the ongoing development and review of annual work plans, reviewing other plans as necessary including the sustainability plan. There are important aspects of the implementation stage that are the specific responsibility of the MET. These are:

- Monitoring of compliance: It is the responsibility of MET to ensure that conservancies, once registered, comply with the policy and legislation. MET has a mandate to protect natural resources on behalf of the nation and to ensure that those institutions with devolved rights over natural resources are accountable to the nation.

- Monitoring and evaluation: MET will develop and maintain a national CBNRM data base. Data will be gathered on key aspects of conservancies and Monitoring and Evaluation protocols developed.
- Ongoing policy and legal review: In order to ensure that policy and legislation remain responsive to the situation on the ground and do not become outdated, there is a need for regular review of the policy and resulting legal provisions. MET will carry out such a review every five years, or as the need arise, based on policy and legal analysis and data on overall programme performance provided by the CBNRM programme Monitoring and Evaluation system. This review will be carried out in a transparent manner with the involvement of all relevant stakeholders.

## **5. Accountability and Good Governance**

Developing accountability and good governance in conservancies is one of the most important aspects of conservancy development and operation. In order for a conservancy to serve the interests of local residents, the conservancy committee needs to be accountable to those residents. Accountability means that committee cannot take whatever decisions it wants to. It must ensure that its decisions have the support of the majority of residents. If the committee consistently takes decisions that are not in the interest of residents, the residents must be able to take appropriate action against the committee. Such action could include the removal of the committee and its replacement by a new committee. Good governance means that the decisions taken by the committee are open and transparent, the finances are well managed, there is no corruption and conflicts of interest in decision-making and the distribution of benefits are avoided.

Accountability and good governance can be achieved where there are small numbers of residents who can meet often to take decisions themselves and where the committee carries out day to day running and administration of the conservancy and is responsible for taking a limited number of decisions on behalf of residents. In such a situation it is easy for the committee to report back to the residents on its activities and to retain the support of residents. This situation is often difficult to achieve because most communities that have formed conservancies have large numbers of residents and in some areas the people are scattered in small settlements across a large area, making regular meetings difficult. Accountability and good governance are often improved once the conservancy starts to earn income and residents want to know what it is being spent on.

Accountability and good governance shall be promoted in conservancies in the following ways:

### **5.1 In the initiation and registration phase**

- Ensure that the conservancy is not formed only by a small group of people such as a few prominent leaders and that as many people as possible are involved in the initial discussions about forming the conservancy.
- Hold meetings throughout the conservancy including remote areas that are far away from the centers of decision-making.
- Ensure that as many people as possible are involved in the development of the conservancy constitution.
- Hold meetings throughout the conservancy to develop the constitution.
- Enable residents to have input on key issues in the constitution such as defining the limits on the powers of the committee.
- Ensure that everyone understands that conservancy income belongs to the members, not to the committee.

### **5.2 In developing the constitution**

- The constitution should clearly define the limits of the powers of the committee and the powers of members (e.g. the budget and any amendments to the budget should be approved by members at an AGM or General Meeting, other issues requiring approval of membership should also be specified).

- The constitution should provide for transparent elections of conservancy committee members.
- The constitution should clearly indicate how the committee or individual members of the Conservancy Committee can be replaced and under what circumstances (e.g. provision for a vote of no confidence).
- The constitution should address potential conflicts of interest in decision-making and distribution of benefits.
- The constitution should provide for proper financial management including a separation of the person who approves expenditure and the person who issues the cheques or makes payments.
- Help the community to consider whether there should be a devolved structure within the conservancy so that the conservancy is divided into smaller areas that have certain decision-making powers and which are represented on the main committee. Such a devolved structure can help promote better communication and bring decision-making closer to members.

### **5.3 In the operational phase**

- Help the community to ensure that the committee budgets for benefits, i.e. the committee does not use all income on operational costs such as its own sitting allowances, and travel expenses. Each budget submitted for approval at the AGM should include all sources and amounts of income, a conservancy operational budget that covers salaries, equipment purchase and running costs, and an amount to be spent on community benefits.
- Help the committees to develop ways of ensuring regular information to members about conservancy affairs and activities. This can include radio broadcasts, posting financial statements on the door of the conservancy office and other prominent buildings, visits by committee members to members of the conservancy, etc.

## **6. Conservancy constitutions**

A Conservancy constitution is the formal written agreement between all Conservancy members on how they will govern themselves (i.e. how they will organize and rule themselves, and how they will conduct their business. Constitutions are necessary for good governance because they should:

- Confer fundamental rights and responsibilities to all general members.
- Define, delimit and distribute roles and powers amongst Conservancy members, committees, structures, officers and staff.
- Prescribe the procedures for accountability of the Conservancy Committee to members.
- Establish mechanisms and rules to ensure transparency of the actions of the Conservancy committee.
- Establish opportunities and incentives for General Members to participate.

The Nature Conservation Amendment Act, No. 5 of 1996, makes the right of a community to manage and benefit from wildlife resources conditional upon meeting specified requirements, including a constitution. Most of the requirements relate to good governance and must appear as written provisions in the Conservancy's constitution. The required constitutional provisions are listed in the Amendment to Regulations relating to Nature Conservation, No. 304 of 1996.

In order to approve an application, the Ministry must review the submitted Constitution, in order to ensure that each of the provisions are satisfactory met. This requires a clear understanding of the requirements and a detailed and focused review of the submitted Conservancy constitution by Ministry staff.

The following is an explanation and illustration of each constitutional requirement in terms of the Regulations and must be adhered to by all conservancies:

## **6.1 Objectives of the Conservancy**

The Conservancy may include additional objectives if they wish, but provision of for the sustainable management and utilization of game in accordance with a game management and utilization plan, and the equitable distribution of the benefits derived thereof, must be made as it is specified in the Regulations.

## **6.2 Procedure for election and removal of members of the conservancy committee**

The procedures for election and removal of members of the conservancy committee should include tenure of office, how many members will be elected to the committee, election of portfolios of the Conservancy Committee, whether previously elected members may be re-elected, where elections are held, how they are held, filling of vacancies, what actions may allow the removal of a member, how portfolios should be elected, etc.

Elections for all Conservancy Committee members may be held by secret ballot every three years or at a specific number of years that the conservancy may agree. Conservancy Committee members to the portfolios of Chairperson, Vice Chairperson, Treasurer, Vice Treasurer, Secretary and Vice Secretary will be elected from among the Conservancy Committee members.

Committee members may be removed from their office before their term expires for the following reasons:

- Failure to declare a possible conflict of interest.
- Failure to attend three, or a number of committee meetings as indicated in their constitution, in a row without prior good reason.
- Conviction of theft, fraud, forgery, or any other offence involving dishonesty.
- Bringing the Conservancy's reputation into disrepute.
- Drunkenness at conservancy meetings.
- Misuse of conservancy funds and other resources.

Prior to the adoption of a resolution to remove a Conservancy Committee member, s/he will be given the opportunity to address the Conservancy Committee meeting or General Meeting concerned with his / her removal, or as it is stipulated in their constitution.

## **6.3 Responsibilities and Powers of the Conservancy Committee**

Responsibilities are the functions or tasks which the Conservancy Committee is expected to perform, while the powers are the authority that is given to the Conservancy Committee in order to give it the ability to carry out its responsibilities.

### **General Responsibilities:**

- Manage the conservancy and administer its property and rights for the benefit of the members in accordance with the directions voted on at General Meetings.
- Ensure fair and equitable distribution of benefits.
- Acquire, receive, hold and manage on behalf of the benefit of the members, the property, rights and assets of the conservancy whether in the nature of land, buildings, real rights, money or other tangible and intangible assets of whatever nature.
- Determine policies and processes of the conservancy.
- Ensure compliance with laws and regulations.

### **Specific Responsibilities:**

- To prepare annual budgets and to monitor that expenditures stay within the budgets.

- Identify key performance indicators in order to generate economic benefit.
- To organize all meetings of the Conservancy including Conservancy Committee meetings, General Meetings and the AGM and present reports thereof.
- To Report to the General Members every six months on the activities of the Conservancy and the current expenditure compared to the budget.
- Approve new business development, joint ventures and resource mobilization strategies.
- To keep all financial records, minutes of all meetings, and records of all contracts and joint venture agreements.
- To organize activities of the Conservancy and oversee the performance of management.

#### Conservancy Committee Officers Responsibilities:

- Chairperson: calling, chairing and providing overall direction to all meetings of the conservancy.
- Treasurer: keeping proper financial records, issuing receipts for money received by the Conservancy, co-signing all conservancy cheques, preparing and presenting the Annual Financial Statement at the AGM and any other required financial reports and ensuring any required audits are carried out on time.
- Secretary: organizing all Conservancy meetings, issuing notices of all meetings, recording and producing minutes of all meetings, conducting the correspondence of the Conservancy (as directed by the Chairperson), and filing and ensuring the safekeeping of all relevant documents of the Conservancy.

#### Powers of the Conservancy Committee:

- To enter into agreements relating to consumptive and non-consumptive use of game.
- To employ staff and contract short term consultants where necessary.
- To distribute to members, invest in any financial institution, or otherwise use, the proceeds of any assets or any monies of the Conservancy as approved by the General Meeting.
- To guarantee the performance of contracts or obligations of the Conservancy.
- To institute or defend any legal proceedings and to settle any claims made by or against the Conservancy.
- To assign responsibilities among CC members within the responsibilities and powers of the CC specified by the Constitution.

#### Restricted Powers of the Conservancy Committee:

- The Conservancy Committee may not lend or borrow any money for the Conservancy, unless such lending and borrowing is done so on terms and conditions as the CC may consider appropriate for any of the objectives of the Conservancy, subject to the approval of the General Meeting.
- The Conservancy Committee may not exceed the approved budget by more than 10% of the total, or more than 10% of any line item without majority approval at a General Meeting.
- The Conservancy Committee may not lease the property, its rights or any part thereof or incur any obligations affecting its property or rights without the prior approval by resolution of a majority of members in General Meeting.
- Any decision to amend any conservancy constitution, deregister, dissolve the conservancy or distribute the property, rights and assets shall be clearly outlined in the constitution including the procedures to follow.

## **6.4 Provisions relating to the holding of meetings of the Conservancy Committee**

Among the issues that must be included are: frequency of meetings, calling of meetings, quorums, advance notice, agenda and decision making.

Annual General Meetings and Ordinary Meetings with communities represented:

General meetings are those meetings open to ALL general members of the conservancy. The Annual General Meeting is the one required to be held at the same time each year where usually annual reports, financial statements, budgets, expenditures and elections take place.

There is no requirement that a conservancy must have other General Meetings during the year, but it is wise to make provision for them in case a decision of the general members cannot wait until the next AGM. General meetings other than the AGM sometimes have other names, such as: General Meeting, Special General Meeting, Ordinary General Meeting, Extra Ordinary General Meeting.

- The AGM for conservancies will be held during the month determined by the conservancy in their constitution. In the event of a postponement it will be rescheduled not more than one month from the previously scheduled meeting.
- The agenda of the AGM, and copies of the Annual Financial Statement, the proposed budget, and the proposed benefit distribution will be available from the conservancy office to any general members three weeks prior to the AGM.
- The quorum for the AGM and any other General Meeting will be determined by the conservancy in their constitution.
- Decisions taken at any General Meeting will require a majority of the members present at a properly convened meeting, unless specified differently elsewhere in the constitution.
- A General Meeting may be called by the Conservancy Committee/members through a petition containing the grievances, signatures and names of the members as determined by the conservancy in their constitution.

## **6.5 Criteria and procedure for membership**

Criteria are the conditions or qualifications required to become a member of the conservancy.

### **Criteria for membership eligibility:**

- At least 18 years old.
- A resident (approved by the Traditional Authority) of the conservancy area for at least three years or unless specified differently in the constitution.
- Must support the conservancy objectives, members' obligation, conservancy constitution, management and utilization plan, and any by-laws established according to the constitution.

## **Procedures for membership:**

The procedures are how those who meet the eligibility criteria actually become members.

- All eligible candidates are automatically granted membership, however, any member who wishes to reject or cancel their membership may do so by submitting a letter to the nearest conservancy office, or by verbally requesting such in front of two witnesses.
- Any member who fails to honor the conservancy objectives, constitution and obligations may have their membership rights suspended or withdrawn by the Conservancy Committee. Prior to suspension or withdrawal of membership rights, the member shall be given the opportunity to address the Conservancy Committee about his/her proposed removal.

## **6.6 Rights and obligations of members**

The conservancy legislation requires a provision on rights and obligations, and therefore such terms should be used. It is important to establish the relationship between rights and obligations, i.e. that without fulfilling obligations, the enjoyment of rights may be threatened (e.g. that without ensuring that the Conservancy Committee accounts for all funds, that their expected benefits may be squandered). Rights are the powers or privileges that automatically come with membership. Obligations are the required duties that also come automatically with membership.

Rights of members:

- To attend, speak and vote at general meetings.
- To call general meetings.
- To elect members to positions within the conservancy.
- To remove elected members who violate specified principles, by-laws and procedures.
- To inspect and make copies of records, minutes, financial statements, asset register and membership list.
- To have equitable access to conservancy benefits.

Obligations of members:

- To support the objectives of the conservancy (including sustainable management, equitable benefit distribution, etc.)
- To support the implementation of the game management and utilization plan.
- To abide by the lawful decisions of the conservancy.
- To attend all general meetings.
- To know and exercise their rights and obligations as specified in their constitution.
- To know and exercise their obligations to hold their elected members or paid staff accountable for properly managing the conservancy's finances, and implementing the objectives, principles, procedures, by-laws and decisions of the conservancy.
- To sanction members including suspension or termination of rights, laying of criminal charges.
- To follow and adhere to the constitution.
- To follow and adhere to the Game Utilization Plan.

## **6.7 Procedures for equitable distribution of benefits**

The conservancy legislation requires the submission of a Benefit Distribution Plan. A plan may vary from year to year depending on circumstances, needs and experience, therefore it cannot be part of a constitution which should remain the same from year to year, but the procedure for deciding what to do should stay the same from year to year unless revised in the Benefit Distribution Plan.

- The Conservancy Committee shall solicit suggestions from each of the sub areas, every year before the AGM. The Conservancy Committee may also make its own proposals. All of the proposals will be discussed at the AGM, and a decision will determine the benefit distribution.
- In the event that majority support cannot be reached for a proposal, then the money must be placed into a human wildlife conflict mitigation account to be spent on preventing or reducing human wildlife conflict, or assisting those who have suffered losses from wildlife.
- If the AGM wants to allocate the benefit funds to some project, but the funds are not sufficient to fund the complete project in that year, the funds may be set aside for that explicit project, and additional funds may be added the following year provided that there are disposable funds and the distribution of those funds follow the same constitutional procedures.

## **6.8 Provisions for managing finances**

Because these requirements are more specific than others, the provisions must follow them very closely.

Appointment of a Treasurer:

- The conservancy shall appoint a Treasurer who is experienced in financial matters and bookkeeping.

Keeping of proper accounting records and preparation of Annual Financial Statements:

- The Treasurer shall keep records of and file all financial transactions.
- The Treasurer shall keep a daily balance ledger that shall be reconciled at the end of each month.
- The Treasurer shall prepare an Annual Financial Statement showing all income and expenditures, compared to the annual budget, and have copies of it ready three weeks before the AGM.

Opening of bank account:

- All bank accounts opened by the Conservancy Committee must be in the name of the conservancy, and all revenues of the conservancy earned from game utilization and other source of income must be in such bank accounts.

Procedure for determining the manner of appropriating derived income:

- This simply means that the constitutions must provide the procedures for expending its derived income (i.e. financial planning, budgeting).
- The Conservancy Committee shall develop a draft financial plan with a proposed budget, which predicts the new year's income, operational expenditures, and the surplus available for investments and/or benefit distribution. This plan and budget will be available for distribution three weeks before the AGM. The plan and budget must be discussed, and with any amendments, approved by a majority of the members present at the AGM.

## **6.9 Procedure for dispute resolution**

It is important to include a procedure for dispute resolution, because once a dispute has arisen, the parties may never agree on a procedure because each may see some advantage or disadvantage to its side in any proposed procedure.

- If a dispute cannot be resolved through informal negotiation or mediation, then the parties shall appoint a mutually agreed conciliator to assist them in resolving their dispute.
- If the parties cannot mutually agree on a conciliator, when the Conservancy Committee is one of the disputing parties, then the Traditional Authority shall appoint a conciliator.
- The MET will be arbitrator.



## **6.10 Procedure for amending the constitution**

Because the constitution is an agreement by all members on how they want to govern themselves, it should not be easily changed by a few individuals. On the other hand, it is normal that a new institution, after a few years of experience may want to make a few changes. Therefore, it should not be impossible to change the constitution.

- The constitution may be amended by a vote of the number of members as determined in the constitution and present at a properly convened Annual General Meeting.

## **6.11 Any other matters the committee deems necessary**

This provision is optional, so there is no need to fulfill the requirement (i.e. it can be ignored when checking for requirements).

## **6.12 Steps for reviewing the constitution and obtaining expert legal advice**

- MET regional staff members should check if all provisions are met and requirements are fulfilled by conservancies when they submit constitutions. If any of the requirements have not been met, then send the constitution back to the conservancy, explaining what is missing.
- When all requirements are met, the MET regional office should forward the constitution along with the conservancy application, in case of a new conservancy, to the Directorate Headquarter Coordination Unit in the Ministry.
- The Headquarter Coordination Unit must verify that all provisions and requirement are met, before the constitution can be forwarded in accordance with the provisions provided. If not all of the constitutional requirements have been met, then the constitution must be returned to the conservancy through the Ministry regional office so that the constitution can be changed to meet the requirement.
- Conservancies are encouraged to have a lawyer review their constitutions before submitting them to the Ministry. Conservancies have two options for doing this, as they may hire a private lawyer of their choice or they may send their draft constitution with written request to the Legal Assistance Centre (LAC) for advice.

## **7. Compliance monitoring**

When a community wants to become a Conservancy, it must meet all the requirements of the application process. However, while some of the requirements for qualification may be satisfied by a “one-time” submission in the application process (such as a map), other conditions or requirements must be continuously or repeatedly satisfied, in order for the Conservancy to maintain their qualification. Holding an Annual General Meeting would be an example of such a repeating obligation.

Because it would be difficult and expensive to monitor many requirements frequently, monitoring by Ministry staff will be focused only on key recurrent requirements presented in this section. However, nothing in this focused monitoring should be misunderstood to derogate or limit the powers of the Minister or Ministry staff. Section 24A(2)(f)(i) of the Nature Conservation Amendment Act, No.5, 1996, gives the power to the Minister to add any condition to any prescribed condition or restriction, while Section (3) (a)(ii) empowers the Minister to amend or withdraw any condition in declaring the area of an application as a Conservancy]

### **7.1 The Purpose of this section is**

- To define what the selected key current requirements are.
- To illustrate the steps of the monitoring process.
- To explain the procedures to follow if it appears that a Conservancy is not complying with one or more of the key recurrent requirements.

## 7.2 Role of the Ministry staff

Regional Staff:

- To annually monitor the Conservancies within their area following the Monitoring Process STEPS.
- To keep files of Annual Monitoring Reports and send copies to the Headquarter Coordination Unit.
- To notify the Headquarter Coordination Unit of any reported or suspected non-compliance.
- To implement the appropriate Response Procedures as instructed by the Director.

Headquarters Coordination Unit:

- To check that regional staff carry out their annual programme.
- To read and file Annual Monitoring Reports received from regional staff.
- To instruct regional staff, through the Director (Step by Step) to implement Response Procedures.
- To inform the Director at each Step of the Response Procedures.
- To inform the Permanent Secretary that a Letter of Warning should be sent when a Conservancy fails to correct its compliance requirement.

## 7.3 Sources of Key Recurrent Requirements

This is largely for the benefit of Ministry staff so that if they want to read the actual legal requirement they know exactly where to find it. However, it may also be useful if a conservancy or someone is skeptical about the authority for the requirement. In that case, the conservancy can be shown the exact place in the particular source document.

This also identifies the sources of the recurrent requirements and lists those requirements. The criteria for selecting the 'key' requirements are:

- that they represent the principles behind the legal conditions;
- that they explicitly appear within the legislation; and,
- that they be as few as practicable while still achieving the aims of the conditions.

The principles behind the legal conditions are:

- sustainable management and utilization of game;
- equitable distribution of benefits to members;
- proper management of Conservancy finance; and,
- that the Conservancy be representative of and accountable to the general members.

The ministry has an obligation to monitor that these conditions are continuously complied with in order to justify the declaration of a qualifying community as a Conservancy (and thereby empowering that community with associated rights).

The following are document sources for the recurrent requirements of Conservancies:

- A. Nature Conservation Amendment Act, No.5,1996
- B. Amendment of Regulations Relating to Nature Conservation, No. 304,1996
- C. National CBNRM Policy, March 2013
- D. Nature Conservation Ordinance, No.4 of 1975 (Section 31)
- E. Guidelines for Management of Conservancies and Standard Operating Procedures, August 2013
- F. Any other source, policy, legislation or directive as may be issued by the Government of the Republic of Namibia.

## 7.4 Monitoring Process STEPS

- A. Set up and maintain list of Conservancies in your area: Present a copy of the Checklist of Key Recurrent Requirements to each Conservancy Committee, so that they know exactly what is to be checked, and so they can prepare to meet all the requirements. Obtain a copy of each Conservancy's constitution.
- B. Maintain a calendar for AGM dates for each Conservancy: Request that each Conservancy inform the Ministry of the AGM dates each year so that Ministry staff may attend the meeting.
- C. Study each Conservancy's constitution before attending the AGM: Note what the quorum requirements are, whether an Audit is required, whether elections are due to be held, and what the benefit distribution procedure is.
- D. Attend and witness AGM: Obtain copies of the Annual Financial Statement. Note whether the quorum was met; the benefit distribution procedure was followed, and whether elections were held as provided for in the constitution. Inform the Chairperson that the minutes must be produced highlighting benefits distributed, the manner and results of these should appear in the minutes.
- E. Request a copy of the Conservancy's 'game management and utilization plan: A conservancy is simply required to sustainably manage and utilize their game "in accordance with a game management and utilization plan". Check to see if the plan is valid and meets the requirement. If not, it must be reviewed and updated.
- F. Compile indicator documents into a Monitoring Report and file: Write a cover letter to the Report which states either that Conservancy is in full compliance with the Key Recurrent Requirements, or specify which ones have not been met. Make a copy of the full report and sent it to the Director.
- G. Request instructions from the Director to implement Response Procedures for any Conservancies which are not in compliance.

## 7.5 Schedule of Response Procedures

The goal of the Response Procedures is to ensure that Conservancies do comply with legal requirements, rather than to punish them. That is why the steps are gradual, and why both time and constructive support is offered to assist Conservancies to get back into compliance. The only Conservancies that might possibly have their status withdrawn are those that deliberately refuse (over a period of 9 months) all support assistance to comply.

## 7.6 Key Recurrent Requirements

For apparent failure to:

- hold the AGM;
  - conduct elections as provided for in the constitution;
  - follow the benefit distribution procedure as provided for in the constitution and benefit distribution plan;
  - manage the conservancy according to a 'wildlife management and utilization plan' and/or, if utilizing game, to provide an annual Wildlife Utilization Report with the specified time period, in accordance with approved quota and conditions attached thereof.
- A. Issue a Verbal Advisory to the Chairperson (by regional Deputy Director): Advise the Chairperson that the Conservancy is late in meeting a specific requirement/s, and provide a copy of these Response Procedures to the Chairperson. Offer the assistance of the MET to help the Conservancy to meet the requirement. Advise the Chairperson that the requirement should be met within 30 days or a formal Response Procedure will be initiated starting with a written Letter of Inquiry. Make a written note of the day, time, place and witnesses to the Verbal Advisory and enter the note in the Conservancy file.
  - B. Issue a Letter of Inquiry to the Chairperson (signed by Director): This step is taken if the requirements are not met within 30 days of the Verbal Advisory. Specify the requirement/s; note the date of the "Verbal Advisory"; explaining the problem and specifying a date (within 60 days of the Chairperson's letter) when the requirement will be met. Offer the assistance of the MET in helping Conservancy to

meet the requirements. A copy of these Response Procedures must be attached to the Letter.

- C. Issue a Letter of First Warning to the Chairperson (signed by the Permanent Secretary): This step is taken if there is no response to the Letter of Inquiry within 30 days; or an unsatisfactory response (i.e. no specific commitment is made to correct the problem within 60 days); or requirements are not met by the specified date. The Permanent Secretary will request that a General Meeting be called at a specified date (within 60 days of the Permanent Secretary's Letter) with the Conservancy Committee in attendance. A copy of these Response Procedures must be attached to the Letter.
- D. Issue a Letter of Last Warning to the Chairperson (signed by the Permanent Secretary): This Step is taken if the Conservancy fails to meet the requirements within 60 days of the General Meeting. The letter will advise that the Conservancy has a final 60 days to comply with the requirements. The MET should offer one last time, to help the Conservancy together with any other partners that the Conservancy might invite. The MET should endeavor to circulate the contents of this Letter to the General Membership as well as the Chairperson and Conservancy Committee.
- E. Advise the PS in writing that the Conservancy is officially Non-Compliant with Recurrent Requirements (by the Director): This Step is taken if requirements are not met within 60 days of the Letter of Last Warning. At the Minister's discretion, the withdrawal of the recognition of the Conservancy may proceed.

## 7.7 Financial Management

Financial management is about managing the conservancy's financial system and cycle which includes all the income and expenditure. For the conservancy to manage its money effectively and responsibly, a simple but accurate accounting system is needed.

It is important to have a good financial management system in conservancies because good financial records the basis for good financial management, planning and budgeting. It also helps trace any money received or spent and that member's money is managed properly, can be accounted for and explained how it was used (accountability and transparency) and the agreed activities are implemented.

In order to have good financial management in conservancies, the following is needed:

- Clear separated roles, responsibilities, job descriptions
- Clear approved budgets that are linked to work plans
- Accountability and transparency
- Policies, procedures and systems in place
- Simple system for recording all transactions (both income and expenditure) on a daily basis
- Willingness, skills and ability to use the systems
- Accurate reports on all income and expenditure and budget need to be produced to review, manage and adapt where necessary.

MET should ensure and work with partner organizations that conservancies receive regular financial management courses.

For either:

- failure to provide a satisfactory Annual Financial Statement, and/ or audit
  - receipt of an allegation of apparent financial mismanagement.
- A. (for failure to provide an Annual Financial Statement and /or Audit). Issue a Verbal Advisory to the Chairperson (by regional Deputy Director): Advise the Chairperson that the Conservancy is late in meeting a specific requirement/s, and provide a copy of these Response Procedures to the Chairperson. Offer the assistance of the MET to help the Conservancy to meet the requirement. Advise the Chairperson that the requirement should be met within 30 days or a formal Response Procedure will be initiated starting with a written Letter of Inquiry. Make a written note of the day, time, place and witnesses to the Verbal Advisory and enter the note in the Conservancy file.

(if receiving an allegation or report of apparent financial mismanagement). Request that the allegation be a signed and written statement: This will ensure that any investigation by the MET cannot be seen as arbitrary. If there is no signed, written statement, then the MET should make no further response. Even if the allegation made by regional MET staff, it must be a written statement to the Director so that someone has to take responsibility for making the charge. Whoever is making the charge should state some evidence as well. For MET regional staff, it may be that they attended an AGM where the Annual Financial Statement was provided but it did not satisfactorily account for all the funds.

- B. Issue a Letter of Inquiry to the Chairperson (signed by the Director): This Step is taken either (i) if the Conservancy has failed to meet the requirements for an Annual Financial Statement and / or Audit within 30 days of the Verbal Advisory; or, (ii) when a signed and written allegation or report of apparent financial mismanagement has been received by the MET. The Letter (with a copy of these Response Procedures attached) should request the Conservancy to reply in writing (within 30 days) to either: (a) confirm the problem and state what steps are being taken to correct the problem, and when this will be completed within 60 days; or, (b) to deny the problem and present evidence that no such problem exists. If they confirm a problem, they should be asked whether they are involving anyone in helping to solve the problem (such as the MET, an NGO or an accountant), or whether they feel that they need any additional help.
- C. Issue a Letter of Request for the 'accounting records' (signed by the Permanent Secretary, as empowered by Section 115B (9) of the 'Regulations'): This Step is taken if there is no response to the Letter of Inquiry within 30 days (Step 2); or an unsatisfactory response is received (i.e. no specific commitment is made to correct the problem within 60 days); or the requirements are not met by the specified date; or if the denial of a problem and supporting evidence for that denial are unsatisfactory. The Letter should request receipt of copies of all relevant financial records to be delivered within 30 days. In the Letter, the PS should also request that a General Meeting with the Conservancy Committee in attendance be called (for a date within 60 days of the receipt of the financial records). A copy of these Response Procedures must be attached to the Letter.
- D. Facilitate a General Meeting. The Director (or representative) will address the Conservancy members about the problem, Response Procedures and the roles and responsibilities of the Conservancy Committee and the General Members in solving the problem. The Director will impress upon all Conservancy members, the seriousness of the issue, and the ultimate implications of failing to meet the requirements. The Director will advise the General Meeting that the Conservancy has 60 days to meet requirement before a Letter of Warning will be sent by the Permanent Secretary. The spirit of the Meeting is to make the Conservancy take responsibility for solving its own problem rather than the MET taking that responsibility and power away from them. Regional MET staff, the TA and Regional Councilors should be consulted so that their support is enlisted. If the Conservancy has an NGO supporting them, they should be consulted as well.
- E. Issue a Letter of Warning (signed by the Permanent Secretary): This step is taken if the Conservancy is still not compliant with requirements within 60 days of the General Meeting. The MET should endeavor to circulate the contents of the Letter to the General Membership as well as the Chairperson and Conservancy Committee.
- F. Advise the PS in writing that the Conservancy is Officially Non-Compliant with Requirements (by the Director): This step is taken if the Conservancy has failed to meet requirements within 60 days of the date of the Letter of Warning. At the Minister's discretion, the withdrawal of the recognition of the Conservancy may proceed.
- G. Report to the police, any apparent misuse of any conservancy funds for personal use: In addition to keeping financial records, and issuing Financial Statements/Audits, proper financial management includes accountability. If it is apparent that any person may have misused Conservancy funds (derived from game utilization or/and other source of income) for personal use, then that matter **must** be reported to the police by the Conservancy (either by the Conservancy Committee or a General Member). It is up to the Police to decide how to proceed with the matter. But failure to report the matter to the Police will indicate to the MET that the Conservancy is not an accountable institution, and is not serious about deterring future misuse of Conservancy funds, or about upholding the laws of Namibia. On those grounds the Minister may also use his discretion to withdraw recognition of the Conservancy.

## 8. Conservancy management and utilization plans

Since the promulgation of the “Conservancy legislation” (Nature Conservation Amendment Act, No. 5, 1996 and Amendment of Regulations Relating to Nature Conservation, No. 304, 1996), it has been the intention of the Ministry that Conservancies should manage their wildlife resources in accordance with a “game management and utilization plan” (GMUP). However, there has never been any official guidance from the ministry about: (a) **what** these GMUPs should contain; (b) **when** they will be required; (c) **who** in the ministry will review them; and, (d) **how** they will be processed.

Additionally, since the establishment of Communal Land Boards in 2003 (following the promulgation of the Communal Land Reform Act, 2002), there has been the risk that land allocations within Conservancies might undermine the sustainable management of their resources and even the financial viability of Conservancies themselves. Although Section 31(4) of that Act protects Conservancies’ management objective, it only does so if there is a “game management and utilization plan”.

### 8.1 Content and structure for conservancy game management and utilization plans

The following are the list of components that all Conservancy Game Management and Utilization Plans should contain. To facilitate the Ministry’s review of the plan, the order and labeling of the headings should follow the list below. Underneath each component heading below is a brief explanation of what is required.

#### A. Description of the conservancy area, size and boundary

The general landscape, major topographic features, and general vegetation types should be described. The size should be stated in hectares, and the human population size and its distribution in general terms should be provided (e.g. are there major villages or population areas, or are there large unpopulated areas?). The boundaries should describe in simple terms (do not repeat the legal boundary description which appears in the gazette). Also state whether the boundaries are clearly visible. A map should be attached.

#### B. Vision

A statement of the general goal of the conservancy in managing its natural resources and utilization thereof should be stated.

#### C. Management objectives

This includes a short list of more specific goals, specific enough that the Conservancy can measure whether they have achieved them or not.

#### D. Management strategies

This will describe ways in which the objectives will be achieved considering different aspects of natural resource management and tourism development applicable to the conservancy.

#### E. Fences

A statement either that there are no game proof fences or/and other fences, or a description of existing ones and their purpose.

## F. Zonation

This includes a description of what can or cannot take place in each zone and a zonation map. The section also includes a statement of whether zones are clearly recognizable on the ground. Zones may include farming and livestock zone, wildlife breeding zone, wildlife migration and tourism zone and cultural tourism zone.

## G. Natural Resource Base

This does not need to be a comprehensive inventory, but it should start with the best estimates of key game and plant species particularly any that will be managed or utilized.

## H. Human Wildlife Conflict Management

A general description of any conflicts the conservancy experience must be stated here. A Human Wildlife Conflict Management Plan as required by the National Policy on Human Wildlife Conflict Management Plan must be included in this section.

## I. Tourism Development Plan

This section should describe a plan for tourism in the conservancy including possible tourism concessions that the conservancy can be involved in.

## J. Control and Monitoring Mechanisms

This description should focus on how monitoring is done and who does it. Any internal control or permit system must be described in order to indicate whether there is effective control over legal activities.

## K. Compliance Monitoring

A description of how the conservancy monitors whether it is in compliance with all MET requirements for conservancies. These requirements fall into two general categories, wildlife utilization and institutional (i.e. reporting on the functional requirement of the conservancy as a legal institution). Conservancies are required to report back on any utilization of the past year by 30 January of the preceding year or as it may be specified in conditions attached to the approved quota. Most Conservancies utilizing wildlife also use the Event Book system. Each Conservancy is required to comply with all the major provisions of its constitutions, the major ones which the MET is interested in are: the holding of an AGM, the presentation of an Annual Financial Statement; the conducting of elections; and the equitable distribution of benefits (if any). It is up to the Conservancy to state how and when it will report on such requirements, however it should be done within a month after an AGM is held.

## 8.2 Timing requirements

The Conservancy Wildlife Management and Utilization Plan will be required to be submitted to the MET within one year of the declaration of the Conservancy in the Government Gazette. Thereafter, the Conservancy must review and resubmit the plan every five years. The Conservancy may review the plan more frequently, but anytime that they make amendments they must update the MET.

## 8.3 Responsibilities of the Ministry

The following are the responsibilities of the Ministry of Environment and Tourism in Conservancy Management and Utilization Plans:

- To inform conservancies and / or the partners who support them, of the MET requirements for Conservancy Wildlife Management and Utilization Plans.
- To assist conservancies in the development of their Wildlife Management and Utilization Plans.
- To help identify and contact any MET or support organizations (including NGOs, development partners and projects) expertise which might assist it the development of Conservancy Wildlife Management and Utilization Plans.
- To review submitted Conservancy Wildlife Management and Utilization Plans for certification.

#### **8.4 Certification of conservancy wildlife management and utilization plan**

Conservancy Wildlife Management and Utilization Plans follow the principle of adaptive management. They are periodically reviewed and may be amended.

As such, the process of management planning and implementation is an iterative process, whereby conservancies should not only be updating, but continually improving their Plans as they gain experience and knowledge.

The Conservancy Wildlife Management and Utilization Plan should be sent to the Director responsible for Wildlife and National Parks in the Ministry through the regional office. A cover letter from the Conservancy Chairperson should be attached to the Plan to indicate that the Conservancy Committee has authorized that the plan be sent to the Ministry. The Director will facilitate approval by the Permanent Secretary if requirements are met and that the plan supports sustainable utilization and that it does not conflict or potentially conflict with the activities of its adjacent neighbors.

### **9. Relationships between Conservancies and other institutions**

A number of other institutions at local and regional level have important roles in terms of land allocation and development planning. These include Traditional Authorities and Regional Councils. It is important for conservancies to develop appropriate relationships with these institutions, some of which have roles and responsibilities with regard to conservancies prescribed in policy or law. This section identifies these relationships and roles and responsibilities.

#### **9.1 Traditional Authorities**

All communal land is vested in the State in trust for the benefit of traditional communities. However, throughout Namibia, Traditional Authorities are the “custodians of the land’ on behalf of the communities. Furthermore the Communal Land Reform Act gives Traditional Authorities the right to allocate grazing and residential land and to endorse lease applications. The Traditional Authorities Act provides that traditional authorities shall ensure that the members of their traditional community use the natural resources at their disposal on sustainable bases and in a manner that conserves the environment and maintains the ecosystems, for the benefit of all persons in Namibia. The Act does not describe how these environmental duties of traditional authorities will be carried out, but clearly intends that they should play a role in conservation.

Although the conservancy legislation and regulations do not prescribe the role of Traditional Authorities in conservancies, in practice it is important for them to play a role because of their legal authority in land issues and their duty under the Traditional Authorities Act to play a role in conservation. The following are the ways in which Traditional Leaders should be involved in conservancies:

##### Requirement:

- Endorsement of conservancy applications. Although not required by legislation or regulation, as part of good practice TAs should endorse conservancy applications. No application for registration of a conservancy will be approved by the Minister without being endorsed by the Traditional Authority.



### Guidelines

- TAs should, as part of good practice, be represented on conservancy committees in an advisory role.
- TAs should be consulted by the conservancy on zonation and other land issues such as fencing of game areas and the conservancy should obtain the written endorsement of the TA for such activities. Conservancies should work closely with the TA to ensure that the TA does not grant grazing rights in conservancy wildlife and tourism zones.
- Where appropriate and agreed between the conservancy and the TA, the TA can assist in resolving conflicts.
- Conservancies should agree with TAs on the benefits that TAs should receive from the conservancy. Such benefits should be agreed upon and included in the Conservancy Benefit Distribution Plan.
- In order to prevent confusion and to clarify roles and responsibilities it is advisable to define the role of the TA and its relationship with the conservancy in the conservancy constitution.

## **9.2 Regional Councils**

Regional Councils are responsible for regional development planning and therefore conservancies also need to have good relationships with the Regional Councils. Each regional council has a system of development committees.

The Regional Development Coordinating Committee's role is to coordinate effective regional development planning. The committee's functions include facilitating the development of an information management system in the region, preparing and evaluating development proposals for approval by the regional council, supervising and evaluating implementation of plans and proposals and monitoring implementation of projects funded by central government. This body is composed of the Chief Regional Officer (Chairperson), heads of departments of line Ministries, two members of each recognized traditional authority in the region (for annual planning purposes only) , one member of each local authority in the region and one representative of NGOs and CBOs.

The next level is the Constituency Development Committee which coordinates planning and development proposals, prepare development proposals for submission to the regional council, promote community self-help projects, monitor the implementation of development plans approved by the regional council, serve as the communication channel between the regional councils and the people in the constituency and generally monitor projects and activities of government agencies, local authorities, NGOs and CBOs. The constituency development committees is chaired by the regional councilor for the constituency and comprises two members of the recognized traditional authorities in the area, one representative of NGOs , one representative of CBOs , a representative of government service providers, three persons with disabilities representing disabled persons, and two representatives of the youth one whom shall be a female. At least one-third of members of the committee must be female.

The third level is the Village Development Committee. Its functions include to facilitate the establishment of a community-based management information system in the area, identify and assess community needs for incorporation into development proposals by the village council and the constituency development committee, promote community self-help projects, serve as a communication channel between the regional council and local people, generally monitor the delivery of services in the area and report to the regional council. Village development committees are chaired by chairperson of the village council and comprise the constituency councilor; one representative of each line Ministry in the area where applicable, not more than five members from the community.

The following are the ways in which Regional Councils and Conservancies should interact:

### Requirement:

- The Regional Governor needs to endorse a conservancy application before it can be considered by MET in terms of the Nature Conservation Amendment Act (No.5 of 1996).

### Guidelines

- Regional councilors should be informed of and kept aware of the establishment of new conservancies
- Conservancies should develop cooperative relationships with and participate in the Regional Development Coordinating Committee, the Constituency Development Committee and Village Development Committees
- MET and Conservancies should keep the regional council informed of their activities through the Regional Councilor, in particular any zoning of the conservancy or plans for fenced game areas or plans for tourism development.

### **9.3 Communal Land Boards**

Communal land boards control the allocation of leases for land (e.g. for agricultural schemes or tourism activities). An application for a lease for an area of land more than 50ha has to be referred to the Minister of Lands and Resettlement.

The Act makes provision for the membership of Land Board to include one person representing the conservancies in the area covered by the Land Board and also for MET to be represented.

The Act also requires Land Boards, when granting leases to take into account any management or utilization plans developed by conservancies and states that the Land Board may not grant a lease for a purpose that would defeat the purpose of such plans. This is particularly important where conservancies set land aside for tourism and wildlife and need to protect these zoned areas from outsiders using that land for other purposes.

The following are important guidelines for interactions with Communal Land Boards:

- MET and conservancy representatives on land boards need to cooperate to ensure that environmental and conservancy issues and interests are promoted on the Land Board.
- MET and Conservancy representatives need to ensure that where appropriate, the leases for tourism activities in a conservancy are given to the conservancy and not directly to the private sector.
- MET and conservancy representatives need to ensure that lease fees for tourism activities in conservancies are not set so high that the business becomes unviable or the income to conservancies is considerably reduced as a result of a high lease fee
- Conservancies should provide written copies of their Wildlife Management and Utilization Plans to the Communal Land Board and ensure that all updated plans are submitted to the Land Board.
- Conservancies should work together to elect their representative to the Land Board and ensure that this person will satisfactorily represent their interests.

### **9.4 Community Forests**

There are many similarities between conservancies and community forests but also some important differences. Despite these differences it can be beneficial in many respects for a conservancy to also register as a community forest. By doing so conservancies can gain authority over forest resources in terms of the Forest Act of 2001. Such an approach can be an important contribution to the promotion of Community Based Integrated Ecosystem Management (CBIEM).

According to the Forest Act (2001) and the Community Forestry Guidelines, the legal foundations for a Community Forest are the written Forestry Agreement and the Management Plan. Both the Act and the Guidelines make it clear that both the agreement and the management plan must be in place before recognition as a Community Forest may be given. Most of the requirements of the written agreement and the provisional management plan required by the Forestry Guidelines will be covered by existing provisions of the original conservancy application documents, constitution or management plan. However, there are some additional steps that a conservancy will need to go through to be registered as a community forest.

The following are the minimum additional steps that need to be taken for a conservancy to become a community forest under the provisions of the Forest Act:

- Decide on forestry management objectives and include these in the conservancy constitution and add them to the conservancy management plan which should be attached to the written agreement.
- Decide on the forestry management activities (broad categories e.g. monitoring of use, quota setting, fire management, etc.) and include these in the existing conservancy management plan as bye-laws
- Decide on, and describe the geographical boundaries of the community forest (these would need to be delineated if different to the conservancy boundaries i.e. if the community forest is a smaller area within the conservancy)
- Obtain the consent of the relevant traditional authority and regional council
- Demonstrate that the conservancy committee represents more than 50% of persons either rights over the land in question.

All other significant provisions of the Forest Act and requirements for a written agreement and a management plan are either already covered by the institutional arrangements and governance provisions of a conservancy or can be developed at a later stage. Once the above steps have been finalized the conservancy should be in a position to sign the written Forest Agreement with the MAWF.

When conservancies decide to also register as community forest there are some implementation issues that need consideration:

- **Scale:** Forest resources are often managed at a local, sometimes, village level, and most community forests have been based on just one or two villages. On the other hand some wildlife species move over a large area (sometimes larger than individual conservancies). Wildlife and forest resources therefore might in certain areas need managing at different scales. One option is for one or more community forest to be established inside a conservancy and for their committees to have a formal, institutionalized relationship with the conservancy committee. Another more practical option would be for the conservancy and community forest to have the same boundaries, but to also make provision within the conservancy/community forest for local level management of forest resources. This could be done by devolving rights to the village level through the constitution.
- **Overlapping boundaries:** Some of the early attempts to develop community forest led to conservancy and community forest boundaries cutting across each other. This is counter-productive as it creates institutional separation and does not promote integrated resource management. Where local communities in the same area wish to form conservancies and community forests all efforts must be made to ensure that there are no overlapping boundaries. Where possible the same committee should be the decision making body for both the conservancy or community forest, unless there are smaller community forest units within the boundaries of a conservancy.
- **Emerging conservancies/community forests:** Where appropriate, emerging conservancies should be encouraged to carry out the necessary additional steps and apply at the same time to MAWF to become community forests. MET Regional Services personnel need to be aware of this possibility and work within personnel from the Directorate of Forestry in MAWF at the start of conservancy formation.
- **Flexible implementation Approaches:** Implementation should be as flexible as possible with regard to management structures and benefit distribution due to the variety of local resource conditions, settlement patterns, area sizes, stages of institutional development and human population. Blueprint approaches should be avoided and integration between conservancies and community forests should take place based on local requirements.
- **Integrated Management Plans:** Once the legal aspects of integrating conservancies and community forests have been dealt with (i.e. a conservancy gains community forest status) then integration of management of the different resources should take place through the implementation of a Community Based Integrated Ecosystem Management (CBIEM) plan. Unless issues of scale require a different approach, there should be one plan that covers all relevant resources.

## 9.5 Water Point Committees

Water point committees are the mechanism for rural residents to take over the management and maintenance of local water supplies. Often however, these committees struggle to raise the income to maintain the infrastructure. It is important for conservancies to develop good relationships with water point committees and to carry out joint planning with them as wildlife, and people and their livestock all depend on water.

The following are guidelines for the interaction between conservancies and water point committees:

- Conservancies should develop cooperative relationships with water point committees.
- Conservancies should work closely with water point committees to help prevent damage of water installations by elephants and to address other water related problems caused by elephants. This could include e providing funds for repairing damage.

## 9.6 Farmers' Unions

Farmers' Unions or Associations represent local livestock farmers and are therefore important institutions that can impact on conservancy activities. If there is not a good relationship between farmers' unions and conservancies, these impacts could be negative. It is important that conservancies work closely with the farmers' unions and associations. Examples of different forms of positive relationships between conservancies and farmers' unions are as follows:

- At least one conservancy was formed by the framers' union and retains close links to it.
- Allowing a farmers' union representative to be a non-voting member of the conservancy committee.
- Including the farmers' union in conservancy planning, particularly when establishing water points for game, or other activities that might have an impact on livestock such as zoning.
- Including support for sustainable livestock and range management as part of conservancy activities.

## 10. Roles and responsibilities in the management of Conservancies

For conservancies to succeed communities need support to establish institutions that are representative and accountable, which can manage wildlife effectively and which can manage business relationships with the private sector and manage their own businesses. There are a number of different organizations involved in assisting conservancies. This section identifies the roles and responsibilities of these organizations.

### 10.1 MET core functions

The MET is the lead agency in supporting conservancy formation and operation. MET field staff in the directorate responsible for wildlife management will play the main implementing role within MET and will work with communities from the first step in establishing the conservancy. It is important to have field personnel who regularly work with an individual conservancy. This is vital for continuity and building a relationship with the community.

CBNRM is a complex and multi-faceted programme which requires a variety of competencies and expertise for its successful implementation. MET will request assistance from Non Governmental Organizations (NGOs) or other organizations and agencies where it cannot provide service itself. However, within the CBNRM programme, MET has a number of core functions. These are the functions for which the MET has primary responsibility within the programme, for which MET personnel staff will be trained and which MET will priorities for allocating personnel resources.

These core functions are the following:

### **10.1.1 Programme Coordination**

Provide overall coordination of the programme including the establishment of coordination forums, liaison and networking with partners such as NGOs, private sector, other government departments, Regional Councils and donors, and provision of programme information, procedures and manuals; Promote CBIEM in coordination with other Ministries; MET will be responsible for the administration of conservancy applications and maintaining a filing system and data base on conservancies.

### **10.1.2 Policy and legislation**

Lead the development, review and revision of policy and legislation.

### **10.1.3 Conservancy Formation**

Raise awareness about CBNRM and conservancies in rural communities and provide information on conservancy formation; (i.e. what is a conservancy, how people can benefit, application procedure etc.) and assisting the community to go through the steps in conservancy formation leading to submitting the application. This will include working with the community to carry out the initial conservancy feasibility assessment.

### **10.1.4 Conservancy Good Governance**

Assist conservancies to develop accountable and transparent decision making processes including:

- The participatory development of constitutions by local residents.
- Community approval of budgets, spending on benefits and financial statements at AGMs.
- Good communication and information to conservancy members.

### **10.1.5 Conservancy wildlife management**

Provide technical advice and support for assessing wildlife utilization options, developing conservancy game management and utilization plans and for various aspects of wildlife management such as dealing with Human Wildlife Conflict (e.g. development of conservancy HWC management plans), siting and use of water points, quota setting, monitoring, etc.

### **10.1.6 Monitoring**

Develop and maintain a national CBNRM monitoring system and data base.

### **10.1.7 Community-based Tourism**

Provide information and awareness to conservancies about the tourism industry, the requirements of overseas tourists and the opportunities within the industry; facilitate conservancies to gain access to expertise on business planning and management, and on the operation of tourism enterprises such as campsites, and cultural villages and facilitate access to support for marketing.

### **10.1.8 Access to support services**

Assist conservancies to access other support services and capacity building from other government agencies, NGOs and the Private Sector where appropriate.

### **10.1.9 Protected Areas**

MET will aim to develop good working relationships with any neighboring conservancies and, where appropriate, develop co-management approaches with conservancies and other relevant stakeholders.

### **10.1.10 Natural Resource Economics**

Provide economic analysis for determining the viability of utilization options and of individual conservancy enterprises. Economic data will also support the national CBNRM monitoring and evaluation programme particularly with analysis of the overall contribution of CBNRM to the national economy and to poverty alleviation.

### **10.1.11 Compliance Monitoring**

Monitor and ensure compliance of conservancies with policy and legislation. MET personnel have direct responsibility for carrying out these core functions. Although these are the core functions of MET, other organizations can also be involved in carrying them out in support of MET. The Ministry may decide to enter into different types of arrangements with other organizations to provide some of these services in partnership with MET personnel or directly to conservancies.

## **10.2 Role of NGOs**

Non core functions are the many other activities concerning CBNRM that will be the primary responsibility of other agencies. Many of these are specialist activities, which require particular expertise and experience. The MET personnel supporting conservancies cannot be expected to be experts in everything but need to have a good understanding of the principles and issues involved in supporting all aspects of conservancy development. For example, they are expected to have a basic knowledge of the key issues and requirements for successful institutions building and successful enterprise development, even though it is not a core MET function to be the main support providers to conservancies in these areas.

The areas of support which are MET non core functions are as follows:

- 10.2.1** Organizational development (developing financial accounting systems, development of internal administrative policies and procedures and staff policies; development of management frameworks);
- 10.2.2** Enterprise development (identification of products, product development, business viability studies, development of business plans , marketing , operating procedures for accommodation facilities);
- 10.2.3** Joint Venture (JV) development and management (assisting conservancies to acquire a JV partner and to manage the JV relationship and contract).

In order to ensure that these services are provided to conservancies, MET will enter into partnerships with NGOs, the private sector and other organizations and sign Memorandums of Understanding (MOUs) in accordance with the National Policy on Community Based Natural Resource Management in order to formalize some areas of cooperation. NGOs are able to provide a number of skills, particularly within the field of community development. Regional MET personnel supporting conservancies should work together with NGOs to identify the specific needs of a conservancy and decide how those needs can be met.

Thematic working groups will be one of the main ways of coordinating support activities between MET personnel and NGO staff. MET will develop specific partnerships with NGOs where there are tasks or activities that the MET is unable to carry out in a particular field of activity or geographical areas.

Neither MET nor NGOs are well-equipped to provide conservancies with advice and support for enterprise development i.e. starting and operating a business. The tourism private sector has the specialist expertise and knowledge to assist conservancies in developing and running tourism businesses. The tourism private sector is also the most appropriate for providing training on tourism to conservancies. MET will work with the private sector and NGOs to ensure that support on business development and that appropriate tourism-related training is provided to conservancies. The private sector can provide other services such as legal advice and support in developing constitutions and other forms of training. Where they have sufficient income, conservancies should be encouraged to pay for such services themselves.

In some cases, it might be necessary for MET personnel to provide support to a conservancy in some of these non-core areas of service provision, where there are no NGOs or other appropriate agencies available. In such cases steps will be taken to ensure MET personnel acquire the appropriate skills and expertise.

Important mechanisms for implementing CBNRM through a partnership approach will be national programme thematic working groups. These groups will be responsible for developing approaches and guidelines for implementing the programme and will consist of MET personnel and members of NGOs and other appropriate organizations working in CBNRM. The three main working groups are the Institutional Development Working Group, the Natural Resources Management Working Group and Business Enterprises and Livelihood Working Group chaired by MET and/or NGOs.

Their functions are:

- To provide coordination of activities between service providers,
- To identify and address implementation issues and problems,
- To develop common methodologies for supporting conservancies,
- To promote the use of these methodologies among service providers.

The thematic working groups play an important role in bringing MET and NGO staff together to develop common principles and methodologies for implementation.

## **11. Consumptive use of wildlife in Conservancies**

### **11.1 Period and allocation of quota**

The consumptive use of wildlife (game) in conservancies through an allocation of quota will be for three years or as it may be determined by MET. The quotas will be reviewed every after three years in approximately October/November (this does not include quotas for communities inside National Parks) or any other month predetermined for this purpose. This will allow the Conservancy and the Ministry to both consider additional information that has been collected through the various monitoring programmes. Quotas must form part of, and be compatible with, the wildlife management and utilization plan for each conservancy.

It is essential that the Conservancy continues with its monitoring programmes as the basis for future decisions about quotas and to determine the impact of these quotas. The event book system is a part of these monitoring systems and the conservancy must adhere to its implementation. All the Conservancies must comply.

The Ministry will lead the quota setting allocation in conservancies and an MET Technical Review Committee will be established to review the proposed quota before submission to the Minister for approval.

The Ministry reserves the right to adjust the quotas when necessary. All conservancies with approved quotas should adhere to the set conditions, and failure to do so may result in withdrawal of quotas by the Ministry.

### **11.2 Implications for Human Wildlife Conflict Management**

The Ministry will only under exceptional conditions consider granting approval that any problem animal be destroyed in line with the Nature Conservation Ordinance of 1975 and Policy on Human Wildlife Conflict Management. In addition, the Ministry directs that a part of the revenue from the use of these quotas be set aside for the Human Wildlife Conflict Self Reliance Scheme. Conservancy should use funds generated from these quota to develop their monitoring system and infrastructure that will assist wildlife management and population increase in the areas.

### 11.3 Support to Traditional Authorities

Conservancies must support their Traditional Authorities with game meat for major traditional feasts and events in accordance with the National Policy on Game Utilization in Protected Areas and other State Land. Quotas are designed to make provision for this purpose. The Ministry will accordingly refer requests for game meat from Traditional Authorities to the relevant conservancies as the first option. This must be fulfilled even by Conservancies whose quota does not indicate amounts of wildlife for Traditional Festivals.

The quota for Traditional Festival has been allocated for provision of meat for traditional Festivals only and it is not a separate Traditional Authority quota which they may sell. This does not prevent the conservancies to make game donations or financial contributions for other function to the Traditional Authority. Animals on this category of Traditional Festival or Traditional Authority may not be trophy hunted and non trophy animals should be utilized for this purpose. It is the responsibility of the conservancy to make sure that the hunting Operator is well aware of this issue in advance.

### 11.4 Specific obligations and Report back to the Ministry

It is a requirement that the Conservancy should record how each animal on the quota was used and to provide a report to the Ministry on how the quota was used by end of January the preceding year or as it may be required. In addition, the Conservancy must submit a report on utilization of their quota to the Ministry by the end of January the preceding year, including income generated from such quota. MET will continuously monitor the utilization of the quota in conservancies.

Conservancies should include in their contracts with professional hunters the training of identified conservancy members towards becoming hunting guides and professional hunters themselves, as well as dealing with problem animals. Contracts should make provision for professional hunters to assist conservancies with the hunting of animals such as for providing meat to traditional authorities, destroying problem animals, and harvesting of game animals and for distribution of these animals in the conservancy. All contracts between Conservancy and an Operator must be endorsed by the Ministry as the party that awards the quotas and assist the Conservancy in the utilization of the resources before it is signed by the Conservancy.

### 11.5 Description of the quota

Combined uses (hunting or live sale) of animals on an annual basis may not exceed the total number of animals on quota. Further, this quota may only be used for the following purposes, under the described conditions, and during the following seasons:

- Hunting for trophies: Such hunting must be done under the supervision of a Professional Hunter registered with the Ministry, and the client must be in possession of a trophy hunting permit (which the professional hunter has to obtain from the Ministry). The meat from animals hunted for trophies remains the property of the conservancy. However, if this meat is transported outside of the conservancy by anyone other than the professional hunter the Conservancy Committee must issue a letter to certify the meat was obtained from the Conservancy and is transported and donated to a specific person. This letter should accompany the meat at all times. In addition, if the meat from a trophy hunted animal is to be sold, the conservancy must obtain a permit from the Ministry to sell the trophy meat. The trophy hunting season commences on February 1 and concludes on November 30 of each calendar year.
- Hunting for meat for own use by the conservancy: Such hunting can be done by the conservancy members, by the professional hunter, or other non-conservancy members as designated in writing by the conservancy chairperson. In order to effectively regulate “own-use hunting”, each conservancy should develop, in collaboration with the Ministry and other support organizations, a system of allocating such hunting opportunities to its members through an internal harvest license system.



Ultimately this licensing system should be aimed at ensuring equity in allocations of game meat and that all such harvesting is monitored by the conservancy committee and kept within the quota allocation. No permit is required for own use hunting as long as the meat stays within the borders of the conservancy and the hunting is performed by a designated conservancy member. In addition, if any of this meat is transported outside the conservancy for any reason, the Conservancy Committee must issue a letter to certify the meat was obtained from the Conservancy and is transported and donated to a specific person. This letter should accompany the meat at all times. The season for “own-use hunting” is the all year, but such hunting should be done in conformance with the Conservancy’s game management and utilization plan.

- Shoot and Sell: Such hunting can be done by the conservancy members or by the professional hunter on behalf of the conservancy, as designated in writing by the conservancy committee through the chairperson. In this case, a “shoot-and-sell” permit must be obtained from the MET Headquarters office. Additionally, if the conservancy chooses to sell trophy-hunted meat outside of the conservancy, then a permit from the MET Headquarters office must be acquired. These permits can be applied for through the regional offices. The permits must accompany the meat at all times. The conservancies are advised to establish a screening mechanism before allowing an operator to carry out hunting in the conservancies. This will minimize irregularities and unprofessional ethics by some of the hunters. The Shoot and Sell season ends on 30 November each year.
- Biltong Hunting: Such hunting as normally taken place in conservancies south of the Veterinary Red Line however areas north of the Red line may conduct Biltong Hunting as long as the meat stays North of the Red line. Biltong Hunting may be undertaken by non-conservancy members, based upon an invitation from the Conservancy. The Conservancy, however, must acquire a Biltong Hunting permit in the hunter’s name from the Ministry prior to the undertaking of a Biltong Hunt. The Conservancy may then charge the hunter for the meat, who will keep the meat for personal consumption. Following the hunt, the Conservancy Chairperson and the Biltong Hunter must sign the Biltong Hunting permit. The signed permit will provide permission for the hunter to transport the meat to his/her home. The Conservancy must provide a copy of all signed Biltong Hunting permits to the Ministry by November 30 of each calendar year. The Biltong hunting season in conservancies commences on May 1 and concludes on August 31.
- Live capture: Catch, keep and sell of live game may only be done by registered as a game dealer with MET, even if live game are moved from one part of a conservancy to the other, or between conservancies. The Live Capture season commences on February 1 and concludes on September 30 of each calendar year for areas north of Windhoek and runs from April 1 through October 30 for areas south of Windhoek.
- Selling of other parts of quota animals such as hides, horns, or the manufacturing of products from such materials for selling: Conservancies should consult the Ministry concerning requirements in this regard should they wish to use the products from their quotas in these ways.

## 11.6 Research

No hunting of animals used for research purposes (e.g. animals with collars, etc.) will be allowed and this must be clear in the conservancy contract with the operator.

## 12. Joint Venture Partnerships

Tourism in the Conservancies of Namibia is a dynamic and fast growing sub sector of the national tourism industry. The beautiful attractions and abundance of wildlife found in some of the registered conservancies are generating growing interest on the part of the private sector to invest in conservancies.

Namibia’s conservancies offer a combination of tourism experiences that are generally classified under beach, bush, desert, adventure and culture to capture the imagination of visitors who want to experience a diversity of tourism products in a single country.

It is therefore important to provide step by step guidelines for building local partnerships and highlights in a comprehensive manner the opportunities and benefits that exist for investing in local community tourism, the criteria applied for site identification and selection, handling of the negotiation process, expectations and objectives of the agreements, community equity, benefit sharing, institutional capacity that exist at local level to manage the duration and investment, the duration and terms of contract/ leaseholds, as well as the preferred management options that must be clarified before the drafting and signing of the agreement.

### **12.1 Benefits to conservancies**

- Job creation and poverty reduction.
- Development of rights to the conservancy to derive economic benefits from natural resources.
- Skills transfer through mentoring.
- Bringing in capital, markets and tourism know-how.
- Improved product quality and standards.
- Livelihood diversification through Conservancy Based Tourism.
- Making productive use of land.
- Gaining recognition for improved service and customer care.
- Developing institutional capacity to manage resources sustainably.

### **12.2 Benefits to the operator**

- Product diversification and establishment of new markets.
- Obtaining a social license to operate profitably in a conservancy.
- Security to operate and guaranteed return on investment.
- Exploring new business opportunities in some of the pristine and exclusive wilderness areas.
- Accessing natural attractions and wildlife in secure areas where conservancies have obtained land rights.

### **12.3 Selection of site**

Before settling for any site, the conservancy should ensure that the operators visit the site in question and familiarize themselves with the attractions, existing tourism facilities, routes and potential tourism opportunities listed for tourism plans in that area.

The conservancy and the operator should determine if the site requires more development infrastructure, upgrading of existing tourism facilities and/or whether the site is zoned and mapped for other land-use options such as mining, agriculture and fishery, or for the development of a factory. All these activities may support or hinder tourism development. It is also important to assess the cash value of the site and the number of tourists that pass through the area.

### **12.4 Tendering procedure**

Site selection involves a transparent tendering process to give operators equal opportunities to enter into joint ventures with conservancies. The tendering process can be based on any of the following options:

- Regular Call for Proposals: An open and clear process that encourages competition for a site whose market value is determined and is extremely high.
- Exceptional Call for Proposals: Involves a complex tender process because the profile value of the site and conservancy investment opportunity is relatively high.
- Limited Call for Proposals: Involves limited competition as only two or three operators are invited by the conservancy to express an interest.

## 12.5 Agreement options

Once the conservancy have settled on a site and partner, they should think long and hard about what type of JVP options are proposed under the Agreement. Problems in conservancy relationship with partners usually start with the signing of an appropriate and ill-thought-out Agreement. This is a stage where the conservancy must consider seeking the advice of a lawyer who is competent and experienced in Joint Venture business transactions.

### Partnership options

- Operational Agreements are possible usually under conditions where the Communal Conservancy outsources management functions to a private operator. The asset (Grootberg Lodge) belongs to the community.
- Cooperation based on a Spin-off Operation is possible if an established business aspires to partner with local entrepreneurs such as craft producers, local dry-cleaning business, horticultural projects, charcoal producers or local tour guides to support core business.
- Joint Venture Agreements which have performed best for most of the conservancies countrywide.
- Three Party Partnerships are sometimes utilized for a local community living inside a protected area such as a National Park or Concession Area. This is because it is state land where land rights are not transferable to the local community, but the “Head Concession” rights might be.

### Strategy for negotiating a JVP Agreement

- The preparation phase should take into account all the key partners: the Conservancy Committee, MET, the traditional authority, the operator(s), land board and support agencies.

### Developing the Agreement

- Conservancies can use the templates of JV Lodge Agreements obtainable from the MET or NACSO office and the final document should be reviewed by a lawyer. Most JV Agreements will contain the following main components:

## 12.6 Components of JV Agreements

Most JV Agreements will contain the following main components:

- Main purpose and parties.
- Key definitions of terms that will be used.
- Key operational clauses such as leasehold, user rights, operating fee, duration of agreement, development and maintenance of lodge.
- What the parties are not allowed to do.
- What the parties are supposed to do.
- How will the agreement between the parties be managed.
- What happens when the parties disagree or do not do what they are supposed to do – how will this be resolved.
- Legal requirements to ensure both parties comply with the Agreement.
- Signing page – signed by the authorized representatives of both parties.
- Appendices to the Agreement may include the financial and technical offers of the operators, empowerment and environmental management plans, proof that the operator can access the necessary funds and company registration forms.

## 13. Conservancy Administration and Record Keeping System

In order for the Ministry to effectively administer conservancies, there is a need for an effective and efficient system for recording and storing all the relevant decisions and correspondence pertaining to individual conservancies. This information needs to be stored in a way that makes it easily accessible to all Ministry officials at any time. The information is required for a number of reasons.

First it is essential to have a record of all key approvals and decisions relating to individual conservancies such as quota approvals so that these can be verified in the case of any dispute and particularly in case of any potential legal action against the Ministry. Second it is essential to keep a record of all the correspondence related to compliance monitoring so that there is a record of any compliance monitoring directives issued by the Ministry and the responses of the conservancy concerned. Third it is important to collect and keep data on the progress of conservancies (game counts, income, and spending on benefits and good governance record) so that the overall progress of the MET's conservancy program can be monitored and assessed.

This strategy sets out the framework for conservancy administration and record keeping system aimed at ensuring that appropriate information regarding conservancies is collected and stored in an accessible manner. It provides the procedure for setting up an appropriate filing system and a procedure for ensuring that relevant information is stored in the filing system.

### 13.1 Establishing and maintaining a conservancy filing system

#### 13.1.1 Filing system

- MET CBNRM Coordination Unit must maintain a central filing system with files for each registered communal area conservancy nationwide.
- Each Regional Office must open files for each registered communal area conservancy in its area.
- Each conservancy file, whether maintained at MET CBNRM Coordination Unit or at a Regional Office must contain the following:

A main file containing:

- The conservancy's application for registration and all correspondence relating to the application process.
- The boundaries of the conservancy and any boundary changes approved by the Minister through issuing a notice in terms of Section 24A(3) of the Nature Conservation Ordinance Amendment Act of 1996.
- The constitution of the conservancy and any subsequent amendments or revised constitutions.
- The benefit distribution plan of the conservancy and the method for deciding on the policy for benefit distribution.
- A copy of the conservancy wildlife management and utilization plan.
- Copies of the chairman's annual report as delivered to the AGM.
- Copies of all conservancy annual reports to MET.
- Copies of any correspondence by the Minister amending or withdrawing a conservancy notice in the Gazette in terms of Section 24A(3) of the Nature Conservation Ordinance Amendment Act of 1996 and any responses by the conservancy in terms of Subsection 24A(30)(b)(iii), and a copy of the Gazette in which such notice is published.
- Any tourism development plan for the conservancy and subsequent amendments or new plans.
- A copy of any conservancy data sheets and monitoring reports as provided for under the MET's CBNRM monitoring programme.

A game management and utilization sub-file containing:

- The conservancy's initial game management and utilization plan as submitted with the application for registration.
- The updated game management and utilization plan of the conservancy once it has been registered and subsequent amendments or new plans.
- All records of game counts carried out in the conservancy.
- All copy of the conservancy's contract with a Professional Hunter for trophy hunting.
- Any delegation of authority to the conservancy regarding the destruction of problem animals in terms of the MET's Human Wildlife Conflict Management Policy.
- Copies of all returns regarding game off-take and introductions.

A legal compliance sub-file containing:

- Copies of all Compliance Monitoring reports.
- Copies of any written correspondence and warnings issued to the conservancy in terms of compliance monitoring as well as copies of any responses from the conservancy.

A general correspondence sub-file containing

- Copies of any official written correspondence from the Ministry to the conservancy on issues not covered by any of the items above and any written response from the conservancy.
- Copies of any written correspondence to the Ministry from the conservancy on issues not covered by any of the items above and any response by the Ministry.
- All general circulars, memorandums, or directives issued by the Ministry to all conservancies.

## **13.2 Maintaining the filing system**

In order to ensure that all relevant information and correspondence regarding each conservancy is held at both MET Headquarters and Regional Offices, the following procedures must be followed:

- Copies of all written MET correspondence originating at MET Headquarters or Regional Offices to and from conservancies must be sent to the central filing system with the MET CBNRM Coordination Unit where the copies will be placed in the appropriate file.
- CBNRM Coordination Unit must forward to the relevant Regional Office a copy of all correspondence to conservancies originating from MET Headquarters.
- Regional Offices must place all copies of correspondence received from CBNRM Coordination Unit in the appropriate conservancy file.
- The central filing system at CBNRM Coordination Unit must be stored in a place accessible to all MET staff during normal working hours.

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## GLOSSARY

For the purposes of this guideline document, the words or phrases set out below have the following meanings:

Conservancy	Communal area conservancy Gazetted in terms of the Nature Conservation Amendment Act (No.5 of 1996).
Human-Wildlife Conflict	Any event in which wild animals harm, destroy or damage human life or property (including damage to or destruction of crops), or in which wild animals are injured, captured or destroyed as a result of a perceived threat to humans or their property.
Government	Government of the Republic of Namibia.
Minister	The Minister of Environment and Tourism.
Ministry	The Ministry of Environment and Tourism.
Neighbours	Occupiers of communal land or freehold farms immediately adjacent to protected areas.
Partner	Partner organizations supporting the Ministry and conservancies.
Resident community	People who are residing in a protected area and not the employees of the Ministry, line Ministries, Parastatals, Private companies and NGOs or any such person working on a temporally basis in a protected area. Resident people also include any persons who may be allowed to reside within a protected area in terms of any partnership management agreement between the MET and the residents of that protected area.
Stakeholder	Any individual, group of individuals, organization or Government department or agency that is affected by the management and existence of protected areas.

