

# INSTITUTIONAL TRAINING

## Module 1.7: POLICY AND LEGISLATION



## ACKNOWLEDGEMENTS

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## GENERAL TRAINING TIPS

### Preparation:

- Prepare each session in advance and ensure all necessary materials and visual aids are available (use visual aids wherever possible to enhance your training).
- Be aware of local customs – remember to open and close the training day with a prayer and give due recognition to any traditional leaders present.
- Provide translation services where necessary (this will need to be arranged in advance – it may not be appropriate to ask a participant to translate).

### General training and presentation guidelines:

- Use good time management to ensure every aspect of your training is completed – but take into account the possible need for translation and be prepared to slow down if necessary to ensure that all participants understand.
- Maintain good eye contact with participants.
- Speak clearly.
- Keep your training language simple and appropriate to your audience.
- Bridge one topic to the next.
- Provide clear instructions for activities and check to see if your instructions are understood.
- Where appropriate, summarise each component of the module.
- Avoid reading from this trainer's manual.

### Visual presentation:

- Write clearly and boldly if using flipchart sheets.
- Keep your visual aids clear – avoid blocking participants' view of visual aids.

### Involving the participants:

- Encourage questions and participation.
- Ask questions to get participants thinking about the topic and key issues.
- Keep the group focused on the task, but take breaks if participants are tired and losing concentration – be aware of body language.
- Be patient and courteous with all participants.
- Talk to your participants and not to the flipchart.
- Acknowledge the comments and feedback from participants.



**NB:** Where we wish to indicate that text in this module refers to an activity that training participants are expected to undertake, we have employed this little icon.



## ABOUT MODULE 1.7: POLICY AND LEGISLATION

<p><b>OBJECTIVES:</b> People who receive training in MODULE 1.7 will gain knowledge on:</p>	<ol style="list-style-type: none"> <li>1. The differences between policy, legislation and international conventions, and how they are relevant to conservancies</li> <li>2. Conservancy policy and legislation (knowledge of, and compliance with)</li> <li>3. Tourism policies</li> <li>4. Concessions policy</li> <li>5. Land policy and legislation (and the role of land boards and traditional authorities in land allocation)</li> <li>6. The <i>Traditional Authorities Act</i></li> <li>7. Water point committees (legal basis and links to conservancies)</li> <li>8. Community forests (legal basis and links to conservancies)</li> <li>9. Relevant regional government policy and legislation</li> <li>10. The <i>Environmental Management Act</i> (relevance to conservancies)</li> <li>11. International conventions relevant to conservancy management (such as CITES and the CBD)</li> <li>12. HWC management policy</li> </ol>
<p><b>COMPETENCIES:</b> People who receive training in MODULE 1.7 will be able to:</p>	<ol style="list-style-type: none"> <li>1. Show a detailed understanding of conservancy policy and legislation</li> <li>2. Explain how other relevant legislation affects conservancies</li> <li>3. Describe how conservancies can integrate and cooperate with other community bodies</li> </ol>
<p><b>MODULE 1.7 is intended for:</b></p>	Conservancy staff, the Conservancy Manager and the Management Committee
<p><b>Duration of MODULE 1.7:</b></p>	The training for this Module will usually last 2 days

To train this MODULE 1.7 you will need to have (enough for everyone):	Check
The 'Wildlife Management, Utilisation and Tourism in Communal Areas' policy document	<input checked="" type="checkbox"/>
The <i>Nature Conservation Amendment Act 1996</i>	<input type="checkbox"/>
The 'Policy on Tourism and Wildlife Concessions on State Land' document	<input type="checkbox"/>
The 'Participants' Manual'	<input type="checkbox"/>
Flipchart stand, sheets and different coloured marker pens ("kokies")	<input type="checkbox"/>
Module 1.7 Handout #1	<input type="checkbox"/>
Prepared Flipchart Sheets #1 – #3 (these can be laminated for duplicate use)	<input type="checkbox"/>
Paper and pens for participants	<input type="checkbox"/>



The training of this MODULE 1.7 will generally follow this schedule:

TOPIC 1:	Introduction to policy, legislation and international conventions
TOPIC 2:	Conservancy policy and legislation
TOPIC 3:	Tourism policies
TOPIC 4:	Concessions policy
TOPIC 5:	Land policy and legislation
TOPIC 6:	The <i>Traditional Authorities Act</i>
TOPIC 7:	Water point committees (legal basis and links to conservancies)
TOPIC 8:	Community forests (legal basis and links to conservancies)
Topic 9:	Relevant regional government policy and legislation
Topic 10:	The <i>Environmental Management Act</i>
TOPIC 11:	International conventions relevant to conservancy management
TOPIC 12:	'National Policy on Human-wildlife Conflict Management'
SELF-ASSESSMENT:	Assessing participants' understanding of this Module (Handout #1)



## KEYWORDS and ACRONYMS for this MODULE

<b>CBD</b>	The United Nations Convention on Biological Diversity
<b>CBNRM</b>	Community-based natural resource management
<b>CBO</b>	Community-based organisation
<b>CCD</b>	United Nations Convention to Combat Desertification
<b>CDC</b>	Constituency development committee
<b>CITES</b>	The United Nations Convention on the International Trade in Endangered Species of Wild Fauna and Flora
<b>EIA</b>	Environmental impact assessment
<b>express agreement</b>	An oral or written contract in which the parties state the contract terms and express their intentions in words
<b>HWC</b>	Human wildlife conflict
<b>MET</b>	Ministry of Environment and Tourism, Namibia
<b>MLR</b>	Ministry of Lands and Resettlement, Namibia
<b>NACSO</b>	Namibian Association of Community-Based Natural Resource Management (CBNRM) Support Organisations
<b>NGO</b>	Non-governmental organisation
<b>NRM</b>	Natural resource management
<b>Protected Areas</b>	State-run conservation area (e.g., Etosha National Park)
<b>RDCC</b>	Regional development coordinating committee
<b>SADC</b>	Southern African Development Community
<b>State Land</b>	Land owned by the State
<b>TA</b>	Traditional authority
<b>VDC</b>	Village development committee
<b>WPUA</b>	Water point user association

### NOTE TO TRAINERS/FACILITATORS: HOW TO USE THIS TRAINER'S MANUAL

This Manual provides a guide for delivering the training course for Module 1.7: Policy and Legislation. The Manual provides a step-by-step approach for delivering training on each topic in this Module. The training approach includes a mix of participatory activities and delivery of information to the participants. Instructions for these participatory activities are provided in the Manual. The Manual also indicates where trainers/facilitators need to have material prepared in advance and where they need to have Handouts ready to give to participants.

PTO



The Manual also provides essential information and messages that need to be conveyed to participants at each step of the Module. *This material is provided as a foundation on which the trainers/facilitators should build the delivery of the Module.* More detailed information and more examples that can be used in delivery are provided in the Participants' Manual, which will be provided to all course participants. Trainers/facilitators should familiarise themselves with the contents of the Participants' Manual. You will not be able to cover all the information that is in the Participants' Manual and in some cases you will need to tell participants to refer to their Manual for more details.

Sometimes, topics have been divided into 'sessions', with amounts of time allocated to them. These time frames are a guide only, and trainers/facilitators might need to adapt them as they deliver the Module.





## INTRODUCTION

- 1 **LIST:** The **overall objectives** of the Policy and Legislation training module 1.7 on a flipchart sheet (you may wish to prepare this in advance as Flipchart Sheet #1). Explain the objectives in detail.

**Objectives of this workshop: you will gain knowledge on –**

1. The differences between policy, legislation and international conventions, and how they are relevant to conservancies
2. Conservancy policy and legislation (knowledge of, and compliance with)
3. Tourism policies
4. Concessions policy
5. Land policy and legislation (and the role of land boards and traditional authorities in land allocation)
6. The *Traditional Authorities Act*
7. Water point committees (legal basis and links to conservancies)
8. Community forests (legal basis and links to conservancies)
9. Relevant regional government policy and legislation
10. The *Environmental Management Act* (relevance to conservancies)
11. International conventions relevant to conservancy management (such as CITES and the CBD)
12. HWC management policy

- 2 **LIST:** The **competencies** of Module 1.7 by writing them on a flipchart sheet. To save time you may prefer to have Flipchart Sheet #2 prepared in advance.

**People who receive training in Module 1.7 will be able to:**

1. Show a detailed understanding of conservancy policy and legislation
2. Explain how other relevant legislation affects conservancies
3. Describe how conservancies can integrate and cooperate with other community bodies

**EXPLAIN:** Our first topic considers the difference between policy, legislation and international conventions. The topic also considers the importance of each of these for conservancies.

- 3 **DISTRIBUTE:** Give copies of the *Participants' Manual* to all people attending this workshop.



## TOPIC 1: Policy, legislation and international conventions

**NOTE:** The aim of Topic 1 is to get participants involved early on and to lay the foundation for future sessions by developing the following:

- An understanding of the difference between policy, legislation and International conventions.
- The relevance of all three to conservancies.

1

**EXPLAIN:** Topic 1 will focus on demonstrating the differences between 'policy', 'legislation' and 'international conventions'. It will also consider how all three are important for conservancies. First we will first look at **policy**.

2



Ask participants to think about what we mean by the word 'policy'. Ask them to give examples of government conservation policy in Namibia. Capture responses on a flipchart sheet under the heading 'Conservation POLICY in Namibia'.

3

**EXPLAIN:**

1. Formal policy is an indication of intent by government – stating what it wants to achieve. For example, one of Namibia's conservation policy goals is the conservation of biodiversity.
2. Formal policy also often establishes how the government will achieve its aims by indicating a particular course of action. For example, achieving biodiversity conservation through providing incentives for land holders to maintain wild habitat and wildlife on their land. This statement provides a policy goal and the policy direction the government will take in trying to achieve this goal.
3. Policy recognises that there are different choices we can take in how we want to do things. The choice we make is our policy direction. So instead of choosing the policy of incentive-based conservation the government could have chosen a different course – such as heavy law enforcement – as its main policy direction.
4. Policy does not have the same force as legislation – the government expects its policies to be implemented but does not have the legal power to enforce policy.
5. Government policies are not always implemented the way they are meant to be. Sometimes government officials interpret policy differently, or even block policy implementation for different reasons.



4 **EXPLAIN:** We will now look at **legislation** and how it is different from policy.

5 *Ask participants to think about what we mean by the word 'legislation'. Ask them to give an example of conservation legislation in Namibia. Then ask them what they think are the main differences between legislation and policy. Capture responses on a flipchart sheet under the heading 'Conservation LEGISLATION in Namibia'.*



6 **EXPLAIN:**

1. Legislation makes up the law of the country – it is passed by the National Assembly and then becomes enforceable through the imposition of penalties such as fines and prison sentences for non-compliance with the law. This is one of the main differences between legislation and policy.
2. Legislation tells us what we may and may not do – for example our conservation laws tell us we may not kill an elephant without a permit but conservancies may hunt huntable game without a permit.
3. Passing legislation is one of the ways in which government implements its policies. For example, MET first developed a policy document on conservancies called 'Wildlife Management, Utilisation and Tourism in Communal Areas'. This set out the conservancy approach and how it could be implemented. The policy was then followed by legislation that provided for the legal establishment of conservancies and for conservancies to be given rights over wildlife and tourism.
4. Together, policy and legislation make up what we call the 'policy framework'.

7 **EXPLAIN:** We will now look at **international conventions** and how they are related to policy and legislation.

8 *Ask participants to think about what we mean by the term 'international conventions'. Ask them if they can think of examples of an international convention. Capture responses on a flipchart sheet under the heading 'International conventions'.*



## 9 EXPLAIN:

1. An international convention is an 'express agreement' between different countries under international law. It is like a contract where each party agrees to certain responsibilities and commitments, and if a country fails to comply with a convention it has signed it can be held liable under international law.
2. Conservation international conventions are used in different ways. Some are used like policies – countries agree, for example through the United Nations Convention on Biodiversity (CBD), that they will adopt the same approach and procedures for conserving biodiversity. In this sense the CBD is like an international policy on the conservation of biodiversity.
3. Other conservation conventions are used more like laws to prevent certain activities. For example the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates trade in species such as elephants. A country that signs the CITES convention must have its own laws that implement the provisions of the convention.
4. International conventions are usually agreed and signed under the umbrella of the United Nations, to which all countries of the world belong. When a country signs an international convention, the provisions of the convention become binding on that country. However, a country that does not agree with a convention can choose not to sign it.

**10** **EXPLAIN:** We will now look at how policy, legislation and international conventions are **important for conservancies**.

**11** Ask participants *if they can provide some examples of how policies, legislation and international conventions affect conservancies*. Capture responses on a flipchart sheet under the heading 'Importance for conservancies'.



## 12 **EXPLAIN:**

1. Namibian conservation policies and laws are important because they provide the framework within which conservancies gain rights over wildlife and tourism. It is therefore very important for conservancy committees to know and understand Namibian conservation policies and laws.
2. However, there are other policies and laws that also affect conservancies in different ways. For example, similar bodies to conservancies are established under laws in other sectors – the community forests and water point committees. It is necessary to know and understand the rights and authority of these other bodies in order to avoid conflict and to avoid confusing community members.
3. There are also other laws that affect conservancies. For example under the *Environmental Management Act*, environmental impact assessments (EIAs) must be carried out for various activities – including some tourism developments. Conservancies need to know whether their tourism activities require an EIA in terms of the legislation.
4. International conventions might seem remote and unimportant for local conservation activities in Namibia. However CITES, for example, is very important because it restricts the extent to which certain species may be hunted and their products used to gain conservancy income. It is important for conservancies to understand that such restrictions are part of international agreements that Namibia has signed and must therefore comply with.

**13** **SUMMARISE:** Topic 1 covered the differences between policy, legislation and international conventions. It also looked at the importance of these for conservancies. Does anyone have any questions before we move on to the next topic?






## TOPIC 2: Conservancy policy and legislation

### Session 1: Conservancy policy

**NOTE:** The aim of the first session in Topic 2 (approximately 45 minutes) is for participants to gain a good understanding of the MET policy on conservancies.

**1** **EXPLAIN:** This first session will focus on the **MET's policy on conservancies**, which is contained in the document 'Wildlife Management, Utilisation and Tourism in Communal Areas'. (**NB:** Distribute a copy of the policy document to each participant.)


**2** Ask participants to turn to **page 1** of the policy document.



#### **EXPLAIN:**

1. This page indicates that the policy is not just a policy of the MET, but was approved by the whole of the Namibian Cabinet in 1995 as a full government policy.
2. The Cabinet also approved the amending of the existing legislation – the *Nature Conservation Ordinance* – in order for the policy to be implemented. This paved the way for the MET to develop the legislation that enables communities to form conservancies.
3. The establishment of conservancies is sometimes opposed by different people or organisations for different reasons, so it is useful to be able to remind them that conservancies are established according to policy approved by the Cabinet, not just MET.

**3** Ask participants to look at **page 2** of the policy document.



#### **EXPLAIN:**

1. The objectives make it clear that there should be no differences between communal and freehold (commercial) farmers in the type of rights they have over wildlife and tourism.
2. The policy objectives refer to a partnership between communities and the MET and other ministries so the aim is to establish a form of collaborative management of wildlife and other resources.

3. The policy aims to enable communities to benefit from rural development based on wildlife, tourism and the use of other natural resources. It makes clear that the aim is also to improve the conservation of natural resources.
4. The policy objectives cover all renewable natural resources, not just wildlife.

**4** **EXPLAIN:** It is not necessary to go through the whole of the policy document now as the legislation provides the legal procedures for forming a conservancy. The policy document provides the background for the development of the conservancy approach. The central approach of the policy is as follows:

1. If communal area residents meet certain conditions, they may use game animals sustainably and develop tourism on their land for their own benefit.
2. The main condition set by the policy is the formation of a conservancy. The conservancy concept came from developments on freehold land, where groups of individual farmers began pooling their land and human and financial resources in order to manage wildlife collectively. This cooperation was needed for wildlife that moved across large areas of land, from one farm to another.
3. A conservancy must be legally constituted, have clearly defined boundaries accepted by neighbouring communities, a defined membership, and a representative decision-making body.
4. Communities should define themselves for the purpose of conservancy formation.
5. Wildlife use should not be taxed any more than other land uses. As a result, all income earned through wildlife and tourism should be retained by the conservancy which would, however, be subject to normal taxes on income.

**5** **EXPLAIN:** Not all of the provisions of the policy were included in the legislation. One such provision was the establishment of a Wildlife Management Committee for each MET region.

**6** *Ask participants to turn to the top of **page 14** of the policy document. Read paragraph e) which covers the proposed Wildlife Management Committee. Ask them if they think it would be useful to have such a committee now? If so, should it have the same functions as suggested in the policy or are there other functions it should carry out? Record the responses on a flipchart sheet under the heading 'Regional Wildlife Management Committee'. (NB: The results of this exercise should later be conveyed to MET, if no MET representative is present.)*

**7** **SUMMARISE/LINK:** This first Topic 2 session considered the main aspects of the conservancy policy and in the next session we focus on the conservancy legislation that puts the policy into effect.



## Session 2: Conservancy legislation

**NOTE:** The aim of the next Topic 2 session (approximately 45-60 minutes) is for participants to gain a good understanding of the MET legislation that provides for the establishment and operation of conservancies.

**1** **EXPLAIN:** This second session will focus on the **MET's legislation on conservancies**. (**NB:** Distribute a copy of the Nature Conservation Amendment Act of 1996 to each participant.)

1. The main law governing the establishment of conservancies is the **Nature Conservation Amendment Act of 1996**. It amends the *Nature Conservation Ordinance of 1975*, which had been Namibia's main conservation law since before Independence.
2. The *Nature Conservation Ordinance* gave white freehold farmers conditional rights over wildlife but did not give similar rights to black communal area farmers. The *Nature Conservation Amendment Act of 1996* sets out the conditions that have to be met for a community to form a conservancy on communal land. It also gives communal area farmers the same rights over wildlife as freehold farmers, through the establishment of conservancies.
3. The second part of the legislation is the **Amendment of Regulations Relating to Nature Conservation, 1996**. The regulations give more precise definition to how communities should form a conservancy. (**NB:** There is no need to focus in detail on the provisions in the legislation for forming a conservancy as the workshop participants have already gone through this process.)
4. There is one aspect of the Regulations worth looking at more closely. In order for the conservancy to be registered by MET, the Regulations require a conservancy committee to provide a register containing the names, identification numbers and addresses of the members of the community to be represented by the committee. This provision only refers to the stage of establishing the conservancy and is useful for MET to be able to see that a reasonable number of people support the formation of the conservancy. The Regulations do NOT say that a conservancy must maintain such a register of members after registration by MET, although MET and some NGOs have encouraged conservancies to maintain such a register as it helps to identify who should receive conservancy benefits.
5. Also, this clause requiring a register of members prior to registration by MET does NOT mean that to be a conservancy member a person has to appear on a register of members. The membership criteria for a conservancy are contained in its constitution – they are not defined in the legislation. A person can be a member of the conservancy even if they do not appear on a list of members as long as they meet the criteria in the conservancy constitution.





6. Another provision in the legislation and Regulations that causes confusion relates to benefit distribution. The legislation says one of the conditions for being registered as a conservancy is the conservancy committee must have an approved **method** for the equitable distribution benefits. The Regulations say the conservancy constitution must indicate the **procedure** for members of the conservancy to decide on the policy to be followed by the conservancy committee in the equitable distribution of benefits. All that this means is that the conservancy needs a procedure or method for **deciding** on how to distribute benefits equitably – the best way of doing this is for benefit distribution to be included in the conservancy budget and for the budget to be approved at the conservancy AGM. Over the years though, this has been interpreted as meaning that the conservancy needs a Benefit Distribution Plan. As a result both MET and NGOs have encouraged conservancies to develop such plans, which can be useful for guiding the members on how they want to budget for spending on benefits. There is a separate training course on benefit distribution that deals with these issues.
7. The use in the legislation and the Regulations of the word 'equitable' has also caused some confusion. 'Equitable' does not mean 'equal' – it means 'fair'. So conservancies do NOT have to give equal benefit to everybody in the conservancy. If, for example, the members think it is fairer to give the elderly more benefits than other people, then it is OK for the conservancy to take that decision.

**2** **EXPLAIN:** We will now look at the rights that the legislation gives to conservancies over wildlife and tourism. (**NB:** Display prepared Flipchart Sheet(s) #3, which you may prefer to create as a laminated poster.)

**1. The rights given to conservancies by the legislation are as follows:**

- The conservancy becomes the owner of hutable game that is within the conservancy (springbok, oryx, kudu, warthog, buffalo, bushpig) and can use these species as it wishes for 'own use' without a quota or permit.
- The conservancy can request a trophy hunting quota from MET.
- The conservancy can then enter into a contract with a trophy hunting company to sell the conservancy's trophy hunting quota.
- The conservancy can enter into a contract for a tourism company to develop a lodge or lodges and other tourism facilities.
- The conservancy can retain all the income from these contracts and can decide how to use that income.
- If a conservancy wants to reduce wildlife numbers in order to reduce competition with livestock in time of drought, it can reduce the numbers of hutable game if the meat, hides etc. are for own use. It can also apply to MET for a permit for removal of other species because of drought.
- The conservancy can apply to MET for a permit to carry out other forms of game utilisation, such as live capture and sale of wildlife or the hunting of protected and specially protected species.



**2. There are other management activities that conservancies can legally take part in that are not specifically provided for in the legislation:**

- They can undertake land-use planning and zoning of areas for wildlife and tourism.
- They can develop tourism plans.
- They can use water and salt licks as management tools to maintain wildlife in the conservancy or in specific areas.
- They can employ game guards to deter poaching and to monitor wildlife.

**3. Some key points about the legislation are as follows:**

- Conservancy rights over wildlife are entrenched in legislation that can be defended in court, and there is no time limit to the rights. This provides security of tenure and means that the rights cannot be arbitrarily removed. Secure rights and secure tenure provide incentives to invest in management of wildlife and enable conservancies to plan ahead and market tourism and hunting in advance.
- The rights are conditional – conservancies have to meet certain conditions to obtain the rights and they have to ensure that they continue to meet those conditions to retain their rights.
- The rights are limited – conservancies may not do whatever they want with the wildlife because, apart from huntable game, the wildlife is still owned by the State on behalf of the nation.
- The tourism rights of conservancies are established in the legislation through the provision of rights over non-consumptive utilisation of game. The definition of non-consumptive utilisation contained in the Act includes use for "recreational, educational, cultural, or aesthetic purposes", i.e., for tourism purposes. Conservancies thus acquire rights over non-consumptive uses normally associated with tourism. This is intended, as far as possible within the powers of the *Nature Conservation Ordinance*, to give conservancies a concessionary right over commercial tourism activities within the conservancy.
- Although we saw earlier that the 'Wildlife Management, Utilisation and Tourism in Communal Areas' policy aimed to cover the management of all renewable natural resources, the conservancy legislation only provides rights over wildlife and tourism. In order to acquire rights over forest products or grazing areas, communities have to form a community forest. We will look at the relationships between conservancies and community forests a little later.
- The conservancy legislation does NOT provide communities with land rights. Such rights are dealt with under the *Communal Land Reform Act*, which we will look at in Topic 5. The conservancy legislation only provides rights over wild animals and tourism.



**3** **SUMMARISE/LINK:** This second Topic 2 session considered the main aspects of conservancy legislation. In Topic 3 we consider how the government's tourism policies affect conservancies. Let's just go back and look at our objectives for this workshop to confirm that we are 'on track' so far (*refer back to the first flipchart sheet – or prepared Flipchart Sheet #1*). Does anyone have any questions before we move on to the next topic?



## TOPIC 3: Tourism policies

1

**EXPLAIN:** In this next topic we will focus on the MET's tourism policies that affect conservancies. There are two relevant policies. The first is the MET's '**Promotion of Community Based Tourism Policy**' of 1995.

1. The policy provides a framework for ensuring that local communities have access to opportunities in tourism development and are able to share in the benefits of tourism activities that take place on their land.
2. The policy recognises that where tourism is linked to wildlife and wild landscapes, the benefits to local communities can provide important incentives for conservation of these resources.
3. The policy document states that MET will give recognised communal area conservancies the concessionary rights to lodge development within the conservancy boundaries.

2

**EXPLAIN:** The second relevant policy is the '**National Tourism Policy**':

1. The policy recognises that the core function of conservancies is community-based natural resource management (CBNRM), and that income from CBNRM will be critical in ensuring local support for conservation and for covering the direct costs involved.
2. The policy recognises conservancies as the primary agency for the collection and distribution of benefits from tourism use of natural resources to local communities on communal land. This is an important endorsement in national policy of the role that conservancies should play with regard to tourism.
3. According to the policy, conservancies will be empowered to negotiate sub-leases for joint ventures as long as the new agreements comply with the original lease to the conservancy from land boards or the State. This is an important policy statement that provides a strong indication that conservancies should get the 'head lease' for a joint venture and then be able to sub-lease to a tourism company of its choice.
4. The policy states that in conjunction with the Ministry of Lands and Resettlement, the MET will draft guidelines and best practices defining the nature of commercial operations on conservancies and other State-owned lands, which will be considered eligible for land board approval.



5. The policy provides for the State to include a safeguard in leases to conservancies in case of business failure by the conservancy's joint venture partner. The lease will have a performance clause that enables rights to be returned from the conservancy to the State, or for the State to intervene, where there is clear evidence of actual or likely business failure that could be detrimental to community interests. The State will not be obliged to intervene but this provides it with the opportunity to intervene if necessary to provide a 'breathing space' within which another investor can be found.
6. The policy promotes the establishment of regional tourism development plans and strategies and the establishment of tourism carrying capacities linked to environmental sustainability.
7. The policy recognises that hunting and photographic tourism are not easily compatible and they should be separated through appropriate management and zonation plans.
8. Tourism legislation is still required to put some of the provisions of the policy into effect. Even without the legislation, the policy statements regarding conservancies are useful for reinforcing the role of conservancies in communal area tourism and the need for the private sector to work through conservancies.

3

**SUMMARISE/LINK:** This topic looked at how tourism policies affect conservancies. In Topic 4 we will consider how the government's concessions policy affects conservancies.



## TOPIC 4: Concessions policy

**1** **EXPLAIN:** This topic will focus on the '**Policy on Tourism and Wildlife Concessions on State Land**' of 2007. **(NB: Distribute a copy of the MET 'Policy on Tourism and Wildlife Concessions on State Land' to each participant.)**

**2** **EXPLAIN:**

1. This policy provides the overall framework and a set of procedures that enable MET to award tourism, wildlife utilisation, and indigenous plant harvesting concessions in Protected Areas and on other State Land.
2. It emphasises the need to ensure transparency and fairness in the awarding of concessions. MET will therefore apply a just and fair competitive process for the allocation of concessions. Equal opportunity will be given to any interested Namibian party to apply for a concession when concessions are offered to the public.
3. However, the policy also enables the Minister of Environment and Tourism to award concessions directly to communities resident in protected areas – for example in order to provide economic development opportunities for such communities.
4. It also enables the Minister to award concessions directly to communities neighbouring protected areas – for example in order to offset the costs associated with problem animals or in cases where communities requested in the past that a park be established to enable them to benefit from wildlife and tourism.
5. In order to receive a concession, a community has to have: “representative, accountable and stable community institutions that are legal entities with the right to enter into contracts on behalf of a defined community” (page 5 of the policy). Institutions that fulfil these requirements include conservancies and community forests, and institutions such as cooperatives and appropriately structured trusts and registered community associations.
6. Also on page 5, according to the policy, when awarding concessions the MET will give priority to communities that are resident inside Protected Areas or are immediate neighbours, as these are the people who suffer most costs caused by wildlife as well as loss of access to land and resources.
7. MET will support communities awarded concessions by providing assistance and guidance in the negotiation of beneficial agreements with joint venture partners or investors, and by providing technical assistance to access business management skills and resources.



8. MET will ensure that community organisations, or representative bodies entering into concession agreements with the State, act in accordance with their mandate from their members – this is to ensure, for example, that a conservancy committee does not gain a concession and keep the benefits for themselves.
9. Annex 1 of the policy document provides a number of principles and guidelines to be applied in the awarding of concessions to communities. Participants should become familiar with these guidelines.

**3** **SUMMARISE/LINK:** This topic considered the main aspects of the concessions policy. In Topic 5 we consider how the government's land policy and legislation affects conservancies. Let's just go back and look at our objectives for this workshop to confirm that we are 'on track' so far (*refer back to the first flipchart sheet – or prepared Flipchart Sheet #1*). Does anyone have any questions?



## TOPIC 5: Land policy and legislation

**NOTE:** The aim of the next two sessions (approximately 35 minutes combined) is for participants to gain a good understanding of how land policy and legislation affect conservancies.

### Session 1: Land policy

- 1 **EXPLAIN:** This first topic session will focus on the '**National Land Policy**' of 1998.
1. This policy provides the overall framework and a set of procedures that enable MET to award tourism, wildlife utilisation, and indigenous plant harvesting concessions in Protected Areas and on other State Land.
  2. The policy provides for various forms of land rights: customary grants; leasehold; freehold; licences, certificates or permits; and State ownership.
  3. Among the categories of land rights holder provided for are "legally constituted bodies and institutions to exercise joint ownership rights (and) duly constituted co-operatives". This definition could include such bodies as communal area conservancies and community forest management bodies.
  4. The policy provides for the administration of communal land to be vested in land boards and traditional authorities. It makes provision for long term leases (up to 99 years) for the use of communal land primarily for business purposes, including tourism activities such as the establishment of lodges.

### Session 2: Land legislation

- 1 **EXPLAIN:** This session will focus on the **Communal Land Reform Act** of 2002.
1. The Act provides for the establishment of communal land boards (CLBs), and places communal land under the administration of the CLBs and traditional authorities (TAs). The policy provides for various forms of land rights: customary grants; leasehold; freehold; licences, certificates or permits; and State ownership.
  2. Customary land rights for crop land and residential land will be allocated by a chief or traditional authority (TA), but must be ratified by the land board, which will then register the grant. The chief or TA has to approve all lease allocations made by the land board.





3. The chief or TA can impose limits on the numbers of livestock using common grazing areas, can decide which areas may be grazed, and can grant and withdraw grazing rights to outsiders.
4. The land boards control the allocation of leases for land (e.g., for agricultural schemes or for tourism activities) and the Act makes provision for certain prescribed maximum sizes of land for a particular form of land use. An application for a lease for an area of land more than 50ha has to be referred to the Minister of Lands and Resettlement (MLR).
5. The land boards can charge lease fees to leaseholders. This has been an area of controversy because the MLR has set high lease fees that could make some conservancies uneconomical or make joint ventures with conservancies unattractive for investors. NACSO is addressing this issue with the MET and MLR.
6. The Act makes provision for the membership of a land board to include one person representing the conservancies in the area covered by the land board, and also for MET to be represented. It is very important for conservancies to be properly represented on the land board, particularly when lease applications are made for areas in conservancies. The conservancy representative needs to be able to inform the land board if a lease application in a conservancy is inappropriate and should not be approved.
7. The Act also requires land boards, when granting leases, to take into account any management or utilisation plans developed by conservancies [Section 31.(4)]:
  - i. Before granting a right of leasehold in respect of land which is wholly or partly within a conservancy, a land board must have due regard to any management and utilisation plan of the conservancy, and such board **may not grant the right of leasehold if the purpose for which the land in question is proposed to be used would defeat the objects of the conservancy management and utilisation plan.**
8. This clause in the Act provides protection for conservancies from anyone wanting to establish a land use that conflicts with a conservancy's own zoning and wildlife management planning. It is therefore particularly important that land boards should have copies of all conservancy management and utilisation plans. The representative of conservancies on the board should have the zonation and management plans of all conservancies in the region and should refer to them when applications for leases in a conservancy are made.


**2** **SUMMARISE/LINK:** These last two sessions considered the main aspects of land policy and legislation. In the next topic we consider how the *Traditional Authorities Act* affects conservancies. Before we do that, does anyone have any questions?



## TOPIC 6: The *Traditional Authorities Act*

**1** **EXPLAIN:** This topic will focus on the *Traditional Authorities Act* of 2000.

1. The Act indicates that traditional authorities “shall ensure that the members of their traditional community use the natural resources at their disposal on a sustainable basis and in a manner that conserves the environment and maintains the ecosystems, for the benefit of all persons in Namibia”.
2. However, the Act does not describe how these environmental duties of traditional authorities will be carried out.
3. In the past under customary law, traditional authorities exercised control over natural resources in various ways. The extent to which this still takes place effectively varies from place to place and region to region.
4. Generally, the relationship between conservancies and traditional authorities remains undefined in the different laws that affect conservancies. The conservancy legislation does not prescribe a role for the TAs. MET requires TAs to endorse conservancy legislation because of their important role in land allocation, although such endorsement is not provided for in the legislation.
5. The main area requiring clarity regarding the relationship between conservancies and TAs is that of land allocation. As we have seen, traditional authorities play a major role in land allocation under the *Communal Land Reform Act* and can also allocate grazing to outsiders. This means that potentially the decisions of TAs could undermine conservancy zonation and wildlife management plans by allowing people to graze or settle in conservancy core wildlife and tourism areas. In some conservancies there is tension between the TA and conservancy over land issues. Conservancies need to develop good relationships with the TAs to ensure the TA decisions don't undermine the conservancy.

**2**  Ask participants to discuss the relationship between their conservancies and their TAs. What is the best way to ensure a good relationship with the TA? Capture the responses on a flipchart sheet under the heading 'Traditional authorities'.

**3** **SUMMARISE/LINK:** Topic 6 considered the main aspects of the *Traditional Authorities Act*. The next topic considers how policy and legislation on water point committees affect conservancies. Let's just go back and look at our objectives for this workshop to confirm that we are 'on track' so far (refer back to the first flipchart sheet – or prepared Flipchart Sheet #1). Does anyone have any questions?



## TOPIC 7: Water point committees (legal basis and links to conservancies)

**1** **EXPLAIN:** This next topic will focus on the **Water Act** of 2004.

1. The Act provides for the establishment of water point user associations (WPUAs), comprising all rural community members or households using a particular water point on a permanent basis.
2. Each WPUA will be represented by a Water Point Committee (WPC) of between 5 and 10 members, elected by members of the Association. The WPC carries out the daily management of water points, including maintenance and the management of finances.
3. The WPUAs are established for the purpose of managing communal area water supplies. They can register with the Minister as a body corporate, subject to having a 'satisfactory' constitution.
4. WPUAs have the right to allow other non-member water users to use their scheme or water point; determine rules for the use of the water point by members and non-members; exclude any person from the water point; and prevent wastage of water by any person.
5. WPUAs have the power 'to plan and control the use of communal land in the immediate vicinity of a water point in co-operation with the CLB and the traditional authority concerned', although it is not clear how the "immediate vicinity" of a water point is defined.
6. Powers to control access to water points imply that WPUAs can effectively control access to their grazing land. This control over water and grazing means that conservancies need to have good relationships with water point user associations and water point committees, which can take decisions that undermine conservancy zonation and wildlife management plans.

**2** *Ask participants to discuss the relationship between their conservancies and the water point committees in their conservancies. What is the best way to ensure a good relationship with the water point committees? Capture the responses on a flipchart sheet under the heading 'Water point committees'.*

**3** **SUMMARISE/LINK:** This topic considered the implications of water legislation for conservancies. The next topic considers how legislation on community forests affects conservancies.



## TOPIC 8: Community forests (legal basis and links to conservancies)

**1** **EXPLAIN:** This topic will focus on the **Forest Act** of 2001.

1. The Act provides for the establishment of community forests through a written agreement between the Minister of Agriculture, Water and Forestry and any body the Minister reasonably believes represents the persons with traditional rights to the communal land where the community forest is to be established. In order to enter into such an agreement, the consent of the relevant chief or traditional authority is required.
2. This Act paragraph effectively defines the members of the community forest as the persons who have rights over the communal land where the community forest is being established. This could include people resident in the area as well as people living elsewhere who have traditional rights to the land.
3. The written agreement with the Minister is the main mechanism by which rights to use forest resources are afforded to the community forest. However, these rights are further defined by a management plan which must be included in the agreement. The agreement must:
  - Identify the geographical boundaries of the proposed community forest.
  - Include a management plan for the proposed community forest.
  - Confer rights, subject to the management plan, to manage and use forest produce and other natural resources of the forest; to graze animals; to authorize others to exercise those rights; and to collect and retain fees and impose conditions for the use of forest produce or natural resources.
  - Appoint the body which is party to the written agreement to be the management authority to manage the community forest in accordance with the management plan.
  - Provide for equal use of the forest and equal access to the forest produce by members of the communal land where the forest is situated.
  - Provide for adequate reinvestment of the revenues of the forest and for the equitable use or distribution of the surplus.
4. The *Forest Act* gives powers to the management authority of a community forest, in accordance with the Community Forest Agreement, to dispose of any forest produce from the community forest, permit the grazing of animals, and allow the carrying out of agriculture and any other lawful activity in the community forest. These provisions give community forests authority over all the resources in the forest including grazing.



5. There are clear overlaps between community forests and conservancies and there is potential for conflict if the two institutions are established in the same area. This has happened in some parts of Namibia, causing confusion among local residents and competition between the conservancy committee and the community forest committee. In some cases community forests have been established so that part of the forest overlaps with a conservancy.
6. MET, the Ministry of Agriculture, Water and Forestry and NGOs are now working to ensure that such conflicts don't occur. One of the ways to do this is for conservancies to become community forests and for community forests to become conservancies. Then one community institution in one geographical area will have rights over wildlife, tourism, forests and grazing. There are some differences in the requirements for becoming a conservancy and for becoming a community forest. These are dealt with in the Participants' Manual.

**2** **SUMMARISE/LINK:** This topic considered the implications of community forest legislation for conservancies. The next topic considers how regional government legislation affects conservancies.



## TOPIC 9: Relevant regional government policy and legislation

1

**EXPLAIN:** This next topic will focus on the '**Decentralization Policy**' of 1997 and the **Regional Councils Act** of 1992:

1. The 'Decentralization Policy' aims at the eventual full devolution of certain powers and functions of the central government to the regional councils, including management and control of communal land, conservation, and forest development and management.
2. The process of devolution is expected to be gradual, but ultimately regional councils will have their own budgets and staff to carry out their devolved functions.
3. The government envisages regional councils deriving revenue from a variety of sources including livestock levies, grazing fees, taxes on commercial farmers and other land users, royalties from natural resources, forest product levies, and community water management fees.
4. Once this devolution has been fully implemented, there could be considerable implications for conservancies and community forests. Regional councils might impose various levies or taxes on the use of natural resources.
5. However, the regional councils are far from being in a position to raise these taxes on natural resources and much more needs to be done to promote full devolution of power.
6. In order to promote the participation of citizens in rural development, a system of development committees has been established in terms of the 'Decentralisation Policy':
  - At the top is the **regional development coordinating committee (RDCC)** to coordinate effective regional development planning. This body is composed of the Regional Officer (chairperson), heads of departments of line ministries, two members of each recognised 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.
  - At the next level are the **constituency development committees (CDCs)**, which coordinate planning and development at the constituency level. The constituency development committees are chaired by the regional councillor for the constituency and comprise two members of the recognised 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 of whom shall be female. At least one-third of members of the committee must be female.



- The lowest level in rural areas is the **village development committee (VDC)**. Village development committees are chaired by the chairperson of the village council and comprise the constituency councillor, one member of the recognised traditional authorities in the area where applicable, one representative of each line ministry in the area where applicable, and not more than five members from the community.
7. In terms of the *Regional Councils Act of 1992*, the regional councils are given a number of powers to develop plans regarding the following:
    - The physical, social and economic characteristics of the region;
    - The natural and other resources and the economic development potential of the region;
    - The existing and the planned infrastructure, such as water, electricity communication networks and transport systems, in the region;
    - The general land utilisation pattern;
    - The sensitivity of the natural environment.
  8. These are considerable powers relating to land and physical planning, which can significantly affect conservancies. Regional councils can take planning decisions to allow various developments that can undermine conservancy zonation and wildlife management planning. Conservancies need to ensure that they are represented in VDC, CDC and the RDCC meetings to find out what is being planned and to ensure that these bodies are aware of existing conservancy plans and activities.
  9. The CDCs and VDCs lack the finances to be very effective and their powers are mostly advisory; however, they do provide platforms for more local coordination if they meet regularly and draw in representatives from other institutions such as community forests, conservancies, water point committees, farmers' associations etc.

## 2

**SUMMARISE/LINK:** This topic considered the implications of regional government policy and legislation for conservancies. The next session considers the implications of the *Environmental Management Act* for conservancies.



## TOPIC 10: The *Environmental Management Act*

**1** **EXPLAIN:** This topic will focus on the *Environmental Management Act* of 2007:

1. The *Environment Management Act* seeks to ensure that the environmental consequences of development projects and policies are considered, understood, and incorporated into the planning process.
2. Part 2 of the Act contains 13 'Principles of Environmental Management' that apply to government institutions and private persons. Among these principles are the following:
  - Renewable resources shall be utilised on a sustainable basis for the benefit of current and future generations of Namibians.
  - Community involvement in natural resource management and sharing in the benefits arising from NRM shall be promoted and facilitated.
  - There shall be prior environmental assessment of projects and proposals that may significantly affect the environment or use of natural resources.
  - Sustainable development shall be promoted in land-use planning.
  - Namibia's movable and immovable cultural and natural heritage, including its biodiversity, shall be protected and respected for the benefit of current and future generations.
  - The 'polluter pays' principle shall be applied.
3. The Act contains a schedule of 'listed projects' for which an Environmental Clearance Certificate must be acquired before the project may go ahead, unless exemption is obtained from the Minister. The schedule of listed projects includes activities such as:
  - The erection and construction of tourism facilities and associated structures including all 4xwheel drive trails or activities related to tourism that may have a significant effect on the environment;
  - The erection and construction of veterinary, Protected Area, or game-proof and international boundary fences.





4. The *Environmental Management Act* has yet to come into force; however, responsible organisations are already following its provisions. For example, all major mining companies carry out environmental and social assessments prior to establishing a mine. Once the legislation comes into force conservancies will be directly affected through their tourism developments and if they construct any permanent game-proof fences. Then conservancies will need to apply for Environmental Clearance Certificates from MET and ensure that any required Environmental Management Plans (EMPs) are developed to mitigate any potential environmental damage. Most conservancies already follow the procedure of developing EMPs for their tourism activities as a matter of best practice.

**2** **SUMMARISE/LINK:** This topic considered the implications of the *Environmental Management Act* for conservancies. That concludes our review of Namibian policy and legislation. In the final topic, we will consider how international conservation conventions impact on conservancies. Let's just go back and look at our objectives for this workshop to confirm that we are 'on track' so far (*refer back to the first flipchart sheet – or prepared Flipchart Sheet #1*). Does anyone have any questions?



## TOPIC 11: International conventions relevant to conservancy management

**1** **EXPLAIN:** Our first focus in Topic 11 will be on the **Convention on Biodiversity (CBD)**.

1. Namibia signed the United Nations Convention on Biodiversity (CBD) in 1992 at the UN Conference on Environment and Development held in Rio de Janeiro. The CBD was ratified by the Namibian Parliament in 1997. The overall objectives of the CBD are:

“The conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding”.

2. The convention specifically recognises the potential role of local communities in biodiversity conservation through the following:

**Article 8. (j)** calls on each contracting party, subject to its national legislation, to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities that are relevant for the conservation and sustainable use of biological diversity Contracting parties should also encourage the equitable sharing of benefits arising from the utilisation of such knowledge, innovations and practices.

**Article 10. (c)**, dealing with the sustainable use of components of biological Diversity, calls on the contracting parties to:

“Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements”.

**Article 10. (d)** calls on the parties to:

“Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced”.



**Article 11** recognises the importance of an incentive-based approach to conservation of biodiversity, calling on the contracting parties to:

“As far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity”.

3. The CBD therefore supports the type of conservation approach taken in Namibia through the establishment of conservancies. This means that there is international support for Namibia's incentive-based conservation approach, which is also based on sustainable use of natural resources.
4. As a signatory to the CBD, Namibia has to report to the Convention Secretariat on progress in biodiversity conservation. In its fourth National Report to the CBD (dated August 2010) the MET noted the positive role of conservancies in biodiversity conservation, bringing the conservancy approach to the notice of the UN and the countries that are signatories to the convention.

## 2 **EXPLAIN:** We will now look at the **Convention to Combat Desertification (CCD)**.

1. Namibia signed the United Nations Convention to Combat Desertification (CCD) in June 1994. The objective of the CCD is (United Nations 1997):

“To combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas”.
2. The CCD is much more detailed than the CBD and has a much broader focus in terms of linking conservation and drought mitigation with sustainable development goals and emphasises enhancing the livelihoods of people. For example, it pays attention to such issues as international trade, markets and debt, as well as the need to integrate strategies for poverty eradication into efforts to combat desertification.
3. It promotes sustainable use of natural resources, but also calls for the development of alternative and diversified forms of land use, and for central governments to devolve responsibility to lower levels, including local communities.



4. The participation and involvement of local communities is emphasised throughout the CCD, based on the founding principle that:

“The parties should ensure that decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities and that an enabling environment is created at higher levels to facilitate action at national and local levels”.

5. The conservancy approach is also therefore very compatible with the aims and strategies of the CCD. Conservancies and the Namibian CBNRM Programme have been used as examples of how communities can be involved in combating desertification at SADC meetings to discuss CCD implementation.

### 3 **EXPLAIN:** We will now look at the The United Nations **Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES)** of 1975.

1. CITES is the largest international agreement on species conservation and regulates international trade in more than 30,000 species of animals and plants through a system of reciprocal permits and certificates. Under CITES, species are listed in Appendices which subject them to different levels or types of trade controls to avoid over-exploitation:

**Appendix I:** Species that are threatened with extinction. CITES prohibits international trade in these species except when the purpose of the import is not commercial (e.g., most hunting trophies, parts and derivatives such as carved products as tourist souvenirs). In these exceptional cases, international trade may take place on the basis of permits.

**Appendix II:** Species that are not necessarily now threatened with extinction but that may become so unless international trade is closely controlled. Trade permits are only granted if certain conditions are met, above all that trade is not detrimental to the survival of the species in the wild.

**Appendix III:** Species that are included at the request of a Party that already regulates trade in the species and that needs the cooperation of other countries to prevent unsustainable or illegal exploitation.

2. The convention implicitly recognises the concept of sustainable use. However, CITES meetings are always very political and many different organisations try to influence the government delegates who take the decisions. As a result, the concept of the sustainable use of species has been hotly contested within CITES since its inception, particularly through the influence of politically powerful NGOs with an agenda that focuses on the protection of individual animals rather than on species – known as the ‘animal rights lobby’.



3. As a result of the politics surrounding CITES, southern African countries have had to fight hard for the right to decide how to use their wildlife, but there has been progress. In 1992, a CITES resolution recognised that commercial trade can benefit the conservation status of a species; in 1997 the elephant populations of Botswana, Namibia and Zimbabwe were down-listed to Appendix II, coupled with approval of a one-off sale of 50 tons of raw ivory from the same countries. The countries in Africa that have populations of elephants have adopted a resolution as part of Appendix II that regulates the way in which each of the southern African range states (South Africa, Botswana, Namibia and Zimbabwe) are allowed to trade in hunting trophies, live animals, hides, hair, leather and raw or carved ivory.
4. Although there has been progress in recognising that commercial trade in species can support their conservation, CITES still limits the way that Namibia can use certain wildlife species such as elephants. The number of elephants that may be shot by trophy hunters in Namibia is affected by CITES and there are limits placed on the way that elephant products can be used commercially. This limits the amount of income that conservancies can gain from the sustainable use of elephants.
5. Namibia and other southern African countries are continuing to lobby the international community to further relax the CITES restrictions on elephants and other species which are not endangered in southern Africa, and which can bring increased income to communities through sustainable use.



## TOPIC 12: The 'National Policy on Human-Wildlife Conflict Management'

**1** **EXPLAIN:** The government in 2009 approved a '**National Policy on Human-Wildlife Conflict (HWC) Management**', which was developed by the MET. The policy document sets out the government's approach to managing HWC. The government recognises that HWC has always existed where people and wildlife live together and will continue to exist in the future. This means that it will not be possible to remove or prevent all conflict, but that conflict has to be *managed* in the most effective and efficient ways possible. The policy sets out a number of strategies for managing HWC. The policy is covered in detail in a separate training module on HWC and so we will not be covering it as part of this Policy and Legislation Module.

**2** **SUMMARISE/LINK:** The last two topics considered the implications of various international conservation conventions on conservancies, and the national policy on HWC. We have now completed this training. The last thing that needs doing is a self-assessment activity, so that you can see how well you now understand the Namibian policy and legislative environment and the relevant international conventions. Before we do that, let's just go back one last time to look at our objectives for this workshop to confirm that we have covered all the training aims adequately (*refer back to the first flipchart sheet – or prepared Flipchart Sheet #1*). Does anyone have any questions?





## **SELF-ASSESSMENT: Assessing participants' understanding of this Module**

Handout #1 comprises a set of questions based on this Module and designed to evaluate the knowledge and skills that participants receiving this training have acquired. It is not intended as a formal test but is meant to help participants assess areas where they have sound knowledge and strong skills, and areas that require further work.

You can either use the questions as the basis of a plenary session with all the participants, or – if more suitable – ask them to write their answers out on some paper that you will provide for the purpose.

Although it will help you personally to modify your training approaches should you be able to discuss their answers with participants, they should not feel compelled to share their responses with you. If they are willing to share their responses, either collectively or individually, then use the information that you gather to assess your own training skills. Also note from participants' responses where these printed training materials might require amendment, for example, if an activity or section of the text is proving problematic.





## List of Handouts that you should make available for this Module

MODULE 1.7, HANDOUT #1: *Self-assessment evaluation for participants*

Please also ensure that you take the following documents to each training workshop – enough for each participant to have a copy to keep:

- The 'Wildlife Management, Utilisation and Tourism in Communal Areas' policy document
- The *Nature Conservation Amendment Act 1996*
- The 'Policy on Tourism and Wildlife Concessions on State Land' document
- The 'Participants' Manual'





## NOTES





