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Communities and natural resources:
Trends in equitable and efficient use

by

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This series of Research Discussion Papers is intended to present preliminary, new, or topical information and ideas for discussion and debate. The contents are not necessarily the final views or positions of the Ministry of Environment and Tourism. Comments and feedback are welcomed.

Abstract

This paper provides an overview of how policy and legislation is changing regarding local management of natural resources in Namibia. It also briefly examines what might be the implications of this and the links to what is occurring in other related areas. First, it looks at why this is an important issue. The paper then looks at why community level control is more effective for many resources than at a lower level (family) or higher level (regional or national). Policies on water, woodlands, wildlife, inland fisheries and land are also examined and compared. The paper concludes that the present sectoral policies and legislation provide opportunities for experimentation, but also problems of duplication, contradictions and overlaps. Lastly, it looks at the role of government relating to the new community institutions and the potential threats and opportunities for community based institutions.

PREFACE AND ACKNOWLEDGEMENTS

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1. Introduction

At present around two-thirds of the population of Namibia live in rural areas. About 80 to 90% of this population live in communal areas, mainly in northern Namibia. Government policies have been reorientated since 1990 towards this population, in most sectors, to try to reverse past neglect. In parallel with this, many parts of government have also tried to change the way that they provide services from a 'normal government' system of top-down provision to systems that are more needs based. This has also led to a shift away from the government as a 'provider' of services, to the government as a 'facilitator'. In some cases, this has meant the government outsourcing services, in others it has meant the government empowering people to provide the services themselves. Although most commentators agree this will lead to more efficient provision of services, there are doubts among many people over whether it will necessarily be more equitable.

This discussion paper is a summary of what is happening to natural resources management in rural areas as part of this trend, and it also attempts to assess how equitable and efficient these trends are. It should be noted that in common with most other government policies, pre-1990 policies relating to natural resources were extremely top-down and authoritarian. These relied mainly on policing and punishment for exploitation of natural resources. Even where government programmes were benign, such as the construction of water pipelines in northern Namibia, there was very little consultation with local people over what they wanted.

2. Why communities?

Many people in Namibia believe that the communal farming is an inherently inefficient way of using land and that communal land should be subdivided into ranches like the 'commercial farming areas'. In fact, experience worldwide shows that small family farmers have the potential to be more efficient than large farmers (Binswanger *et al* 1995). In addition there are now more than 20 studies in southern and eastern Africa that compare open 'communal' lands to 'commercial' farmlands (see Scoones, 1995 for a summary) and which find the communal areas to be more economically efficient. Additionally, some ecologists (e.g. Robertson, 1998) consider closed freehold ranching systems to be more environmentally destructive than open communal systems. It is interesting to note that it was a justification of the distribution of land under apartheid that freehold farming was more efficient and less environmentally damaging.

In fact, not only are commercial farms fairly unprofitable but they have received significant subsidies in the past (Schmokel 1985), and to a certain extent continue to receive them through low-interest loans from the Agribank (as do some smallholders now). The gradual withdrawal of subsidies has led to the virtual bankruptcy of a high proportion of commercial farmers. The forthcoming land tax will probably cause many more bankruptcies. In contrast, communal farmers appear to have received few subsidies in the past (apart from water supply), but appear to have maintained profitable farming systems despite being cut-off from markets by the veterinary cordon fence ('the red line') until the introduction of improved marketing schemes in 1992. In central and southern Namibia, communal lands continue to support higher densities of people and livestock than neighbouring commercial areas. For instance, former Namaland

supports 73 people per 100 square kilometres compared to 52 in commercial parts of Mariental district and 56 in the commercial areas of Keetmanshoop district¹.

Box 1 – Similarities between communal and commercial systems

In the debates over land use in Namibia commercial and communal systems are usually seen as opposites. Yet, recent research, both of present day and historical Namibia, shows that there are many similarities in the systems. To survive, many freehold commercial farmers operate a system that is remarkably similar to communal systems.

Across the world the efficiency of family units in farming is probably the oldest and most established fact in economics². More recently, the efficiency of communal land systems in Africa has also become a much noted fact. As a result of Namibia's climate the overriding agricultural need is to adapt to the variability of rainfall and available grazing. In communal areas farmers have traditionally used seasonal movement of their cattle to support large herds. In commercial areas early 20th century farmers are known to have done exactly the same³. However, government encouragement of fixed farm boundaries, plus increasing competition for grazing as the livestock populations recovered from the destruction of the early 20th century led to the emergence of other ways of coping. Many commercial farmers own more than one farm so that herds can be moved to whichever holding has had the best rain in recent years⁴. In 1988/9 over one-third of commercial farmers owned more than one farm. Others move their herds to where family or friends have grazing, or rent grazing from other farmers. All gain from exclusive access to their own farm since it gives them something to offer in return during years when they have excess grazing. This applies equally to communal and commercial farms as a recent study shows.⁵

A further problem that large-scale farmers face worldwide is motivating their workers. One common solution is to sub-let land. Presently about 60% of farmworkers have access to grazing land for their cattle⁶ and 11% of the cattle in commercial farming areas are at present held by farmworkers. This is reflected in a complaint made during 1921 by the Reservations Commission in former South West Africa, when it was held that the income from subletting to small scale family farmers was larger than the income the farmer would get from farming himself. For similar reasons farmers today allow their workers to keep livestock.

As Box 1 shows, the distinction between communal and private ownership is rarely clearcut. All societies have always had some resources held in common and others owned privately. For instance, in the communal areas of northern Namibia homes and crop fields are privately owned in practice, while grazing land is not. Most resources can be subdivided or sold, even though there may be good reasons to keep them as common property. There are a number of possible advantages of communally owned resources:

- It is impossible to subdivide some resources such as rights of way or a natural spring
- It is inefficient to divide some resources such as grazing land

- Equitable access is much easier to maintain in a communal system, and combined with security of tenure can lead to investments in land improvements.

Some resources prove inefficient if they are subdivided. For instance, if one separated a large piece of grazing land that contained some year-round grazing (e.g. a dry season grazing area) and some seasonal grazing into plots it may become impossible to sustain a herd of cattle year-round on either plot. The mobility of herds in pastoralist systems means that some pieces of land that cannot be permanently used, such as land that is barren desert for 19 out of every 20 years, can be productively used.

It can be costly to divide some resources. For instance, one borehole may produce enough water for a village, but if this is fenced off for private use then another must be sunk at a cost (of anywhere between N\$37 000 and N\$196 000⁷). In the communal areas of Namibia approximately 200 people rely on each waterpoint, while in the freehold farming areas they number only approximately 1 to 5 people (data constraints make it difficult to make this figure more accurate).

The argument above implies that community level management is important for grazing land; water; wildlife; inland fisheries. There are also good reasons for including forests and tourism rights. For forests and trees the costs of subdivision may be prohibitive. For tourism, fences are damaging to wildlife (by preventing migration) and are aesthetically unpleasing. People usually prefer individual tenure for cropland and gardens and homesteads. This is because there are no advantages ('economies of scale') to large scale cultivation or habitation. Communalisation of commercial farm land through an appropriate land reform process can be expected to bring large gains in terms of welfare and output, due to the advantages of having natural resources such as water and grazing land used in this way. This is worthwhile for grazing land and some other resources because the difficulties of managing a resource as a group are outweighed by the advantages (including the likelihood of feeding one's herd during dry years).

Box 2 – Grassroots views on Common Property Rights

Surveys, interviews and newspaper reports suggest that the principle of secure access to communal land is still very popular in rural Namibia. Partly it is seen as a safety net for the poorest members of society, partly as a more efficient form of controlling resources. A farmer from Oshikoto explains: “This area can support only one household now, when it used to support 30 when there were cattle posts here”⁸. Different aspirations of different groups of farmers are clear. Larger farmers aspire to make large incomes from sales of livestock. As such they feel that fenced off grazing land enables them to control breeding and reduce transmission of diseases.⁹ Smaller farmers tend to use fewer external inputs in their farming, and in the northern communal areas are usually attempting to build up their herds to a level that is less vulnerable to drought.

Most farmers in the northern communal areas have a small number of cattle which means they are vulnerable to having their draught animals wiped out by drought. For these farmers the most important objective is to have access to enough grazing to ensure that their cattle survive, since they do not have the cash, or access to credit to enable them to buy feed for their livestock.

People support the need for a mixed individual and communal system in the communal areas and they also demand a system that allows them to manage all natural resources together. During the consultations on the government’s policy on rural water supply the following comments were made at the regional workshops:

- *Omaheke: “Communities should be given the right by law to own land and water sources”.*
- *Otjozondjupa: “Land and water resources should be under the control of the communities and under the overall control of the traditional leaders”.*
- *Hardap: “The communities are convinced that a water point cannot be divorced from the land round it... and also feel that water point ownership should go hand in hand with land ownership”*

Similarly at the 1996 Farmer’s Conference, organised by SARDEP¹⁰, the following views were stated as the most pressing constraints faced by farmers:

- *No communal land bill*
- *Traditional leaders selling land to farmers*

Actions recommended included “All illegal fences must be removed”.

3. Trends

3.1 Land

3.1.1 The Land Policy

In September 1997 the government's Land Policy was introduced to the National Assembly and eventually approved in early 1998. The Land Policy sets out the principles of land administration and legislation. A rural section focuses on two forms of land allocation. First, traditional authorities will have a right to allocate land under customary rules which will be held by the immediate family as a whole. This will strengthen tenure rights for widows in particular and women in general, since inheritance by the surviving partner should be automatic (since final legislation is being scrutinised by the Council of Traditional Leaders at present the final provision might be slightly different). Second, various stakeholders will be appointed to serve on Land Boards to allocate land on a leasehold basis. They will be required to take into account the views of communities in the area where the leasehold is to be allocated.

3.1.2 Land reform

Since independence, land (and the natural resources on it) has continued to be a major issue. The government organised a National Land Conference in 1991 to agree on a strategy for the newly formed Ministry of Lands, Resettlement and Rehabilitation (MLRR). Consensus was reached on a number of issues including the need to promote women's rights, halt illegal fencing of communal areas and redress injustices in access to land.

As a result of the low level of funding for land reform (and in particular buying of freehold farming land), the results of the resettlement process so far have been modest. According to the MLRR 16,000 people have been resettled since 1990¹¹, approximately 1% of the total population, or about 2% of the communal area population. However only about 2,000 have been resettled on commercial farmland¹². The government allocated N\$20 million per annum for purchasing land for resettlement from 1995 onwards. This allowed the purchase of about 40 farms over 1995–8 in addition to 11 farms bought in the early 1990s (out of over 6,000 commercial farms), still meaning that only a small proportion of commercial farmland will be resettled in the foreseeable future.

Land tenure in the resettlement schemes has not been legally clarified at present. However the plans of the MLRR are to subdivide commercial farms and give 99 year leases to the occupants. This will achieve a high degree of tenure security but may be an inefficient way of using the land compared with conversion to a communal system since these smallholders will face the same problems commercial farmers do, concerning lack of mobility. The Land Policy prioritises expanding communal areas, mainly to lower the support costs of resettlement. This may also encourage sharing of resources with relatively densely populated adjacent communal areas so will probably be more equitable and efficient than the current system of resettling people on isolated farms.

3.1.3 Communal area land tenure

Since Independence there has been uncertainty as to the legal rights of government, people and traditional leaders. This has often led to conflicts over communal land, which have frequently been reported in the press. It is unclear to what extent traditional leaders have the legal right to allocate land under the present circumstances. A legal judgement to the MLRR¹³ and a speech by the President of the Republic of Namibia in March 1997 have promoted the view that traditional leaders, as such, have no legally defined right to allocate land. However, in practice it does occur and seems likely to be legitimised in the upcoming Communal Land Bill. Research undertaken in the communal areas of Namibia indicates that payment to traditional leaders for land (despite being illegal) is almost universal¹⁴.

The ongoing debate over tenure of natural resources reflects how sectoralised decision making is within Namibia. Resources in communal areas mainly fall under the portfolios of four ministries:

- The MLRR (MLRR) is the lead ministry with general responsibility for land issues including registration, taxation, tenure and dispute resolution.
- Water supply and agricultural extension (including programmes that support rangeland management) fall under the jurisdiction of the Ministry of Agriculture, Water and Rural Development (MAWRD).
- Forests, wildlife and the environment generally fall under the Ministry of Environment and Tourism (MET).
- Systems of local government fall under the Ministry of Regional and Local Government and Housing (MRLGH).
- Inland fisheries fall under the Ministry of Fisheries and Marine Resources (MFMR)

In the recent past these ministries have cooperated through the Inter-Ministerial Standing Committee for Land Use Planning (IMSCLUP), but since it had no legal standing, it is planned to replace it with a Land Use and Environmental Board (LUEB) which will enforce cooperation over natural resource issues. But, although the LUEB is mentioned in the Land Policy it is not clear whether it will be created in the near future. An institution that will have wider scope but more limited enforcement powers is the Sustainable Development Commission, which will be constituted by the forthcoming Environmental Management Act¹⁵. This will bring together a wide range of stakeholders and ensure that processes of policy formulation incorporate principles of sustainable development such as access to environmental information, fair and equitable access to natural resources, community involvement in natural resource management and sustainable use of natural resources¹⁶.

The Communal Land Bill which will clarify legal issues relating to the control of communal land has been awaited since the National Land Conference in 1991. In early 1996 drafts of the Land Policy and Land Bill were circulated for comment. The orientation to individual tenure, based on allocation by Land Boards at a Regional level, was unpopular with many stakeholders. Namibian NGOs and community organisations felt that the role of communal land tenure was underplayed and that the issue of privatisation of communal resources was not adequately dealt with¹⁷. In addition, traditional authorities resented the perceived movement of authority away from them to Regional Land Boards and during consultations rejected this part of the bill, making representations for greater powers for traditional authorities.

Related to the lack of a legislative framework is the privatisation of communal resources (mainly land and water resources) in the northern and eastern communal areas. In the regions of Kavango and Oshikoto the move towards privatising communal resources was sparked by the creation of fenced-off farms on the northern boundaries of the freehold farming areas in the early 1980s (known as the Mangetti farms). In total there were approximately 150 of these. Attempts by the traditional authorities to prevent expansion of these areas led to the allocation of land around these farms into medium- to large-scale holdings, which included the right to fence off grazing¹⁸. The process was legitimised by the tribal authorities in Ondonga¹⁹, who charged for the right to fence-off land, and registered such land. By the end of 1996, more than 100 farms were registered in Ondonga by the traditional authority alone²⁰. An important fact, noted by researchers both in Oshikoto and in the former 'Hereroland' areas of eastern Namibia, is that the process of privatisation of natural resources is not due to the collapse of land allocation powers of traditional authorities. In fact, pre-independence policies of indirect rule using traditional authorities strengthened traditional leaders beyond their previous powers (and consequently weakened the role of the population generally in traditional authorities)²¹. Although no comprehensive data are available it appears from anecdotal evidence that much, if not most of the land that has been privatised has been allocated by traditional leaders to large scale farmers. However, it is also clear that some land has been fenced off without permission from any traditional leader.

Since 1990, the fencing-off of private farms in communal areas has accelerated. At first this land was seasonal grazing land, so removal of it caused problems but no major conflicts. However, for the best-documented area, Oshikoto, conflicts are becoming increasingly common. A major study of the issue²² quotes informants who had witnessed assaults on people or had been assaulted themselves for using land which has been fenced-off. Press reports of conflict and violence over land disputes have been common²³.

Government policy on fencing of communal land has been severely constrained by the lack of a communal land bill and National Land Policy. On 14th March 1997 the President of the Republic of Namibia declared a moratorium on fencing-off more than 10 hectares of land to be retrospective to 14th March 1997 when the land bill is put into effect so that all fencing in the meantime is outlawed. The moratorium, though, is not being enforced and the draft Communal Land Bill does not appear to have any provisions relating to the moratorium. And since no census on fenced areas has been undertaken to enforce this ban, fencing-off of grazing land is continuing²⁴. Evidence suggests that in the interim period before the Communal Land Bill is passed by Parliament, the fencing-off of grazing land will have accelerated dramatically. Members of farmers' unions in the Okongo area of Ohangwena, reported that a public meeting in 1997, addressed by the Minister of Lands, Resettlement and Rehabilitation was told that the present law could not prevent fencing but that a new law would soon be forthcoming. The result of this was a rapid acceleration of fencing of land in that area. The extent of fenced-off land outside Oshikoto, which has been mapped twice, is unknown. However, it can be confidently stated that it is occurring, or has already occurred, on a large scale in Ohangwena²⁵, Oshana²⁶, Omusati²⁷, Oshikoto²⁸, Otjozondjupa²⁹ and Omaheke³⁰ regions. These regions contain almost three-quarters of Namibia's rural population. The only areas of high population density that do not appear to be experiencing this problem are Kavango³¹ and Caprivi.

3.2 Water

The MAWRD's policy on community management of rural water supply has recently been finalised after an extensive consultation process. It makes provision for the management of every waterpoint in the country's communal areas (about 5100) by the community using it, with the intention of achieving full cost recovery within 10 years. The Directorate of Rural Water Supply aims to move away from being a provider of water and towards being a facilitator, in a similar way to the agricultural extension service. Notable features are: the legal status which will be given to committees so that they can punish people who do not abide by community decisions, an emphasis on representation of the whole community on the committees, and a commitment to subsidising the poorer members of communities³² by the community as a whole. Control of waterpoints is a powerful way of controlling land so this policy is of great significance. During the consultation process there were clearly different opinions on the desirability of taking on full responsibility for waterpoints, but equally it was clear that most participants felt that the system would be more responsive to their needs. However, unlike in other government initiatives on community management of natural resources, participation in the programme is not voluntary. This both makes the programme applicable across every rural community and makes implementation much more difficult. From 1998 onwards, communities will start to take responsibility for operating and maintenance costs, and from the year 2003, communities will start taking responsibility for capital costs as well. It is planned that the Rural Water Extension Officers will fall under the jurisdiction of the Regional Council in the near future.

3.3 Wildlife

The MET Community Based Natural Resource Management Programme, which through the formation of community based institutions called conservancies, devolves conditional rights over wildlife and tourism to communities, is the most radical of its kind in Africa. This programme aims to devolve the same rights over wildlife to communities that commercial farmers have. These are essentially rights to hunt and exclusive tourism. The enabling legislation, the Nature Conservation Ordinance Amendment Act, was passed in 1996. The conservancies have only recently begun to be registered, so it will be some years until the contribution to community development can be fully assessed. However it is already clear that the process is democratic, involving the registration of all members of the community, and a constitution which provides for equitable distribution of benefits, and negotiation of boundaries with neighbouring communities. It is also clear that in the areas of Kunene, such as Sesfontein and the Torra conservancy, where tourist numbers are high and growing, and which have very low populations and low livestock potential, conservancies will be making a substantial contribution to household incomes in the near future. This is expected to be mainly in the form of payments from up-market tourism lodges, community operated businesses and hunting. In other areas such as Caprivi the relative contribution to livelihoods of wildlife based income will be smaller but will still be important³³. As of February 1999 four conservancies had been registered, covering about 2–3% of the land area of Namibia, and involving 1% of the population. On the basis of the emerging new conservancies at present more than 10% of Namibia could be covered by conservancies within 5 years. The conservancies at present only have legal jurisdiction over wildlife-related resources, however, they are potentially a basis for wider resource management. A pilot scheme, involving 4 programmes of the MAWRD and the MET, is the Forum for Integrated Resource Management in the ≠Khoadi //Hôas conservancy

in Kunene. Here, the conservancy has emerged from the long established farmers' union in the area and has a committee which, to a large extent, overlaps in membership with the farmers' union committee. The conservancy has recently completed a land use plan which sets aside areas for wildlife, livestock and mixed use and is drawing up proposals for integrated resource management programmes.

3.4 Forests

The Directorate of Forestry of the MET also has plans to hand over management of some forests to community control in the near future, and is finalising the enabling legislation. The provisions for the management and control of these areas are similar to the wildlife conservancy legislation. In the northern regions of Namibia at least five Community Forests are being prepared by the Directorate of Forestry and the resident communities. The first community forest will be the 'Okongo community forest reserve' centred around the village of Omauni in north-eastern Ohangwena. However, the community and officials of the MET have been concerned that the agreement between the community and the Directorate of Forestry will be undermined by the continued drilling of private boreholes and fencing-off of communal land. For instance, in late 1997 a meeting was called to discuss the discovery of a 6 km cutline, presumed to be in preparation for the erection of a fence. Further investigation led to a claim by the businessman who had arranged for the construction of the cutline that it was in preparation for a small road to his farm. This illustrates the need for legislation that will allow unified management of natural resources.

3.5 Inland fisheries

Several other government ministries are also involved in initiatives that involve community management of natural resources. For instance, The Ministry of Fisheries and Marine Resources is drawing up a legislation on inland fisheries, which will make reference to management of fish resources by communal area residents. It appears that, in practice, guidelines on what equipment can be used, and at what time of the year fishing can be undertaken, will be made by Regional Inland Fisheries Advisory Boards consisting of civil servants and chaired by the Governor of the Region concerned.

3.6 Other initiatives

The Sustainable Animal and Range Development Programme (SARDEP) of MAWRD aims to support farmer's organisations in identifying their problems and assisting them by creating a supportive policy framework. As such it has been involved in both collaborative research with farmers and organising activities which assist them to present their cases for policy change to government. One notable instance was the 1996 Farmers' Conference which brought together representatives of farmer's organisations to enable farmers to exchange experiences, to help service organisations orientate themselves, to provide the services the farmers need, and to make recommendations for changes in government policies and programmes on land and agriculture.

The Ministry of Regional and Local Government and Housing is also pioneering coordination of development efforts by all stakeholders through 'integrated area-based programmes', the longest running of which is the Uukwaluudhi District Development Committee which has been operating since 1991³⁴. These attempts to coordinate at a sub-Regional level are likely to be

strengthened by the decentralisation process, making staff of line ministries more accountable to the communities they serve rather than the hierarchies of Ministries in Windhoek. Important to the decentralisation policy³⁵ is that rural water development; management and control of communal lands; conservation; forest development and management will be immediately decentralised to Regional Councils. Hence, natural resources will mainly be under regional control in the future. One unanswered question at present is whether decentralisation will progress beyond the regional level to more local levels.

4. Analysis

As a reflection of the importance of natural resources to rural livelihoods the issue of their control has repeatedly arisen in recent government dialogue with regional politicians, NGOs and community organisations. Most people in rural areas still strongly support the principle of communal ownership of most resources (excluding homes and cropland), and see these resources as one bundle rather than sectorally in the way government and other institutions often perceive them. The consultations on community management of rural water supply are a good example. Here, most of the regions in the consultations specifically noted that they felt water and land issues couldn't be separated (see the box on grassroots opinions on common property resources).

The solution that has been suggested both by land tenure experts and community representatives³⁶ to reconcile different needs and aspirations within the country is that a flexible land tenure system should be adopted which explicitly recognises that both individual and group tenure are appropriate and efficient forms of organisation, depending on the specific circumstances of an area. Communities can then decide which combination is most appropriate for themselves. For instance, a study by the Desert Research Foundation of Namibia in 1996, which compared a heavily wooded village in the Oshikoto region with a village with fewer trees in the Oshana region, found that the less wooded village had evolved community agreements on herding to prevent cattle from eating the crops, while in the more wooded village people found it more convenient to construct fences around their fields. *All* groups of people (including regions and nations) exhibit some degree by which individual property rights are combined with collective rights. Examples include: communal land and natural resources; pollution controls; rights of way over private land; and regulation of fishing. One can own freehold rights to a piece of land but not have the rights to use it for industry or to pollute it.

4.1 The evolution of resource management systems

The evolution of existing systems has not been co-ordinated, which may actually be an advantage because such natural experimentation will allow comparison of the different approaches to managing natural resources. However, in future, more explicit attention must be paid to planning and coordination of decision-making, since there is a real threat of conflict between institutions over which is the legitimate one to take decisions. At the national level, the Sustainable Development Commission should address this. At the regional level, councils have to be given the powers to coordinate matters with more than just token involvement. At the local level, the establishment of institutions that take over management of natural resources will both improve sustainability and be more responsive to community needs.

4.2 Moving from legislation to practice

An interesting issue in the light of the discussions above is how the new policies and legislation that have been implemented are being translated into changes on the ground. Issues arise, such as how to define who is part of a community, what its boundaries are and how to cope with other sectors that impinge upon community management of natural resources.

4.2.1 Who is the community?

A feature of government policies and legislation is that discrimination on grounds of ethnic group is not allowed. However, many communities wish to ensure that nobody from outside the community is going to use their natural resources. Hence, simple criteria, such as whether a person is born in a community, or length or place of residence, allow the community to define who is in a community so that a cohesive and unified community is maintained.

4.2.2 Where is the community?

The conflicts which frequently occur between communities over the control of natural resources are an example of the conflict over resources between different groups, people and communities within all countries (most often by age, gender, wealth or place of origin). No resource management system will prevent these conflicts, so government policy must establish structures for mediation to ensure peaceful solutions to these disputes³⁷. For some issues, such as widow's rights to land, disputes are becoming rarer and are eased by legal changes. A continual source of complex disputes is over who is the legitimate traditional authority for a particular area. Almost all legislation and government policies on natural resources make provision for the participation of traditional leaders, as defined in the Traditional Authorities Act of 1995. However, on a day-to-day basis most communities deal with village headmen rather than the chiefs who are defined in the legislation, exemplifying conflicts between different levels of a traditional authority. The forthcoming Communal Land Bill appears to allow for land allocation powers mainly at the Regional level and at the level of chief, rather than at lower levels such as the community.

At the local level, an encouraging process is that the 'official' boundaries of communities are often being decided from below, rather than being drawn on a map by officials in Windhoek. This will help solve some problems, such as how to efficiently and equitably use the natural resources of the area. However, it will exacerbate others: communities that have never had to formalise their community boundaries before will have to clarify them and hence there is a possibility of boundary conflicts with neighbouring communities. Similarly, when it comes to benefits distribution and revenue generation (for example, through natural resource user fees) the community will make explicit the conflicts between different stakeholders. For instance, in a forest area, people who live close to the commercially valuable forest, may feel they have greater rights than those who live further away. The process of conservancy formation in Kunene has seen one notable instance of disagreement over which community will control particular areas, reflecting the fact that these areas now have higher value than before. Similarly, within communities the conflicts between the richer and poorer members, particularly over contributions to water supply, may lead to the capturing of community institutions by the local elite through their powers of patronage. Preliminary analysis of the costs of community-based water supply, indicates that payment on an equal basis per household will be too costly for many households. However, since most water is used by livestock³⁸ (and richer households almost always own more livestock) then it is more efficient and equitable to charge households on the basis of how many livestock they own or how much water they use (which will be highly correlated). Effectively this will mean that the richer members of the communities will pay most of the costs, which may bring conflicts between richer and poorer members into the open.

4.2.3 Coordination and broadening into other functions

Decision making by communities over natural resources rarely follows the areas of government jurisdiction since many issues are interrelated within rural areas. For instance, a decision by a conservancy to zone an area for exclusive wildlife use will affect the government ministries concerned with wildlife (MET), land allocation (MLRR), agriculture and water (MAWRD), and also traditional leaders and local government (MRLGH). At the regional level, the Regional Council is obviously the most appropriate place to bring together different ministries, and this should occur through the implementation of the decentralisation policy. A problem specifically mentioned by many government officials that were interviewed on this issue in northern Namibia was that they report through their sector hierarchy so there is little pressure on them to co-operate. Although many government employees do co-operate across ministerial boundaries in practice, ministries often do not encourage this. Occasionally ministries actually forbid cooperation. At the local level other institutions will do the job of coordinating different programmes. The individuals who sit on the committees of community institutions will inevitably encounter issues that are important for their functioning but are outside their immediate jurisdiction. In addition the same individuals will often be the members of different local institutions and so will automatically coordinate. Evidence from established SARDEP committees in southern and eastern Namibia³⁹ is that they are branching out from purely resource management and livestock issues into income generation activities and are becoming a point of contact for service organisations. More generally, the evolution of these institutions means that they inevitably expand the scope of their operations. This, in turn brings a need to negotiate with other communities (generally spreading across sectors) or government agencies (mainly spreading upwards to broader geographical areas). Within the communities, conflicts between different objectives (e.g. cropland versus grazing land) will have to be resolved. Between communities conflicts over control of natural resources will also have to be resolved. And when negotiating with government a community may actually come across national policies that need to be changed. For instance, farmers' unions (stretching from the village up to the national levels) might want extension officers to be less specialised and hence would need to lobby government on this. Eventually it seems likely that community based resource management bodies will effectively be the lowest, and most democratic, level of government, and that groups of these will be able to wield substantial influence over government on behalf of their members.

Inevitably the opportunities for directing development at a local level will also bring problems. The dispersion and number of communities means that government will not be able to monitor them closely. The government will in practice have to have a hands off policy where it tries to do no more than conflict resolution and attempting to maintain democratic and accountable institutions. The Directorate of Community Development of MRLGH, the Directorate of Rural Water Supply and the Division of Co-operative Development of the MAWRD and the Community Based Natural Resource Management Programme of the MET all support communities through training in basic bookkeeping and skills development. In addition they exercise a supervisory role through periodically checking that transparent accounts have been kept, regular elections are held, and allegations of misconduct are investigated. Regional Councillors will play a vital role since they are in practice potentially accountable to their constituents⁴⁰ and have access to government officials within the regional centres. Hence, a crucial central government role will be to enforce rules of accountability, such as ensuring that councillors live within their constituencies, and helping communities monitor their own

members to prevent fraud. Similarly, the Regional Councillors will have an important role in holding government officials to account and monitoring lower level institutions. The National Council is one obvious forum where these issues can be raised.

A problem that many people have mentioned is the lack of clarity of the lines of responsibility between different levels of traditional authorities, government officials and regional councils. It appears that some people use this to their advantage and others are genuinely unclear as to what rights and obligations they have.

4.2.4 Threats

There are also a variety of forces that are resisting devolution of power to a lower level. Government officials are unwilling to relinquish power, for both paternalistic and selfish motives. Many government officials are not willing to trust communities to take over government functions, believing, for instance, that they are not well educated enough. Others are reluctant to lose their power over communities, and resent being facilitators to the community, rather than delivering services (and hence patronage) to the community. At present, local level field staff of ministries report up the government hierarchy, rather than to communities or Regional Councils. Hence, decentralisation threatens the middle and lower parts of the public sector. National politicians may also be threatened since decentralisation will pass down power to politicians at community rather than constituency or national level. Some business people will see their power reduced, particularly in the tourism industry, where they will become more accountable to the people in whose areas they work. There are also those who have a vested interest in promoting individualised resource control. These 'individualisers' include people who are fencing-off communal land at the expense of rural communities, and commercial farmers who stress the ecological and economic problems caused by the communal land system (the economics and ecological processes that accompany land use changes are a subject of heated debate).

The 'communalisers', who support greater devolution of power within Namibia are also a varied selection of institutions and people. Many within the government believe that community management of natural resources is most equitable and efficient and are promoting policies that strengthen it. Most notably these are the Directorate of Rural Water Supply and SARDEP in MAWRD, and the Directorate of Environmental Affairs in MET. Desire for reducing government spending is also sometimes a driving concern. In addition Regional Councils, community based organisations such as farmers' unions, and NGOs as represented through the Namibian NGO Forum, are all active in supporting devolution of power to more local levels. These have all been active in formulating the policies on conservancies, community based water supply and decentralisation.

5. Conclusions

Well-managed community control of natural resources is a crucial (but complicated) component of equitable and efficient development in Namibia. Local-level development has the potential to become much more oriented to the needs and aspirations of the residents of communal areas rather than to the perception of these by civil servants. This has important consequences for accountable government, by making government more amenable to its constituents. As the emerging local institutions are demonstrating, government will have to become more accountable to rural Namibians. Namibia is entering a crucial period over the next few years, where a combination of implementation of decentralisation programmes and community action will determine whether there is a move towards an individualised system of controlling resources, which may impoverish many for the benefit of a few, or a more communal system of mixed individual, communal and public property which has the potential to bring about efficient and equitable development.

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ENDNOTES

¹ Unfortunately accurate data is not available at a disaggregated level to compare incomes and livelihoods in these areas. Aggregate data suggests that on average poverty in communal areas is slightly lower than it is for commercial farmworkers. See CSO 1996 for this data.

² *Binswanger et al 1995*

³ *Sylvester 1998; Sullivan 1996*

⁴ *Technical Committee on Commercial Farmland 1991*

⁵ *Sullivan op cit.*

⁶ *CSO 1996*

⁷ From presentation by DRWS (DWA-MAWRD) at Swakopmund workshop on "Policy for cost recovery for rural water supply" Workshop Proceedings November 1995. In current prices this would be correspondingly higher.

⁸ Paraphrased from Kerven in Cox *et al* 1998.

⁹ Cox *et al*, 1998.

¹⁰ For more information on SARDEP see section 3.6

¹¹ This compares to an estimated increase in the rural population of about 240,000 over 1991/8.

¹² Shanyengana, 1998. Most of the other have been resettled on communal land schemes such as Gam, or in the Caprivi game reserve.

¹³ van Zyl 1992

¹⁴ A recently published view is that traditional rights are legally stronger and more legitimate than the government's right as the "owner" of the land and that the Constitution is inconsistent in its treatment of the ownership of communal lands. See Harring 1998.

¹⁵ See Blackie and Tarr 1999 for more details

¹⁶ See DEA Research Discussion Paper 28 for more discussion of the Sustainable Development Commission.

¹⁷ e.g NNFU 1997, NANGOF 1996

¹⁸ Cox *et al*, 1998.

¹⁹ The Ondonga traditional authority has jurisdiction of most of the communal land within the region of Oshikoto.

²⁰ Werner in Cox *et al*, 1998.

²¹ See Werner 1997 and Keulder 1998.

²² Cox *et al* 1998

²³ See: New Era "Tension over land dispute" Monday 16-19 June 1997 on an instance in the Uukwaluudhi area of Omusati; The Namibian "Swapo 'coy' on rights, corruption" Tuesday June 24th 1997 on SWAPO congress calls for an end to fencing; New Era "Land dispute brews" Friday 8-10 August 1997 on a dispute in Oshikoto; New Era "Herero Chief charged for malicious damage" Friday 20-22nd June 1997 on an instance in Aminuis, apparently the 2nd case during 1997 in Aminuis; Fuller, Nghikembua and Forbes Irving also reported violence including use of firearms SSD Research Report 24 "The enclosure of rangelands in the Eastern Oshikoto region of Namibia" January 1996; Kerven "The blade cuts on both sides: Redefining property rights in Eastern Oshikoto region, Namibia" draft paper as part of the ODI research project on "Privatisation of rangeland resources in northern Namibia" 1997.

²⁴ See: The Namibian press report "Fencing out of control" October 24th 1997.

²⁵ Field visits to Okongo by R.Blackie and DRFN team February 1997; Fuller and Turner 1996; Helen Amoomo (SARDEP-North local facilitator Okongo) personal communication; NAPCOD - "Policy factors and desertification - Analysis and Proposals" 1996; Farmers from the Okongo OIKes at a SARDEP meeting, 18th November 1997.

²⁶ Stuart Kean (NNEP), personal communication; Tom Kroll (SARDEP/GTZ), personal communication; Farmers from the Uuvudhiya OIKE at a SARDEP meeting, 18th November 1997.

²⁷ See 16-19th June 1997 The Namibian press report *op cit*; "Fencing goes out of control Northern poor being 'cut off from the land'" The Namibian October 24th 1997; John Ashipala personal communication; Farmers from the Tsandi OIKes at a SARDEP meeting, 18th November 1997; Interview with Filemon Kapweya headman of Olukolo village and Monica Neumbo, member of Uukwaluudhi District Development Committee.

²⁸ See: Cox *et al op cit*; Adams and Werner with Vale "The Land Issue in Namibia: An enquiry" SSD Research Report No. 1 1990; Fuller and Nghikembua with Forbes Irving "The enclosure of range lands in the eastern Oshikoto region of Namibia" 1996; Press report in footnote XII; Personal observations 15th November 1997; Berry Mwifi NAPCOD coordinator for the 4Os personal communication

²⁹ NAPCOD 1996 *op cit*; Fuller *et al* 1996 *op cit*.; Suzman 1995 "Poverty, land and power in the Omaheke region", report prepared for Oxfam UK and International; Jane Bevan (UNICEF) personal communication

³⁰ Suzman 1995 *op cit*.

³¹ Werner personal communication and from Agricultural Extension officers in Rundu.

³² National Workshop on Community Management of Water Supply, Windhoek 10-13th March 1997 documentation.

³³ Ashley and LaFranchi 1997.

³⁴ See Keulder, 1998, for a brief description

³⁵ Decentralisation Policy 1997.

³⁶ e.g NANGOF 1996, NNFU 1997 and 1998

³⁷ This is an area where the Ministry of Lands has been frequently involved.

³⁸ See SIAPAC 1997.

³⁹ SARDEP gave specific examples of Okakarara moving towards becoming a cooperative and Gibeon thinking about wildlife/tourism.

⁴⁰ Personal communication Tom Kroll and Bertus Kruger of SARDEP; also personal observations of Okongo constituency in Ohangwena and actions of regional governors and councillors in Kunene, Oshikoto and Otjozondjupa support the view that Regional Councillors are quite accountable. Keulder 1998 finds low levels of accountability for southern Namibia.