

**SUSTAINABLE LIVELIHOODS IN SOUTHERN
AFRICA:
INSTITUTIONS, GOVERNANCE AND POLICY
PROCESSES**



SLSA Working Paper 5

Wild Resources Theme Paper

Charlotte Boyd

**With Contributions from: Brian T. B. Jones (Botswana
and Namibia), Simon Anstey (Mozambique), Sheona
Shackleton and Christo Fabricius (South Africa)**

February 2001

Table of Contents

1	Access to Wild Resources in Southern Africa: evolution of the policy debate By Charlotte Boyd	4
1.1	Introduction.....	4
1.2	Definition of wild resources.....	4
1.3	Evolution of Policy Change	6
1.4	Policy Change and Access to Wild Resources.....	9
1.5	Policy Implementation in Practice	12
1.6	Current Policy Debate and Research Questions.....	13
2	Access to Wild Resources: Botswana By Brian T. B. Jones.....	14
2.1	Definition of Wild Resources	14
2.2	Access to wild resources by the poor	14
2.3	The current policy debate.....	18
2.4	Policy histories.....	20
2.5	Key players – actors and networks.....	22
2.6	Participation by the poor in the policy process.....	22
2.7	Key issues for further work.....	23
3	Access to Wild Resources: Mozambique By Simon Anstey and Charlotte Boyd	24
3.1	Definition of Wild Resources	24
3.2	Access to wild resources by the poor	24
3.3	Current policy debate	28
3.4	Policy history.....	29
3.5	Key players	31
3.6	Participation of the poor in the policy process	32
3.7	Key issues for further work.....	33
4	Access to Wild Resources: Namibia By Brian T. B. Jones.....	34
4.1	Definition of Wild Resources	34
4.2	Access to wild resources by the poor	34
4.3	The current policy debate.....	39
4.4	Policy histories.....	41
4.5	Key players – actors and networks.....	44
4.6	Participation by the poor in the policy process.....	45
4.7	Key issues for future work.....	45

Table of Contents

5	Access to Wild Resources: SOUTH AFRICA By Sheona Shackleton and Christo Fabricius	47
5.1	Introduction	47
5.2	Access to wild resources by the poor	48
5.3	Macro-level policies and legislation influencing access to wild resources.....	48
5.4	Wild Resource Access and Governance.....	56
5.5	Key issues in current policy debates	67
5.6	Key players: actors, networks and participation by poor in the policy process	69
5.7	Conclusions	70
5.8	Key issues for further work.....	71
	Bibliographies	73

1 ACCESS TO WILD RESOURCES IN SOUTHERN AFRICA: EVOLUTION OF THE POLICY DEBATE By Charlotte Boyd

1.1 Introduction

The purpose of this Working Paper is to provide background information to the IDS/ ODI/ PLAAS research project on access to natural resources in Southern Africa. Specific objectives of this paper include:

- providing an overview of the process of policy development, including underlying narratives, key actors in policy development and participation of the poor;
- identifying key areas for further research of regional relevance.

This overview paper focuses on the evolution of formal policies and *de jure* access rights to wild resources in Southern Africa, with an emphasis on wild game and timber resources (reflecting the focus of policy and legislative change). The country papers explore customary rights and *de facto* access more fully, and cover a wider range of wild resources, in particular those of greatest importance to the rural poor. (These issues will be analysed in-depth during the course of the research project.) The papers are based on the existing knowledge of policy researchers and other experts from Botswana, Mozambique, Namibia and South Africa, rather than on a comprehensive review of the literature.

The paper opens with an exploration of the definition of wild resources. This is followed by a discussion of the evolution of policy change, including the factors and underlying narratives which have driven policy change, key actors, and participation of the poor. The next section outlines the impact of policy change on *de jure* access rights to wild resources by the poor. It is followed by an assessment of policy implementation in practice, emphasising those factors which have led to a divergence between policy vision and achievement on the ground. The final section summarises key questions in the current policy debate across the region which also form the base for potential research questions.

1.2 Definition of wild resources

Wild resources are generally defined as a wide range of uncultivated indigenous or naturalised species from a variety of habitats. The concept of wild resources is closely associated with access rights. Wild resources are generally characterised by common or open access regimes. Indigenous/ naturalised resources may be cultivated, but this generally implies a change in access rights, so such resources are not included in this definition. Private rights have emerged for some valuable species on common land, such as *Hyphaene coriacea* (illala palm). During the colonial period, ownership of wild game and valuable timber resources was assumed by the state, but recent policy approaches in some countries have devolved some ownership/ management/ use rights over these resources to the private sector and to local communities.

Box 1: Working definition of access and how this relates to governance

In this paper, the concept of 'access' incorporates both rights of access (whether *de jure* or derived from informal/ customary systems of governance) and *de facto* access (i.e. access in practice, whether based on formal/ customary rights or not). The concept of 'governance' also includes both formal and informal systems, and refers to both the framework of rules and the actual process of decision-making, both in theory and in practice. The concept incorporates issues such as transparency, accountability, corruption, enforcement. Governance therefore defines access, either directly (through formal/ customary rights) or indirectly (where the absence of effective governance creates opportunities for *de facto* access not based on rights).

Divisions between government agencies responsible for wild resources management influences the way wild resources are categorised in different countries and can lead to different policy approaches. For example, wildlife may be separated from natural forest management; and forest products and veld products may be managed by different agencies.

Table 1: Institutional responsibility for wild resources management

	Wild game	Forest products	Veld products	Fisheries
Botswana	Department of National Parks and Wildlife	Ministry of Agriculture - Division of Forestry, Range Ecology and Beekeeping	Agricultural Resources Board	Ministry of Agriculture (freshwater resources)
Mozambique	Ministry of Agriculture and Rural Development – National Directorate of Forestry and Wildlife (Wildlife Department to move to Ministry of Tourism)	Ministry of Agriculture and Rural Development – National Directorate of Forestry and Wildlife	Ministry of Agriculture and Rural Development – National Directorate of Forestry and Wildlife	Institute for the Development of Small-Scale Fisheries (separate institutional arrangement for industrial and semi-industrial fisheries)
Namibia	Ministry of Environment and Tourism - Directorate of Resource Management (DRM)	Ministry of Environment and Tourism - Directorate of Forestry	Some (e.g. Devils Claw) regulated by Ministry of Environment and Tourism - Directorate of Resource Management (DRM)	Ministry of Fisheries and Marine Resources
South Africa	Department of Environmental Affairs and Tourism (national level); National Parks Board; provincial conservation authorities and (parastatal) parks boards	Department of Water Affairs and Forestry	Protected spp. primarily under provincial conservation authorities and parks boards; Other veld products are now under the jurisdiction of tribal authorities and, in some areas, local government (but rarely actively)	Department of Environmental Affairs and Tourism (marine resources); provincial conservation authorities (freshwater resources)
Zimbabwe	Department of National Parks and Wildlife Management	Forestry Commission	?	?

In most countries, there has been a policy emphasis on wild game, as this is considered the resource with greatest potential for generating significant revenues with limited up-front investment. In Mozambique, policy change has also focused on high value timber. This policy emphasis on wild resources of national value implies that decision-makers pay less attention to the wider range of resources which have local value, such as fuelwood, charcoal, honey, wild fruits and herbs, household construction timber, fencing poles, forage (although these may be incorporated in field-level projects). These resources are of great significance to the poor throughout the region, but the policy bias is of particular concern in South Africa where densely populated communal areas lack the wild game and timber resources found elsewhere (Shackleton et al., forthcoming; Sheona Shackleton, pers. com.)

1.3 Evolution of Policy Change

All the countries under review have seen the emergence of new policies and approaches to local access to wild resources within the last few decades. In Namibia and South Africa, policy change has involved the development of new legislation giving relatively secure rights over certain types of resources. In Mozambique, land legislation has been thoroughly revised, while existing forestry and wildlife legislation has been updated, thus creating disjuncture between the two related sets of legislation. In Botswana and Zimbabwe, existing legislation has been adapted to allow local people to benefit from commercial use of wild resources.

1.3.1 *Catalysts of change*

In Zimbabwe, Mozambique, Namibia and South Africa, policy change has occurred in the context of independence and/ or democratisation which has stimulated efforts to reverse past injustices and return some wild resources to the stewardship of local/ indigenous populations.

Policy change has been stimulated by:

- recognition that expanding habitat loss outside protected area systems increasingly threatens their viability;
- recognition that under-funded government agencies do not have the resources to conserve habitats and manage wild resources outside protected area systems.

While habitat loss is a less pressing issue in Mozambique, there is an urgent need to address over-exploitation of timber and other valuable resources. In Mozambique, revision of land legislation preceded revisions in forestry and wildlife legislation but the Forestry and Wildlife Law explicitly precludes direct links between tenure and rights over land and over forestry and wildlife. This may reflect reluctance on the part of forestry and wildlife authorities to lose so much control over valuable resources, partly because of a lack of trust in local communities and the private sector.

In South Africa, changing policies on access to wild resources are closely linked to changing policies on access to land, including land restitution, land redistribution and land tenure reform. (This link has made policy changes on access to wild resources more complex and controversial.)

1.3.2 Factors influencing policy choices

Policy choices have been shaped by practical analysis of alternative conservation strategies (state, private sector, community or individual management). Strategies developed to address the perceived conservation crisis are based on:

- recognition that habitat loss will only be contained by increasing the comparative economic value for land managers of wild lands over cultivated or grazing land;
- recognition that sustainable use can contribute to conservation.

In many cases, this strategic analysis has drawn on experience with delegating rights over wild resources to private commercial farmers, and through the experience of neighbouring countries. Pressure from donors and international NGOs has also played a role, especially in Mozambique where it has arguably pushed forestry and wildlife authorities to move faster than they intended, with the risk that insufficient political will has developed for effective implementation.

At this level, policy change has not been driven primarily by the desire to contribute to the livelihoods of rural populations through improved access to wild resources. However, the analysis has been strengthened by broader development approaches:

- common property resource management theory;
- participatory principles and approaches to rural development;
- principles and theories of democratic decentralisation.

Where these approaches are externally derived and have not been wholeheartedly adopted by all key departments or decision-makers, lack of political will has interfered with effective implementation.

1.3.3 Key actors

Various actors – individuals, government agencies, NGOs and associations, donors and academics - have shaped these new policies.

In Botswana, Namibia and South Africa Policy change was initiated by key individuals in government agencies who have undertaken in-depth policy reviews. In Botswana, leadership has been institutionalised through the creation of a Community Services Division within the Department of Wildlife and National Parks. In South Africa, many newly-appointed government officials, especially those in senior positions, came from an activist NGO background and brought an NGO perspective to the policy-making process.

In Mozambique, leadership on policy change is less concentrated and spread across a number of actors, including international NGOs and donors. At the field level, certain Mozambican project and protected area managers have played a crucial role in developing new approaches, leading to a 'bubbling up' of experience from the field.

In Namibia, the NGO Integrated Rural Development and Nature Conservation played an important role in demonstrating the viability of community-based approaches, which was then followed up by a deliberate parallel approach, combining policy review with pilot projects. In Zimbabwe, WWF and Zimbabwe Trust both contributed to development of the CAMPFIRE programme through support on conservation and rural development aspects respectively.

Varying support has been provided by donors. In Botswana, USAID played a pro-active role in supporting the policy review process through the Natural Resources Management Project. In South Africa, DFID and DANCED have played a major role in policy development. In Namibia and Zimbabwe, draft policies and strategies were developed before donors got engaged. In Namibia, programme funding for a reasonable period provided essential stability and reduced the need for decision-makers to spend additional time on fund-raising, although this was partially offset by the need to expend energy on retaining local control. In most cases, donors have played an important role in supporting implementation and capacity-building at the local level.

In Botswana, Namibia and Zimbabwe, associations of community-based organisations and NGOs have played an advocacy role (i.e. the Botswana Community-based Organisation Network, the CBNRM Association of Namibia, and the CAMPFIRE Association in Zimbabwe). NGOs, such as IUCN and GEM, have also played an important advocacy role in South Africa. Academic communities have contributed through policy research, in particular the Centre for Applied Social Sciences in Zimbabwe and PLAAS at the University of Western Cape in South Africa.

In only a few cases, have local people acted as a driver for policy change on wild resources. For example, the mass invasion of local residents into the Dwesa-Cwebe Nature Reserve in South Africa contributed to the adoption of a co-management approach. On the other hand, the strong desire of local populations to regain ancestral lands has played a more obvious role in driving land reform.

1.3.4 Participation of the poor

Participation of the poor has generally been weak. In the past, the poor have had very little direct influence on policy development, and have depended on their interests being represented by sympathetic staff of government agencies.

Under the influence of principles of participation and theories of democratisation, various formal mechanisms have been adopted in order to facilitate the participation of the poor in policy development, such as:

- NGOs as intermediaries – indirect representation
- Socio-economic surveys –information-gathering/ consultation
- National conferences – consultation/ participation
- Local workshops – consultation/ participation
- CBOs through CBO associations – consultation/ advocacy/ participation

However, it is unclear to what extent consultation strategies have actually influenced the shape of policy. The lack of awareness and understanding of major policy questions at the local level raises serious questions about the effectiveness of government in communicating policy to those affected. There is concern that those who participate in these debates are generally the better-educated, more articulate and wealthy, and so do not necessarily represent the interests of the rural poor. There are further concerns that these parallel consultation strategies may undermine the role of nascent decentralised democratic structures in representing the views of their constituents. Finally, there is the issue of policy implementation - in Mozambique, the consultation process for the new Land Law has been widely praised, but it is becoming apparent that the result is too progressive for some provincial and district-level officials charged with its implementation.

1.4 Policy Change and Access to Wild Resources

In all the countries under the review, the poor have historically been marginalised from access to both land and wild resources. In Botswana, Namibia, South Africa and Zimbabwe, separate communal lands were demarcated during the colonial period, usually in regions of relatively low agricultural potential, although in some cases these areas have coincided with areas of relatively high wildlife potential (e.g. parts of the Zambezi valley and south-east lowveld in Zimbabwe, and in the arid west and around the fringes of the Okavango Delta in Botswana). While demarcated communal lands were not established in Mozambique, a similar impact was achieved through the granting of concessions over the more valuable agricultural land to private companies/ individuals, as well as land with high forestry and wildlife potential outside the state protected areas system. In Botswana, Namibia and South Africa, local elites are currently engaged in

privatising or monopolising more valuable resources. This process has long-term implications, as attempts to secure rights over wild resources currently used by the poor, may further entrench this marginalisation.

New policies have generally strengthened *de jure* access rights to wild resources for subsistence purposes, and have created new opportunities for rural communities to get involved in wild resource use for commercial purposes. (See Table 2: *de jure* rights over land, wildlife and timber resources.)

Most policies are characterised by a distinction between access for subsistence and commercial use. For example, in Mozambique, local people are now legally entitled to use wild resources for subsistence use, with some limitations (e.g. use of protected species is prohibited and permits are still required). In South Africa, the Forestry Act allows for subsistence use of state forests, but not commercial use except under special licence. (In Botswana, new policies have restricted the subsistence rights of the Basarwa who have been deprived of Special Game Licences for subsistence hunting under the new system.) Commercial use usually requires local people to form legally recognised community-based organisations (e.g. trusts or co-operatives in Botswana, conservancies in Namibia, communal property associations for entering into partnership with the private sector in South Africa; in Mozambique the form of organisation is still undefined). In Zimbabwe, management authority is legally delegated to Rural District Councils, so local people do not need to meet this requirement but do not gain legal control over the allocation of benefits. The process involved in meeting this and other legal requirements, such as development of a management plan and demonstrating technical capacity for implementation and processing, frequently impedes the poor from acquiring legal access to wild resources.

Subsistence rights often do not include the right to exclude other users. In Namibia, local rules over veld products and fisheries are fairly well adhered to, but it is difficult for residents to prevent outsiders from over-exploiting the resource. Similarly, in many areas of Mozambique, the main threat to access to wild resources by the poor is the high (probably unsustainable and often illegal) exploitation rates by private sector operators). In contrast, where communities gain rights to benefit from commercial use this may include the right to exclude outsiders. For example, in Botswana, community members who form a Trust are the only ones to benefit from commercial use and nobody else may enter into negotiations for commercial rights on behalf of the community. In Namibia and Mozambique, the separation of rights over land and wild resources is likely to create problems in terms of communities' rights to exclude alternative forms of land use from areas where they control rights over wild resources. (Access to land and wild resources is delinked in Namibia because granting communal rights to land is seen as regressive).

Table 2: de jure rights over land, wildlife and timber resources

	Land	Wildlife	Timber
Botswana	Land allocated by Land Boards	Communities who gain rights do have some limited management responsibilities, but these are mostly carried out by their joint venture hunting or tourism partner (e.g. management plans have to be submitted and implemented). However, if a community wanted to, for example, put in a borehole for game management, the community would have to go through a lot of bureaucracy to get permission	Timber is owned by the state; draft policy/legislation provides for increased community use rights, but not as far as for wildlife. Private companies and individuals can get concession rights. Community members have subsistence use rights outside state forests.
Mozambique	Land is owned by the State. Private companies/ individuals may acquire use and benefit rights by applying for a concession. Local communities may secure their use and benefit rights through demarcation. Land rights do not include rights over associated forest or wildlife resources, nor rights to exclude others from use of these resources	Wildlife is owned by the State. Private companies/ individuals may acquire use rights through concessions over hunting areas or by establishing game farms. Communities have subsistence use rights but must apply for a permit. For commercial use, communities must apply for a concession or establish a game farm just as private companies/ individuals. Simple licences allow for hunting outside these areas.	All forest resources are owned by the State. Private companies/ individuals may acquire use rights through concessions. Communities have subsistence use rights but must apply for a permit. For commercial use, communities must apply for a concession just as private companies/ individuals. Simple licences allow for timber harvesting outside these areas.
Namibia	Communal land ownership vested in the State, but residents have usufruct rights.	Wildlife is controlled by the State, but management rights (limited) and use rights may be devolved to local populations through conservancies.	Forest resources are controlled by the State. Draft forestry legislation provides for similar institutions to conservancies.
Zimbabwe	State owns land. Local people have usufruct rights in communal lands.	State owns wildlife. Private sector and rural district councils may secure benefits through delegation of appropriate authority. RDC are required by guidelines to return a percentage of revenues to producer wards.	State owns forest resources.
South Africa	The ownership of land in communal areas is currently vested in the State, with the Minister of Land Affairs acting as nominal owner. However, existing usufruct rights of residents are legally recognised through the <i>Interim Protection of Informal Land Rights Act (IPILRA)</i> . This Act is a short-term measure which protects people with insecure tenure from losing their rights to and interests in land, pending the enactment of comprehensive tenure reform legislation. Development of the latter has been a slow and controversial process and to date there is as yet no legislation. The proposed Land Rights Bill which envisaged “positive” group-based rights over land and resources established through occupation has recently been rejected. Current proposals suggest transfer of land to tribes and traditional authorities. The CPA Act also allows for group ownership of land and resources, and there are some examples of CPAs in communal areas, primarily where communities have entered into partnership with the private sector.	Unlike the other countries mentioned in this table, there is very little wildlife in communal lands in South Africa. That which does occur (mainly small mammals and birds) is under the control of the provincial conservation authorities. Permits should be obtained for the use and hunting of game animals other than those classified as “problem” animals.	Ultimate authority and control over forest and woodland resources resides with the Department of Water Affairs and Forestry. Natural closed canopy forests have special status and no timber resources may be harvested from them without a licence. Rare and valuable timber species are protected primarily through provincial conservation acts and ordinances, although the National Forestry Act has made provision for protected species. This component is currently being developed. Protected species may not be harvested or transported without a permit from the relevant nature conservation authorities. Outside of protected areas such use rights are rarely denied. In communal areas permission to harvest live wood (other than protected species) should be sought from the tribal authorities.

1.5 Policy Implementation in Practice

In practice, policy implementation has encountered a number of relevant trends. In most countries, there is an effective distinction between *de jure* and *de facto* access to wild resources, most notably for resources of low commercial value on land which is not part of the protected area system or private commercial land. The fact that *de jure* rights are not always enforced often works in favour of the poor, enabling them to exploit resources without legal rights. However, it can work against them, as private sector interests occupy land and exploit wild resources without legal rights. For example, in Botswana and Namibia, the cattle-owning elite tend to claim exclusive control over common land through occupation. Commercialisation of wild resources can also lead to their *de facto* privatisation without changes in *de jure* rights. Institutional strengthening and even CBNRM projects may strengthen the state's capacity to enforce its *de jure* claim over resources (including the right to restrict levels of use), thus reducing *de facto* access by the poor. Similarly, land and resource privatisation – the transfer of *de jure* rights between the state and the private sector - may curtail *de facto* access by the poor.

Historically, traditional systems of authority have played an important role in governing access to wild resources, but these have been undermined by both colonial and post-independence governments. In Namibia and Zimbabwe, these were undermined by the imposition of colonial administrative structures, whereas in Mozambique and South Africa, traditional authorities were upheld through indirect rule (although in some cases this undermined the respect they received from their people). In Botswana, Mozambique, Namibia and Zimbabwe, traditional authorities have been (further) undermined by the administrative systems and government policies established post-Independence. For example, in Botswana, land boards have replaced tribal authorities as the recognised body for allocating land and related resources. Competition from local administrative/ government structures empowered through recent decentralisation policies has tended to undermine traditional authorities and led to the widening of *de facto* open access in South Africa and effective recentralisation in Botswana. Concern is also growing about the potential for conflict between an increasing number of local-level institutions, all claiming jurisdiction over natural resources. For example, in Botswana, Community Trusts are to some extent competing with existing institutions such as Village Development Committees. In Namibia, the emergence of conservancies has shifted authority away from traditional leaders, although good working relationships are evolving in some cases, and there are questions over the implications of proposed land boards.

As discussed above, the process involved in meeting various legal requirements can prevent the poor from acquiring legal access to wild resources for commercial purposes. Sectoralisation of resource management through different government agencies, as in Botswana, Namibia and South Africa, further increases the transactions costs for communities seeking to claim access to the full range of wild resources. Sectoralisation encourages the development of multiple legislation and different/ separate local-level institutional structures to manage different groups of resources. For example, in Namibia, conservancies

have rights over wildlife and (indirectly) tourism, while draft forestry and water legislation provides for similar institutions for forest and water resources.

1.6 Current Policy Debate and Research Questions

These issues have shaped questions in the current policy debate across the region, which also form the base for potential research questions:

- How government can be encouraged to relinquish control and further devolve management.
- How to speed-up/ scale-up implementation on the ground.
- Whether the tenure, control and incentives provided under new policy approaches are sufficient to promote sustainable use of resources and reduced habitat conversion.
- The appropriate scale of community-based wild resource management organisations, and options for promoting cooperation between community-based management organisations.
- How to ensure that community-based management organisations effectively represent the poor and establish equitable conflict resolution mechanisms.
- How to integrate different sectoral approaches to promote integrated natural resource management.
- How to improve articulation between traditional authorities, new wild resource management organisations and local-level government/ administration.
- Implications of new thinking about how tenure is secured through ongoing social and political processes rather than through a set of law or rules.
- What practical mechanisms and methodologies can be used to facilitate the involvement of the poor in policy development.
- How policy is being translated in the process of implementation and reinterpretation through practice.

A number of other issues in debate reflect the specific characteristics of different countries, and are addressed more fully in the respective SLSA Country Background Papers on Mozambique, Zimbabwe and South Africa.

2 ACCESS TO WILD RESOURCES: BOTSWANA By Brian T. B. Jones

2.1 Definition of Wild Resources

In Botswana most commentators make a distinction between “wildlife” and “veld products”. A third category of wild resource is that of fresh water fish, found in the northern perennial rivers and the Okavango Delta. Fish resources also fall into the category of open access.

In this context “wildlife” refers to wild game species, rather than the broad spectrum of animals, plants and insects that most conservationists increasingly include under the term. Wild game species are increasingly being brought under some form of management regime through the devolution of rights to local communities.

“Veld products” includes a number of products associated with forests such as fruits from trees (e.g. the marula fruit, *Sclerocarya birrea*, and the fruit of the baobab *Adansonia digitata*), lepidopteran larvae found on trees (Mopane worms, *Imbrasia berlinea*), and other products such as sap, leaves and nuts from palm trees (*Hyphaene spp*), and honey. The term also covers roots, truffles, melons and berries associated with the more arid ecosystems of the Kalahari in western Botswana, as well as thatching grass, which might be found in grassland savanna systems or more wooded savanna areas. Generally, “veld products” is a term that refers to a range of products from a variety of habitats, but which are governed by an open access tenure system on communal land. They are available to all who wish to harvest them, with little or no state or local control being exercised over rates and methods of harvesting.

2.2 Access to wild resources by the poor

Access to wild resources in Botswana is determined largely by *de facto* access to land as well as by government policy and legislation.

2.2.1 Access to land:

Access to land is determined partly by Botswana’s land tenure system, but is also closely linked to cattle ownership. Land is allocated in Botswana through Tribal Land Boards, autonomous bodies which allocate land for residential, commercial and agricultural purposes, allocate rights to water facilities and prepare district land use plans. Since the 1970s, Land Boards have effectively replaced tribal authorities as the recognised body for allocating land, although the Boards recognise customary tenure over land.

Only 4.2% of Botswana is freehold land (mostly large cattle ranches). State land (mostly wildlife and forest areas) covers 17% and 70,5% is communal tribal land. The communal land is allocated largely as commonage for livestock grazing and as household arable and residential land. Some communal land is leased for commercial cattle and arable farming.

Because communal grazing land is not subject to management controls, large cattle owners tend to control access to land and its resources through occupation. In recent years the endorsement of land designated as Wildlife Management Areas in Kgalgadi district has been resisted by wealthy cattle owners who wanted the land for grazing. Poorer groups, particularly the San or Basarwa, tend to end up as poorly paid labourers for the richer cattle owners and are not in a position to decide upon and control their own means of livelihood. Whereas wildlife, tourism and the exploitation of veld products provide livelihood diversification options for these groups particularly in the arid west, these activities are of marginal importance to the wealthy cattle owners. The New Agricultural Policy enables individuals and groups to enclose and fence land around water points on communal land, increasing the ability of the cattle owning elite to entrench its control of land. Government attempts to provide commercial farming land for large communal area cattle owners simply resulted in a dual system where the farmers kept cattle on their designated commercial farms, but also kept livestock on the commonage at the expense of the poor.

The Land Board system has done little to protect the interests of the poor. According to Quan (2000), although the Land Boards represented a general shift towards more local accountability, there has in fact been a growing centralisation of land administration, the de-linking of communities from the land they occupy and the increasing individualisation of tenure arrangements. This has mainly benefited the large cattle owners. Further, the resource rights of the Basarwa to hunting, gathering and water resources have been weakened by the Land Board system.

Overall government policy towards the Basarwa, by far the poorest of the rural residents, has left them largely as tenants on the land that was once theirs. In recent years the Basarwa living in the Central Kalahari Game Reserve have been evicted to villages outside the reserve where they have to compete with others for land and resources. Most literature on the Moremi Game Reserve refers to the land being given up for conservation by the Tswana Tribal Group, who received limited benefits, but the local Basarwa were there before the Tswana. Thus at the north gate to Moremi, there is a Basarwa village (Kwaai) of people whose land is inside the reserve. Similarly, at the southern entrance to Chobe National Park, the Basarwa people of Mababe village have lost land to the Park and are bitter about it.

The issue of access to resources in Botswana is complicated by the fact that several government agencies have overlapping jurisdictions over land and resources and there are more than 20 pieces of legislation dealing with environmental or resource management issues (Maluwa 1998). The Botswana CBNRM programme has led to the establishment of new community institutions, the Community Trusts, that have been formed to manage wildlife and tourism. The Trusts are to some extent competing with existing institutions such as Village Development Committees (VDCs) which generally have little power to really influence local development and hold no funds of their own. The Trusts, with considerable income,

and decision-making power over some aspects of wildlife and tourism management, are viewed as more effective vehicles for promoting development.

2.2.2 Wildlife:

Wildlife is the sector that has made the most progress in terms of promoting community-based natural resource management and to a certain extent in improving access of the poor to wild resources (particularly wild game species). A number of policies and laws make general provision for greater community involvement in wildlife use and management (The Wildlife Conservation Policy of 1986, the National Conservation Strategy of 1990, the Tourism Policy of 1990, the Tourism Act of 1992 and the Wildlife Conservation and National Parks Act of 1992). However, none of these instruments contain any specific provisions on *how* greater community involvement is to be achieved.

It is in fact an administrative arrangement in the form of a government directive on “Community tourism and hunting development activities” that provides the foundation in Botswana for local communities to gain rights over wildlife and tourism. This directive was agreed by the Ministry of Commerce and Industry (which houses the wildlife department) and the Ministry of Local Government, Lands and Housing in November 1995. It sets out the minimum conditions that communities need to meet before they can be awarded a community wildlife off-take quota or a resource use lease for tourism or hunting.

Essentially a community in or adjacent to a controlled hunting area zoned for community management may apply for a wildlife quota provided it has organised itself in a participatory and representative manner that is sanctioned by the district authorities and the Department of Wildlife and National Parks.

If the community wants more secure access to the wildlife quota and to enter into a joint venture with the private sector for tourism or trophy hunting, it has to meet 3 conditions (Rozemeijer and van der Jagt 1999):

- The community has to organise itself into a representative and legally constituted entity such as a Trust or Co-operative and has to demonstrate to district authorities that a participatory process was followed.
- The representative community body must design a constitution and bylaws that define the body’s natural resource management functions and the body’s accountability and responsibility towards community members.
- The community body must prepare a land use and management plan conforming to the regulations of the Wildlife Management Area in which the controlled hunting area is located, and approved by the District Land Board.

Once these conditions are met, the community may obtain a 15 year wildlife and tourism resource lease from the Land Board. The community-based organisation (CBO) may then enter into a sub-lease and/or joint venture agreements with private hunting and tourism operators.

This approach to wildlife and tourism management has enabled many of the poorest communities in Botswana (in the arid west and around the fringes of the Okavango Delta) to gain access to a resource that was for many years controlled entirely by the state. In the past, although there was a system of citizen hunting for the pot, the state had given the private sector access to lucrative trophy hunting and tourism interests. Now, the Chobe Enclave Trust for example, receives around US\$200 000 a year from wildlife utilisation and tourism and the 45 families in Sankuyo village share about US\$125 000 annually (Rozemeijer and van der Jagt 1999).

However, communities are restricted to gaining wildlife and tourism rights in community designated Controlled Hunting Areas (CHAs). Many CHAs in prime areas around the Okavango Delta are designated for the private sector. This designation would have to change to allow greater community access. The argument is that areas designated for the private sector do not belong to any tribal group, but this is highly unlikely to be the case. It is true, though, that some of these areas are contested by different communities so it is easier to leave them with the private sector than sort out the disputes.

In some cases, the poorest members of some communities - the Basarwa - have been disadvantaged by the new system. The allocation of unified wildlife quotas to a community body has often meant that the Basarwa, who held Special Game Licences for subsistence hunting, were deprived of these licences. This is despite a provision in the government directive on community hunting and tourism activities that the community should demonstrate that the needs of Special Game Licence holders are being met.

The main ongoing threats to sustainable access to wild resources by the poor include:

- (In both Botswana and Namibia) land grabs by the elite and wealthy,
- unsatisfactory land tenure arrangements (state ownership, no group exclusivity),
- large state holdings of forest and game reserves, and the propensity of government to approve large development projects (sugar cane, cotton cultivation etc.) or commercial use of resources (especially timber) on communal land - the land is state owned, but communities have resource use rights and traditional claims to ownership.

2.2.3 Forest, veld and fisheries products:

Although legislation governing the use of forest products, veld and fisheries products allows individuals rights of access and use, there are no provisions for group rights and the exclusion of outsiders. Also there is no provision for the commercial exploitation of timber products by communities.

2.3 The current policy debate

One of the key assumptions in CBNRM is that, if communities are given some form of tenure or proprietorship over natural resources and are able to benefit from the management of these resources, then use is likely to be sustainable. The CBNRM enabling framework in Botswana is successful in gaining considerable financial benefits for communities from the use of wildlife and tourism. However, it is not clear to what extent the framework is in fact promoting active management by communities, or simply the passive receipt of benefits. Currently there is debate in Botswana about the nature of the tenure and control that communities are being given by government and whether this is indeed sufficient to provide incentives for sustainable management (Jones and Slade 2000). A number of issues have been raised:

- It is argued that the provision of 15 year head leases to communities is not long enough, as this does not provide sufficient security, especially as the system is new and communities might feel they have no guarantee that they will have continued access to hunting and tourism leases. The government also determines the length of the sub-lease between the community and the private sector and these are criticised for being too short (National CBNRM Forum in Botswana 2000).
- The government has so far insisted on setting and allocating hunting quotas (although it recently acknowledged the need to involve others) with little or no community input, arguing that communities are not technically equipped to carry out quota setting and that this should remain a government responsibility, given that the State is ultimately the owner of wildlife (Jones and Slade 2000, National CBNRM Forum in Botswana 2000).
- The fact that the community rights over wildlife are provided through administrative rather than legal instruments has been seen by some as a weakness of the Botswana approach (Maluwa 1998, Jones 1997). Although it is unlikely in the current policy climate that the government will take away the community rights, these rights are essentially not very secure. They depend upon the continued designation of certain CHAs for community use. The number of areas available for communities cannot easily be extended unless areas currently designated for private sector use are rezoned. Further policy change is needed to give communities access to more CHAs (ideally they should all be community designated), and to entrench their rights in law rather than administrative fiat.

- The tender process for communities to sell their wildlife quotas or tourism rights to the private sector is largely driven by district officials and community trust committee members have little direct involvement (Jones and Slade 2000).
- It is argued that the above factors show that the government is in fact reluctant to give up control over wildlife and is not willing to really devolve authority to local communities. The message that this might send to communities is that they are not really being given any management responsibility (Jones and Slade 2000).
- CBNRM practitioners are starting to question the usefulness of the Controlled Hunting Areas as units for CBNRM (Cassidy and Madzwamuse 1999). In some cases there is more than one “community” resident in these areas and these groups of people, or different villages, might not usually co-operate or work together. Because they are in the same CHA, though, they are lumped together and forced to work together under one community trust. This has caused problems in some areas where co-operation has proved difficult to achieve. This has led practitioners to conclude that where social cohesion is weak, there is a need to devolve authority to smaller units. There is also a need to match appropriate social units with appropriate resource management units (areas of land). A radical approach would be to do away with the idea of the CHAs because they pre-determine social units and allow communities more scope to define themselves, but this would undermine the whole Botswana land-use planning system, and so is unlikely to happen.
- Communities that have entered into joint ventures with the private sector have started to accumulate considerable income which is being kept in bank accounts rather than being used for direct community benefit. Some stakeholders believe that the fact that most CBOs and communities are not yet directly or actively involved in managing wildlife or in re-investing their income in enterprises (particularly natural resource-based enterprises) could be because they perceive their tenure over the resources to be weak (Cassidy and Jansen 2000). CBOs might view their current income as a windfall that might not be repeated and might therefore be reluctant to take risks with its use. Also in large, diverse communities, it is difficult to come to agreement on what the income should be used for. Further there appears to be some degree of tension between the social aspirations of communities (seeing many non-financial benefits in CBNRM) and the business-oriented approaches of some practitioners and development agencies that emphasise financial benefit and market-oriented enterprise as the main benefits from CBNRM. Communities appear reluctant to expose themselves to risks they may be unable to manage or control (Hartley 1999).
- There is also debate about how to provide appropriate tenure arrangements for resources such as veld products, to which everyone has access but no-one has management responsibility. It is possible that, over time, the CBNRM community will manage to lobby for improved and exclusive rights over veld

products. A new unified CBNRM policy has been drafted which tries to address this problem. The policy has been criticised, however, for not going far enough in devolving real authority to communities and for not making provision for legislation to entrench community rights (National CBNRM Forum in Botswana 2000).

- CBNRM stakeholders are also beginning to explore the implications of common property resource management principles for the Botswana CBNRM programme. They want the new CBNRM policy to give greater attention to issues of controlled access to resources and to provide a rigorous definition of common property (Ibid).

When the issues of lack of secure tenure for communities and an apparent reluctance by government to devolve authority are combined with the lack of real involvement by community representatives in tender proposal assessments, the result could well be disempowering and run counter to the overall aims and objectives of the Botswana CBNRM programme.

2.4 Policy histories

The development of CBNRM as a conservation approach was a response to the following (Rozemeijer and van der Jagt 1999):

- Administration, management and control of protected areas and Wildlife Management Areas would be virtually impossible for a department with a low status and minimal budget
- The financial benefits from the use of this land (39% of Botswana's land surface) did not reach district or local level leading to questioning of the designation of these areas.
- DWNP had to prove that wildlife utilisation was a valuable livelihood strategy in rural Botswana.

As mentioned in Section 2. above, various policies and pieces of legislation were introduced in Botswana that promoted the idea of greater community involvement in wildlife management. They also recognised the importance of wildlife utilisation in conservation and were not preservationist in their approach. The policy and legislation are similar in principle and content to those developed in neighbouring white-dominated southern African countries during the 1970s and 1980s. As a result, the Wildlife, Conservation and National Parks Act of 1992, gives rights over wildlife to freehold land holders, but does not adequately address the rights of residents of communal areas.

In 1989, a USAID-funded programme, the Natural Resource Management Project (NRMP) was established within the DWNP to provide technical advice and assistance on implementing community-based approaches to wildlife management. NRMP staff examined the existing policy and legislative framework for ways in which communities could gain rights over wildlife and tourism. They were able to exploit the land

use zoning system in Botswana where large parts of the country are divided into Wildlife Management Areas and virtually the whole country is divided into Controlled Hunting Areas. Community access to wildlife and tourism resources was achieved, *within the existing legislative framework* by getting central government and district authorities to agree that certain CHAs should be designated for community use. The DWNP would allocate wildlife quotas to communities and land boards would give leases to the communities to use the land for commercial wildlife and tourism purposes (reflecting the multiple layers of authority and control over land and resources in Botswana.)

The NRMP has continued to play a strong role in policy development and during 1997 hired an expatriate legal consultant to carry out a review of CBNRM policy and legislation. The consultant then prepared a new CBNRM policy for the DWNP. About the same time, the Ministry of Agriculture began to develop new policy approaches for the management of most veld products that fell under their jurisdiction. Subsequently the two Ministries combined to produce a unified CBNRM policy draft. According to government the objective of the policy is “to provide a firm platform for the continuation and expansion of CBNRM as a conservation based development programme. This is achieved by describing a comprehensive management framework for all natural resources, a scheme for the responsible transfer of resources rights to qualified communities, and guidelines for the use of these rights in order to link community development with biodiversity conservation” (National CBNRM Forum in Botswana 2000:8). Critics of the policy argue however, that it “represents a clear indication of Government unwilling to relinquish power to other bodies i.e. communities” and that it contains “more and more regulations and control by Government” (Ibid:8-9).

The work carried out by the NRMP in mobilising a number of communities, assisting them to form community trusts, and develop joint ventures with the private sector has provided many lessons learned for the implementation of CBNRM in Botswana and the further development of policy.

2.4.1 Underlying narratives:

A number of underlying narratives can be identified that have influenced the development of policy in Botswana. There has been the general trend in conservation to recognise that under-funded government departments cannot easily manage large areas of land and enforce centrally devised laws and regulations that have little support amongst the actual resource users. Then there has also been the infiltration into conservation approaches of principles established in the field of rural development concerning the need for beneficiaries to be involved in all aspects of project design, implementation and monitoring and evaluation.

Scholarship on common property resource management, particularly that of Berkes, Ostrom and Murphree and the so-called new institutionalism (Cousins 2000) has influenced Botswana policy towards the provision of group rights over common pool resources and the development of community resource management institutions.

Another influence has been the work carried out on sustainable use of natural resources by scholars in southern Africa, who conclude that the biggest threat to wildlife is not hunting, but loss of habitat to other forms of land use. If wildlife is to survive outside protected areas, it needs to be able to compete economically with other land uses and to meet indigenous socio-economic needs rather than only the aesthetic and spiritual needs of foreigners (SASUSG 1997, 1995).

2.5 Key players – actors and networks

The main driving force behind the development of CBNRM in Botswana has been the Department of Wildlife and National Parks (DWNP) supported to a large extent by the USAID-funded NRMP, which ended in mid 1999 (Rozemeijer and van der Jagt). However, while the DWNP provided the overall impetus for the promotion of CBNRM, the detail was left largely to the expatriate NRMP staff and their counterparts. Over the past two years, (partly sparked by the end of the NRMP) there has been a widening of the debate on CBNRM in Botswana, both in terms of the issues discussed and in terms of those involved.

IUCN Botswana and the Dutch Development Agency (SNV) have developed a CBNRM support programme that has facilitated several workshops on important aspects of CBNRM, a national CBNRM conference and the establishment of a national CBNRM forum. Publications resulting from these initiatives are contained in the bibliography.

Further important developments have been the emergence of the Botswana Community-based Organisation Network (BOCOBONET) and the formation of a Community Services Division (CSD) in the DWNP. BOCOBONET is an umbrella for the community trusts and other CBOs involved in CBNRM. The organisation is taking the lead in advocacy on behalf of communities and plays an important role in the policy debate. The CSD is responsible for implementing CBNRM and further policy development.

2.6 Participation by the poor in the policy process

In the past, the poor have had little direct influence on policy development, which has taken place largely in the capital in Gaborone. Communities were dependent upon their interests being represented by sympathetic staff members of the NRMP, DWNP and various NGOs and individuals.

Different perspectives exist on the level of consultation that has taken place with the development of the new unified CBNRM policy. According to government the policy is “a product of an extensive consultative process that included national and regional workshops, numerous site visits to communities, broad distribution of draft documents and the efforts of interagency task groups” (National CBNRM Forum in Botswana 2000:8). However other stakeholders believe that government is “calling the shots” on CBNRM

and there “is a need for community participation to extend beyond management to the formulation of policies and even laws” (Cassidy and Jansen 1999:80).

The involvement of community representatives at various CBNRM fora has increased considerably over the past two years. Trust committee members have attended major workshops and the national CBNRM Conference and BOCOBONET is a member of the National CBNRM forum. Some of these community representatives have included members of Basarwa groups from some of the poorest and remotest villages in Botswana. However, it is difficult to see how direct community influence will increase in future. Even at the village level, a typical *kgotla* meeting is usually dominated by the more wealthy and powerful village members. Specific efforts are required to reach the poor and to make policy proposals accessible and comprehensible. But this is costly and time-consuming and does not fit with government bureaucracy and political timetables. If community trusts develop as truly accountable and representative community institutions then the trust committees should represent adequate vehicles for community involvement.

2.7 Key issues for further work

- 1.1 Testing the assumptions concerning CBNRM i.e. that giving people proprietorship and the right to benefit from the use of natural resources will lead to sustainable management. Will communities in Botswana move from passive beneficiaries of wildlife use and tourism to active managers? Do the facts that the government is holding on to crucial areas of control and the lack of secure tenure over resources held by communities act as disincentives?
- 1.2 Testing practical methodologies and mechanisms for the poor to become involved in policy development beyond the modern mantra that participation by beneficiaries and stakeholders is crucial for success. How do you ensure such participation in remote areas and when the poor are often semi-literate at best? Participation has its costs in such circumstances: money and time. Any solutions have to take into account the cost and time required and how these will impact on government decision-making processes. Are we expecting far higher and more direct levels of participation in developing countries than we would ever dare to hope for in western democracies? We entrust decision-making to representatives who are often members of elites, yet in developing countries this is somehow not acceptable. How can we find affordable and practical solutions that don't bog down the decision-making process in a mire of never ending meetings (which is already happening to governments around the region!)?

3 ACCESS TO WILD RESOURCES: MOZAMBIQUE By Simon Anstey and Charlotte Boyd

3.1 Definition of Wild Resources

In Mozambique, a wide definition of ‘wild resources’ to incorporate all wild plants and animals and their products (such as thatching grass, timber, honey and bushmeat) reflects the broad mandate of the main management agency, the National Directorate for Forestry and Wildlife (DNFFB) within the Ministry of Agriculture and Rural Development (MADR), and community-based management efforts at the field level (Anstey, 2000a). This approach is distinct from the more narrow focus on ‘wildlife resources’ found elsewhere in the region. The definition maintains a distinction between ‘wild resources’ and the more general ‘natural resources’, a term which includes land, water, atmosphere and other components of the natural landscape.

3.2 Access to wild resources by the poor

3.2.1 De facto vs. de jure access to wild resources

Customary systems defining access to wild resources in Mozambique vary throughout the country depending on ethnic group, population density and pressure on the resource, livelihoods, the impact of colonial administrative systems on the authority of traditional structures (such as chiefs and *curandeiros*) and migration patterns (especially those associated with conflict between FRELIMO and RENAMO). These systems are discussed more fully in the *SLSA Working Paper 2: Mozambique Country Paper*.

A distinctive feature of access to wild resources in Mozambique is that the country’s long and continuous history of weak administrative capacity to implement policy and legislation over wild resources which never has been a priority of the State. *De facto* rights over resources are therefore of much greater significance than *de jure* rights in most of the country. Access to wild resources is governed not by state laws, but by local/ traditional rules (where these exist), and by other factors, such as whether individuals have the required time and tools to exploit these resources and access to subsistence and/ or commercial markets which provide sufficient incentives. While the law may require individuals to obtain a permit for a wide range of types of resource use (including subsistence use of common and agricultural pest species), the state has very limited capacity to enforce this and does not consider it a high priority. (Regulations may, however, be selectively enforced for rent-seeking purposes especially around major cities). Estimates of the annual value of fuelwood harvested in Mozambique in 1997 by the “poor” was USD 240 million (DNFFB 1998), and bushmeat values harvested around Maputo alone were estimated at over USD 1 million/ year in 1998 (Serodio 1998).

New approaches to wild resources management, in particular community conservation initiatives, and enhanced capacity to implement legislation may therefore act to reduce access to wild resources by the poor. This is particularly problematic where state or NGO initiatives undermine functioning traditional/ local management systems which have successfully ensured sustainable levels of resource use (see for example Anstey and Souza (2000)). Even where traditional/ local management systems do not function successfully, the imposition of formal controls may impede access by the poor without guaranteeing sustainable levels of use.

In many areas of the country, the absence of effective regulation and enforcement has created open access regimes in which wild resources (especially timber) are being severely over-exploited as operators race to harvest resources before they disappear or before the state develops the capacity and will to implement and enforce regulations effectively. Much of this exploitation is taking place under *licenças simples* which does not require a management plan as is required for a concession. Currently, many operators fail to submit an extraction plan or even identify the area of exploitation (except at the district level), although both are required under the draft regulations.

3.2.2 Recent transition: impact of Peace

Access to wild resources in Mozambique is currently in a process of transition. In the last decade, Mozambique has moved from a state of civil conflict to reasonable peace and stability, following the 1992 Peace Accords. This transition has had a significant influence on *de facto* access to wild resources, as military groups who have occupied many parts of the country and exerted varying degrees of control over access to wild resources have been demobilised. Peace has also increased the relevance of *de jure* access to wild resources, through increased levels of enforcement of existing legislation and regulations (although this remains severely limited by lack of capacity and motivation), and the gradual reoccupation by the state of the protected area system.

3.2.3 Ongoing transition: new legislation over access to land and wild resources

Mozambique has recently approved and initiated the implementation of new policy, legislation and regulations over land and wild resources (forestry and wildlife). Under the new Land Law approved in 1997 (see *SLSA Working Paper 2: Mozambique Country Paper* for further details on the policy development and approval process), land remains the property of the State which allocates land use and benefit rights. The new legislation recognises customary rights over land for the first time, and provides local communities with more secure land rights. Land is delimited and demarcated at the community-level rather than at the smallholder-level, and this demarcation is based on oral testimony of land occupation.)

According to the law, local communities must be consulted and agree before land use concessions can be allocated, and the relevant procedures are set out in a technical annex to the legislation. However, the

Law does not allow for reclamation of the vast areas of productive land with good market access which are legally occupied by private or state-owned enterprises despite community claims. Further conflicts result from the complex patterns of displacement and migration which occurred during the conflict - one community may claim an area it has occupied for the last ten years, while another community claims the same area through historical occupation. There are further implementation problems associated with lack of capacity in the provincial cadastral services (SPGC) and, more worryingly, with lack of political will among those at the local level who see the Law as too progressive and a barrier to sorely-needed private sector investment. Nevertheless, the new Law is generally seen as a significant positive step towards local authority and control over land resources.

A new Forestry and Wildlife Law was approved in 1999 and new regulations were due for approval in September 2000. Of primary importance, the Forestry and Wildlife Law asserts that land use and benefit rights allocated under the Land Law do not incorporate rights over forestry and wildlife resources. Even in those areas where community lands have been delimited, those communities have no control over the dependent wild resources and the State may allocate rights over these resources to a third party through a concession agreement. However, the Law does commit government to:

- **affirm existing customary [subsistence] rights over forestry and wildlife resources**

Local community members may use unlisted wild resources (excluding nationally endangered and/ or protected species) for subsistence purposes according to their norms and customs, although they still need to obtain a free permit.

- **progressively empower communities to benefit from forestry and wildlife resources through sustainable commercialisation through community concessions;**

Communities seeking to exploit resources for commercial gain are treated like a private company. They must first form a legally recognised association, develop a management plan which is approved by the local titular authorities, and demonstrate their technical capacity to process the resources.

- **involve communities in the management of state protected areas;**

Communities should be invited to participate in the development of management plans for national parks and reserves.

- **encourage private sector concessionaires to enter into direct negotiations with recognised communities and require that tenders incorporate agreements with local communities guaranteeing their existing rights (Anstey, 2000b).**

Local communities must be allowed free access to a private sector concession area and must be allowed to continue using resources for subsistence purposes. Through agreement with the concessionaire, incorporated in the tender document, communities may gain other benefits from the concessionaire. However, current experience suggests that many communities have low expectations of benefits from the private sector and are consequently satisfied with off-cuts or token gifts (Kloeck-Jenson, 2000; Norfolk and Soberano, 2000). Also, operators may legally exploit wild resources on delimited land without any community consultation through a *licença simples*. Local communities are also entitled a percentage of taxes (fixed at 20% in the draft regulations) arising from exploitation of forestry and wildlife resources by private enterprises.

Unlike the Land Law, there is as yet no technical annex detailing the procedures to be used in implementation. There are concerns that, without knowledge of their rights and technical and organisational support, many communities will not be able to claim these rights. The programme for disseminating information on rights under the Land Law is not being replicated for the Forestry and Wildlife Law. As with the Land law, there are further concerns that the provincial forestry and wildlife services (SPFFB) do not have the capacity and may not have the motivation to implement the legislation effectively.

3.2.4 Future transition: decentralisation and sector investment programme

Two further policy processes are expected to have a significant influence over access to wild resources. The process of democratic decentralisation, initiated by the 1994 Municipalities Law, has so far taken place in only 33 municipal areas and is expected to have limited impact on access to wild resources for the medium term. More significant are the processes of administrative reform, administrative decentralisation (delegation of decision-making power) and deconcentration of resources. Steps are already being taken to address the bureaucratic constraint of dual subordination, whereby lower level government departments (provincial level and below) are responsible to both the provincial governor and to the relevant line ministry. While in theory, these two bodies should operate in concert, in practice conflicts of interest have frequently undermined the implementation capacity of lower level departments.

Administrative decentralisation is the responsibility of individual ministries and is unfolding at an uneven pace across ministries. Mozambique has inherited a highly centralised bureaucratic system, in which decisions are generally taken at the highest level possible rather than the lowest. Lack of clarity over the appropriate level of decision-making authority has frequently led to conflicting decisions being taken at different levels (for example over land allocation), all with apparent legality. Administrative decentralisation according to the principle of subsidiarity will influence decisions over wild resources, although the impact of this change will vary from one administrative division to another.

Deconcentration of resources also falls under the responsibility of individual ministries. In the case of the Ministry of Agriculture and Rural Development, this process will be reinforced by the multi-donor ministry investment programme, PROAGRI. Standardised accounting and personnel management systems must be put in place prior to the devolution of financial and other resources. This should process should influence access to wild resources by enhancing lower level implementation capacity.

Finally the Wildlife Department, currently within DNFFB, is set to move to the Ministry of Tourism in recognition of the importance of the wildlife resource for the tourism industry in Mozambique. The impact of this change on access to wild resources, integrated management of forestry and wildlife resources and links to rural development is as yet unclear.

3.3 Current policy debate

In the 1990s, Mozambique saw a period of major policy change at both the macro-political-economic and sectoral level (including a new constitution favouring the free market and decentralisation, multi-party democracy, new policies on land and forestry and wildlife) and the development of new legislation to formalise these policies. The current policy debate now relates mainly to the shortfalls exposed by field initiatives between the larger vision of the new policies and their implementation mechanisms. Unlike the earlier policy debate, which was driven largely by donors and international NGOs drawing on experience elsewhere in the region, this phase of the debate has emerged internally based on recent practice and experience in Mozambique.

The new Forestry and Wildlife Law and the draft regulations are vague in terms of implementation issues, and major policy questions remain:

- What simple, cost-effective and practical mechanisms exist to enable the rural poor, ‘communities’ and their partners to claim secure and exclusive rights to use and benefit from wild resources for subsistence and commercial purposes?
- To what extent do local communities and/ or their members lose access to wild resources through CBNRM projects, and what mitigation options can be developed to address this?
- How can these mechanisms be designed to provide sufficient incentives to manage wild resources in a sustainable way and to play the monitoring and enforcement role in support of national law enforcement officers as envisaged in the new legislation?
- How to develop the institutional capacity and motivation to implement new policies, together with the willingness to adapt to change, in both state institutions and civil society?

With respect to implementation of the Land Law, this type of implementation issue was resolved in a comprehensive technical annex. For the Forestry and Wildlife Law, no such technical annex is planned

although DNFFB has published a number technical notes which address some of these questions (see for example, Mansur (1997) and Matakala (1999)).

3.4 Policy history

The recent history of wild resources policy development can be categorised into four main overlapping trends:

- Increasing pressure for forestry and wildlife concessions from private sector investors;
- Growing practical field experience of community-based conservation initiatives;
- Development of large-scale institutional strengthening programmes;
- Formal policy and legislative development.

3.4.1 Pressure for concessions

The 1992 Peace Accords and the relatively peaceful conduct of Mozambique's first multi-party elections in 1994 prompted a scramble by private sector investors (mainly foreign investors in partnership with Mozambican nationals) to secure concessions over forestry and wildlife resources. This division of the spoils raised some concern within government and led to pressure from some private investors and donors for revision of the investment framework for wild resources (especially wildlife) to encourage sustainable management by the private sector. Development of the investment framework has proceeded slowly. Short-term concessions have been awarded in the meantime but, with insecure rights over resources, the actual rate private sector investments has fallen below commitments.

3.4.2 Practical experience

Since the 1994 elections, international donor funding has become increasingly available to support community-based conservation projects. In 1994, the Ford Foundation committed funds to Tchumo Tchato, a project aimed at testing the replicability of CAMPFIRE-type approaches in Tete Province on the Zimbabwe border. (This was made possible through a ministerial decree which overrode legislation to allocate a proportion of trophy fees to local communities.) In the same year, the EC awarded substantial funds to the ongoing Bazaruto National Park project and to rehabilitation and management of Gorongosa National Park. In Bazaruto, a new strategic approach was adopted, shifting project focus further towards co-management of the protected area with resident communities. In Gorongosa, these funds enabled the posting of a DNFFB field officer who took practical measures to enhance relations with involving local populations, for example involving traditional leaders in law enforcement and allowing local people to access wild resources in the Park during a period of food insecurity. (Both initiatives were technically illegal.) This phase, in which the initiative was being taken in the field often remote from Maputo, has been described as a

'bubbling up' of field-level experience, in contrast with the more top-down character of policy development elsewhere in the region (Anstey, 2000a).

1997 saw the start-up of two large-scale programmes to support institutional strengthening in DNFFB with an emphasis on community involvement in conservation (the Transfrontier Conservation Area and Institutional Strengthening project financed by the GEF through the World Bank, and the Support to Community Management of Forestry and Wildlife project financed by the Dutch through FAO). Although the major part of funding from both programmes has been allocated to institutional strengthening, they also support field activities in Maputo, Gaza and Manica Provinces (TFCA) and Maputo and Nampula Provinces (Dutch/ FAO). The experience in the Chimanimanis in Manica Province, has been particularly promising. This project has adopted a low key, long-term approach, and has benefited from consistent staffing and relative isolation from the politics of Maputo.

3.4.3 Programme development

Preparation of the TFCA and Dutch/ FAO projects took place mainly during 1995-7. Preparation of the TFCA project, in particular, involved a review of DNFFB's policies on partnerships with both communities (drawing on lessons from Tchumo Tchato) and the private sector, studies of local use of wild resources, and the development of a management plan for Maputo Elephant Reserve which aimed to involve communities. During the same period, further studies and management plans were undertaken in Niassa Reserve and Gorongosa. A community management unit was established in DNFFB during this time, but collapsed through general staff shortages and lack of internal support. (A new community management unit with significantly improved staffing levels has since been established with funds from the Dutch/ FAO project.)

3.4.4 Policy and legislation

Formal natural resources policies and legislation were revised from 1995 with increasing impetus from 1997:

1995 – Land Policy

1997 – Land Law

1997 – Forestry and Wildlife Policy

1998 – Land Regulations

1999 – Forestry and Wildlife Law

1999 – Land Technical Annex

2000 (?) – Forestry and Wildlife Regulations

Implementation of the revised land legislation is now underway. As anticipated, implementation capacity is low, and in some areas political will is also weak. The process of implementation has revealed some difficulties, discussed in the section on access to wild resources. Implementation of the forestry and

wildlife legislation should proceed following the approval and publication of the Regulations which provide some detail on how the Law should be implemented (although these remain vague). The practical experiences described above have already revealed difficulties in terms of shortages of implementation capacity and political will and in terms of identified practical mechanisms to promote sustainable management of wild resources which contributes to rural livelihoods (as discussed in the section on the current policy debate). It is not clear to what extent these lessons will influence policy implementation, especially in the absence of a technical annex to the Forestry and Wildlife Law which could provide guidance on implementation and be updated on a regular basis.

In Mozambique, CBNRM narratives have played an important role in driving the process of policy change. But these narratives have been externally sourced, rather than derived locally. They have been used successfully by government agencies and international NGOs to secure substantial international funds to promote CBNRM in Mozambique. In the context of extremely weak institutional resources and limited field experience, the majority of spending has so far been directed towards institutional strengthening rather than field components. Site selection for field activities has had to respond to a number of political criteria beyond those identified in theories of CBNRM. (For a fuller discussion of the history of policy development for wild resources, see Anstey 2000a)

3.5 Key players

The main government agency involved in defining access to wild resources is DNFFB, which is responsible for promoting and regulating commercial forestry and wildlife activities, community forestry and wildlife management, and conservation of wild resources. This combination has advantages in terms of enabling an integrated approach to forestry and wildlife management (at least in theory), but disadvantages where conflicts between commercial, community and conservation interests are resolved internally without wider debate, usually by the National Director (conventionally a commercial forester) under pressure from interested donors. The majority of senior staff in DNFFB were trained as conventional foresters, and their practical field experience has been limited by conflict in large areas of Mozambique since the 1970s. Senior staff in the Wildlife Department are mainly more recent graduates of veterinary sciences with similarly field experience (Anstey, 2000a). An important step in the institutional strengthening of DNFFB will occur when staff with a wider range of disciplinary backgrounds and greater field experience (especially in initiatives involving local people) move into senior positions.

There is no overall programme for community management of wild resources in Mozambique (such as CAMPFIRE in Zimbabwe or LIFE in Namibia), but a series of individual initiatives implemented through different agencies, national or international NGOs with funds from different donors (Anstey, 2000a). Since 1997, the Community Management Support Unit has played a role in developing procedures for community management and in sharing information between different initiatives.

Various faculties of the University of Eduardo Mondlane (in particular Forestry Engineering and Biology) and DNFFB's semi-autonomous research arm, CEF, have also played a role in policy development, often through consultancy-type arrangements. International NGOs, in particular IUCN and WWF, have strongly emphasised community conservation approaches and have sourced funding for initiatives such as Chipanje Chetu and the management of Gorongosa and Bazaruto National Parks. Influential donors investing in the management of wild resources include the World Bank (Transfrontier Conservation Areas and Institutional Strengthening project with GEF funds), the EC (start-up phases of the management of Gorongosa National Park) and the Dutch (Support to Community Management of Forestry and Wildlife).

Crucial actors, often overlooked, are those Mozambicans who have been mostly directly involved in innovative field initiatives, such as Tchumo Tchato, management of Gorongosa National Park, and Chipanje Chetu.

3.6 Participation of the poor in the policy process

Direct participation of the poor in the development of new natural resources policies has been extremely limited. Indirect participation, through the mediation of those who seek to represent them in the NGO and academic sphere, has been stronger for land policies than for forestry and wildlife policies. At a first glance, the consultation processes used in the development of the two sets of policies and legislation were broadly similar. However, there appear to have been significant differences in:

- the level of commitment to participation (of all stakeholders) by those leading the processes and the time allocated to consultation;
- the understanding of the issues involved (the Land Law had previously been revised as recently as 1987 and there was an existing body of research on land issues, while the Forestry and Wildlife Law had not been revised since the colonial period and understanding of relevant issues was more limited);
- the interest of NGOs and academics of engaging in the policy debate.

A more detailed comparison of the two processes would reveal further significant differences with lessons for future policy development processes. A major concern in both the land and forestry and wildlife sectors remains the internal organisation of communities and the representativeness of their decision-making structures. Further research is needed to investigate whether these structures effectively represent the needs of the poor.

It is hoped that, as the many small CBNRM projects mature, this will encourage the emergence of a number of CBOs able to articulate local concerns regarding wild resources management. However, in the absence of a national CBNRM programme or clear field to policy-level feedback channels, it is unclear how such groups will be able to influence policy-making.

The NGO sector in Mozambique is still characterised by the dominance of international NGOs and the very weak national NGO sector. There is one national NGO, ORAM, specifically focussed on land tenure issues and with activities in seven out of ten provinces. In addition, Forum Terra has recently been created out of a loose affiliation of NGOs working together as Campanha Terra to disseminate the new land legislation. There are no national NGOs working on wild resources issues at a similar scale, although IUCN has an important role to play in bringing together those smaller NGOs which do exist in a forum which also includes relevant government agencies.

3.7 Key issues for further work

Key issues for further work include the following:

- The strengths and weaknesses of the Mozambique approach to CBNRM, involving many, varied and generally small initiatives, in comparison to the model elsewhere in the region of single, centrally-coordinated and policy/ legislation driven programmes (such as CAMPFIRE in Zimbabwe and LIFE in Namibia).
- The politics of community conservation – the interaction of real politics, democracy, transparency and civil society – and how these influence the actual development of policy and practice.

Further research designed to contribute to debate on the policy issues outlined above would also be valuable.

4 ACCESS TO WILD RESOURCES: NAMIBIA By Brian T. B. Jones

4.1 Definition of Wild Resources

In Namibia wild resources refer to a wide range of undomesticated resources derived from a variety of habitats, including wood and fruits from trees, thatching grass, roots and tubers, game species, insects etc.

4.2 Access to wild resources by the poor

Namibia still suffers the legacy of South African colonial rule and the imposition of apartheid policies which determined access to land and resources. At independence from South Africa in 1990, 40.8% of the land had been allocated to black homelands which supported a population of about 1.2 million, while 43% had been allocated to mostly white commercial farmers. 13.6% was allocated to conservation and a small percentage was unallocated land. The former black homelands are now recognised as communal lands to which rural residents have access for the use of the land and its natural resources (although communal land ownership is vested in the State). Some resources such as wildlife and forestry have been subject to strict state controls and communal area residents had little or no (legal) access to these resources.

In many cases traditional mechanisms of land and resource allocation and management have broken down. Under South African colonial rule, land allocation was the function of government officials, but in practise, traditional leaders believed that the land was owned by the chief or king and allocated land in terms of customary law (Corbett and Daniels 1996). However, a number of factors, including post-independence government policy, have eroded this *de facto* allocation of land by traditional leaders. The erosion of the power and status of traditional leaders has contributed to the development of 'open access' situations on much of Namibia's communal grazing land. There is much diversity in management regimes, however, reflecting the strength or weakness of traditional authority in different parts of the country. In the eastern and northern communal lands the illegal fencing of land by wealthy individuals has become prevalent. Government has taken a public stance against this practice, but does not enforce its own ban strongly, probably because officials and politicians are among those who benefit. The fencing of communal land is placing additional pressure on the poor who depend on access to land for survival.

In different parts of the country, the extent of management of resources such as veld products and fisheries is varied. Often there are local rules which are fairly well adhered to, but it is difficult for residents to keep outsiders from overexploiting local resources.

4.2.1 Land:

Namibia is planning to introduce a system of land boards to allocate and administer land similar to the Botswana model. A Communal Land Reform Bill (GRN 1999a) which makes provision for land boards, has been held up in the second chamber of Parliament because of widespread criticism of some its provisions. Critics argue that it does not deal adequately with the fencing issue, does not address group tenure and that there has not been sufficient consultation.

4.2.2 Wildlife and tourism:

In 1996, the Namibian government introduced legislation (GRN 1996) which provides for rights over wildlife and tourism to be given to communal area residents who form a “conservancy”. In order to form a conservancy, a community needs to define its membership, define its physical boundaries, elect a representative committee, agree on a plan for the equitable distribution of benefits and adopt a legally recognised constitution. A conservancy gains the same rights over wildlife as a freehold farmer. Provision was also made for another institution called a Wildlife Council to be initiated by Ministry of Environment and Tourism (MET) officials which would operate at a more regional level and initiate development activities on behalf of residents. Since 1996, 10 communal area conservancies have been registered by government, but no Wildlife Councils have been formed.

The MET has prepared a Tourism Act to provide for better coordination and regulation of the tourism industry in Namibia. This draft Act specifically provides for conservancies to be given concessionary rights over tourism activities. It states that, upon declaration of the conservancy by the Minister, the conservancy committee will "acquire all rights to operate or lease tourism concessions within the conservancy, for the benefit of the members of the conservancy" (MET 1996, 11).

The MET has also recognised the need to update its policies and approaches to protected area management, bringing them in line with modern ideas which take into account the human and social aspects of protected area management. The proposals make provision for involving neighbours and people resident in protected areas in park planning and management, sharing resources and benefits with neighbours and residents, providing economic opportunities based on wildlife utilisation and tourism for local people and linking protected areas with local land uses and regional economies. During mid-1999, the Cabinet approved new proposals from MET on the development of the Caprivi Game Reserve. There are several thousand people living within the reserve who have been encouraged by MET and NGOs to form a conservancy-like body. There has always been a question mark over the rights that these residents of the reserve would enjoy as the conservancy legislation prohibits the establishment of a conservancy within a protected area. A new national park will be proclaimed, with a large part of the central area redefined as a multiple use area. The whole park will be free of cattle, but within the multiple use area people will be able to keep small stock and

grow crops. Although they will not be able to form a conservancy, they will gain concessions over tourism and hunting. The involvement of residents in the management of the park has not yet been decided. MET will request the residents to define their own management vision for the multiple use area and how they would like to see development take place. Conservancies will be asked to submit proposals for tourism development within the protected areas. MET has agreed that each conservancy should be allowed to develop a tourism facility in areas of the parks adjoining the conservancy.

In terms of the conservancy legislation, communities are self-defining and do not correspond to any government administrative units. Within conservancies (which are unfenced), communities carry on all their existing land uses and livelihood activities. They simply have wildlife and tourism as additional options. SAN people in one part of the country (the old Bushmanland homeland) used to have subsistence rights as part of an administrative policy decision by MET. Even with the establishment of a conservancy in the area, they have retained these rights and the conservancy is supposed to monitor use and impose restrictions on individual use if necessary.

In both Namibia and Botswana, the main ongoing threats to sustainable access to wild resources by the poor include:

- land grabs by the elite and wealthy,
- unsatisfactory land tenure arrangements (state ownership, no group exclusivity),
- large state holdings of forest and game reserves, and the propensity of government to approve large development projects (sugar cane, cotton cultivation etc.) or commercial use of resources (especially timber) on communal land - the land is state owned, but communities have resource use rights and traditional claims to ownership.

Some communal areas (such as the Kunene Region and Caprivi) have better wildlife and scenic attractions than most freehold farming areas, but in most cases the communal areas are in the most marginal livestock or agricultural areas.

4.2.3 Forest resources:

In 1996 the Directorate of Forestry (DoF) produced a Namibia Forestry Strategic Plan (MET 1996), which aims to provide local communities with clear long-term usufruct rights to forest resources as an incentive for communities accepting management responsibilities. "In practice this implies that Government should a) grant custody of forest reserves to local communities or user groups, b) provide them with assistance to use it in a sustainable way for multiple uses and c) grant them permission to extract royalties from outside users".

The strategic plan makes provision for Government, in collaboration with local people, to develop land use plans for community forest areas that will include protection zones where there will be no extraction of forest products, utilisation zones where sustainable extraction will be permitted, and conversion zones where intensive use by local communities will be allowed. Communities will be expected to enter into a formal forest management agreement with DoF. The strategic plan adopts a cautious approach to community involvement stating: "***The process of devolving Government responsibility of managing natural forest should take place gradually and be subject to monitoring.***" [Original bold italics].

Subsequent to the development of the Forestry Strategic Plan, DoF embarked on a new consultative policy review. The new draft policy views resource ownership as critical for preventing forest degradation. It envisages giving resource tenure over forests to communities in conjunction with the possibility of groups gaining leasehold tenure over land in accordance with the National Land Policy. The policy provides for links to wildlife conservancies through enabling the setting of allowable harvests of forest products and providing for fire control in the management plans of conservancies.

DoF has also developed a draft Forest Act which makes provision for the establishment of various types of "classified forest" area including a category of community forest. The approach is similar to that of communal area conservancies. Within MET a policy decision has been taken that separate conservancy and community forest committees should not be created within one community, but the two approaches should be integrated. The draft Act enables the Minister to enter into an agreement with a body representative of the local community providing for the creation of a community forest. The agreement should:

- a) identify the boundaries of the community forest
- b) include a management plan
- c) specify the rights which inhabitants are entitled to in relation to grazing of animals, harvesting and use of forest produce and the collection and distribution of revenue derived from the community forest
- d) appoint the body to be the management authority for the community forest and require the management authority to manage the community forest in accordance with the management plan
- e) provide for equal use of the forest and equal access to the forest produce by members of the communal area where the community forest is situated
- f) provide for the investment revenue derived from the community forest and for the distribution of any profits.

Residents in or near a community forest may use the produce from the community forest for household fuel or building material for their own use. Otherwise forest produce may not be used unless authorised by the community forest management plan or a government licence. The Minister may appoint an appropriate person from the community forest management authority to be a licensing officer. Subject to a relevant management plan, the Director of Forestry will have the right to determine the maximum quantity

of forest produce which may be harvested from a forest reserve or a community forest and the maximum quantity of produce that may be harvested for household use.

Regulations drafted to accompany the proposed legislation provide more detail about the nature of a community forest and the application process. An application must be accompanied by:

- i) the names, identification numbers and addresses of the members of the management body
- ii) endorsement of the community forest and its boundaries by the relevant traditional authority
- iii) a register of the names, addresses and identification numbers of the people represented by the management body and a signed statement by these people that they will abide by the provisions of the management plan
- iv) the constitution of the management body (The regulations prescribe certain provisions which must be contained in the constitution. These are very similar to the prescriptions contained in the regulations governing conservancy applications. See above.)
- v) a procedure for dispute resolution
- vi) a procedure for the amendment of the constitution
- vii) a copy of the draft management plan for the community forest
- viii) the name of the treasurer of the management body and details of his/her experience
- ix) a survey diagram or sketch plan of the boundaries of the community forest
- x) the written recommendation of the Director

4.2.4 Institutional issues:

The conservancies, as newly established community institutions, have come into conflict with existing and other emerging institutions (Jones 1999a). In some cases, the emergence of conservancies has shifted *de facto* authority and influence away from traditional leaders, who have tried to resist this. In others, traditional authorities have delegated authority over natural resource management to the conservancy committee and there are good working relationships between the two (Jones 2000). In some areas, conservancy committees have been challenged by newly formed development committees (under the Ministry of Regional, Local Government and Housing) and youth committees (under the Ministry of Youth and Sport).

Draft forestry legislation (MET 1997) makes provision for community institutions similar to conservancies to be established to manage community forests. Draft water legislation (GRN 1999b) provides for community water associations and water point committees. These institutions also have similar attributes to conservancies. There is therefore considerable scope for communities to begin to integrate resource management within one community institution, but at the same time there is also the risk that each sector goes about promoting the development of separate single resource-based institutions. An integrated CBNRM policy would address this, but is probably unlikely given the degree of sectoral territoriality.

4.3 The current policy debate

The following are the key issues in the current policy debate:

4.3.1 Land policy

The Communal Land Reform Bill does not specifically provide for group tenure over land although this is provided for in the National Land Policy. This is viewed by various representative groups (e.g. Namibia National Farmers' Union, Namibia Association of Non Governmental Organisations) as a crucial flaw. These groups also argue that the Bill does not deal adequately with the problem of illegal fencing of communal land. They would like to see greater consultation at local level before the Bill is re-introduced into Parliament. Government has argued against specific provisions for group tenure on the grounds that this will recreate an *apartheid* homeland system.

The establishment of Land Boards in terms of the Bill would appear to diminish some of the existing rights of conservancies, although there is provision for conservancies to be represented on the boards. Whereas conservancies currently enjoy direct rights from the Ministry of Environment and Tourism (MET) over trophy hunting and tourism, under a land board system, they would have to apply for leases from the land board. Unless a policy decision is taken (as in Botswana) to allocate certain leases to communities rather than directly to the private sector, conservancies could lose access to tourism and hunting. The introduction of a lease system would be retrograde in terms of current policy and legislation and weaken existing tenure (Jones 1999b).

4.3.2 Appropriateness of conservancies as natural resource management institutions

Conservancies are not necessarily the appropriate institutional mechanism for managing wildlife and other natural resources in all areas or all sets of circumstances within Namibia (Jones 1999c). In some parts of northern Namibia settlement patterns, seasonal and migratory grazing regimes, overlapping resources rights and sheer numbers of residents arguably render the conservancy approach inappropriate. For conservancies to work, there needs to be a community of residents who have access to the same land and resources and which is small enough and cohesive enough to take decisions over the land and resources. In some areas in the north, some of the cattle owners who use certain grazing lands are wealthy non-residents from 100 km away. These cattle owners have different land-use expectations to many local residents who are poor and have few cattle and see jobs and other diversification opportunities in wildlife and tourism. For the cattle owners, wildlife and tourism are unimportant livelihood strategies, as they have diversification opportunities

in urban-based businesses. Legislation therefore needs to provide for additional institutional mechanisms apart from conservancies.

While the requirements to form legally recognised organisations are onerous, they aim to ensure equity and that committees are representative. Communities have gone to great expense and effort to register every individual conservancy member. This can be time consuming, but is important in terms of accountability and benefit distribution. In both Namibia and Botswana, delays are often caused by the slowness of government response to requests for recognition, approval, and quotas. In most communities, it is only the conservancy and trust committee members who have a good understanding of the constitutions that are required, and even then there will be committee members who are not too sure what the constitution involves. The constitutions would appear to be hoops to jump through to gain recognition as a legal entity, but it is questionable how useful they are to the general community member. Their true value will be revealed when a community member uses the constitution to challenge the actions of a committee.

4.3.3 Issues of appropriate scales of social and ecological management units

In other cases it has proven difficult to develop the necessary social cohesion to overcome internal differences in order to manage wildlife and tourism resources co-operatively (Jones 1999d). In these circumstances it might be necessary for smaller units of people to co-operate and be given rights by government. They could then co-operate as independent units with similar rights to manage wildlife and tourism over a larger geographical area. (Particularly in the more arid regions of Namibia, wildlife moves over large areas in search of seasonal water and grazing. It is therefore necessary to take a regional or sub-regional approach to management). This approach would be possible under Namibian legislation because communities are self-defining.

4.3.4 Tourism concession rights

The legislation making provision for conservancies only indirectly gives rights over tourism concessions to conservancies, because the legislation deals essentially with wildlife and not tourism. The draft Tourism Act does provide for conservancies to be given concessionary rights over tourism activities. However, at the same time, care needs to be taken not to stifle opportunities for individual entrepreneurs within conservancies. There is a need to address issues of the common property (land and resources) of the group while acknowledging the rights of individuals. (In some areas, individual businessmen have claimed that conservancies are preventing development and are trying to dictate who may run a tourism business and who may not).

4.3.5 Government control

The Namibian CBNRM approach places considerable emphasis on community proprietorship, control and empowerment as strong incentives for sustainable management of natural resources. However, in a number of important respects, government is reluctant to relinquish control. This could have a significant impact over the long term if not addressed. Communities are likely to take the view that the devolution of authority over wildlife and tourism is in fact a sham. For example, the conservancy legislation is based on the legislation that gives rights over wildlife to freehold farmers. These farmers are able to shoot species designated as huntable game for own use without a permit and without a restriction on numbers. The conservancy legislation gives the same right to conservancies, but the MET sets a quota and insists on communities applying for a permit. In Caprivi recently, the MET issued new hunting concessions to the private sector, ignoring the fact that several conservancies were due to be registered.

4.3.6 Integrated resource management institutions

The development of community-based approaches within other sectors than wildlife has been welcomed by CBNRM stakeholders, but there is also concern that there will be a duplication of sector and resource specific committees established in the same communities. While the institutional arrangements provided for in sectoral legislation are compatible (e.g. similar attributes to committees and similar conditions for obtaining rights) there is little co-operation between sectors in terms of implementation. There needs to be greater policy direction in terms of working through existing institutions set up by another sector and in terms of unified extension activities. (Jones 1999b)

4.4 Policy histories

The Namibian CBNRM policy and legislation is different from that in Zambia (ADMADE), Zimbabwe (CAMPFIRE) and Botswana in that it was specifically designed to give communities rights over wildlife and tourism. In the three other countries, those implementing CBNRM used or adapted existing policy and legislative provisions. In Namibia a policy document was first developed by the Ministry of Environment and Tourism and approved by Cabinet. It was then followed by legislation designed to give effect to the policy. The draft policy and pilot projects were in progress *before* any major donor funded CBNRM programmes were established in Namibia.

Another significant difference is that the development of policy was preceded and then accompanied by a series of participatory consultations (socio-ecological surveys) with communities. These surveys identified key issues and problems from a community perspective concerning wildlife, conservation and rural development. They resulted in identifying solutions and developing joint action plans between government, communities and NGOs. They also resulted in the recognition that for local communities to fully benefit from wildlife and tourism there needed to be a change in policy and legislation.

A parallel approach was adopted which developed community-based projects at local level while working on policy and legislative change at national level. These activities developed into a national CBNRM programme involving a number of partners. The community projects that resulted from the socio-ecological surveys acted as pilots for the overall approach, helping to develop and test methods of community mobilisation and organisation, benefit distribution plans, partnerships with the private sector, etc. The experiences of these projects helped feed back into the development of policy and legislation which resulted in the passing by Cabinet of the Policy on Wildlife Utilisation and Tourism in Communal Areas in 1995 and the Nature Conservation Amendment Act in 1996.

Amongst the partners in the national CBNRM programme, Government played a key role in initiating the reform of policy and legislation and in providing information and extension support to communities wishing to form a conservancy. NGOs provided the capacity building and facilitation support to assist communities develop new representative institutions and business enterprises. A public interest legal firm has assisted communities in developing their conservancy constitutions and negotiating contracts with the private sector. The development of policy, legislation and practise was therefore grounded in experiences at grass roots level and was not the product of theorists and planners removed from practical implementation issues. Policy arose as a response to needs identified by communities, not just government officials. Policy and legislation benefitted from the opportunity for debate and discussion among a variety of stakeholders and affected parties.

At the same time, however, policy was also affected by conflicts within the MET. The development of policy was being led by a small policy and environmental directorate, the Directorate of Environmental Affairs, but the development of legislation had to include the Directorate of Resource Management (DRM) which would be responsible for implementing it. The DRM for a number of reasons had not been very committed to CBNRM approaches and senior personnel had not been exposed to CBNRM theory or the lessons learned from the field. When they did engage in helping to design the legislation, there were delays as key issues had to be debated and explored. This resulted in certain compromises (such as the provision for the poorly conceptualised Wildlife Councils) which fell short of the ideal (Jones 1999e, Jones and Murphree forthcoming).

Other influences on the development of the policy include:

- i) The body of theory that had developed around the design and implementation of common property resource management institutions and regimes. This helped answer some of the questions of how to devolve proprietorship to a group of individuals over a common resource on land owned by the State.

- ii) The experiences of neighbouring countries, particularly Zimbabwe and its CAMPFIRE Programme provided the policy drafters with some models to follow and to avoid. Of particular importance was the CAMPFIRE experience of the mismatch between the unit of authority (Rural District Councils) and the producer unit (smaller localised communities) and the distortions of benefit distribution that resulted. CAMPFIRE personnel also advised the MET to avoid a division of revenue between Government and community as this would represent an inequitable tax on wildlife as a landuse.
- iii) The policy drafters also drew upon an existing MET Policy on commercial area conservancies (MWCT 1992). This promoted the collaboration of individual freehold ranch owners in managing wildlife collectively across their farms. The policy envisaged extending the approach to communal farmers, but did not address the fact that while individual freehold ranchers already had rights over wildlife, these were still denied commercial farmers. This problem was overcome by the policy drafters by making the formation of a conservancy the mechanism by which communal area residents could gain rights over wildlife.

The original intention of the conservancy approach was that it should embrace all natural resources (MET 1995). This was not really possible to achieve within the bounds of the wildlife legislation. CBNRM national programme partners have worked with the other sectors (water and forestry) in helping to devise compatible approaches, although as mentioned in section 3. above there needs to be greater integration at implementation level. The CBNRM partners have also worked with other agencies to try to influence the Communal Area Land Reform Bill.

The following are the major milestones in the development of Namibian CBNRM policy:

- From 1990-92 the newly created Ministry of Wildlife Conservation and Tourism (MWCT) carried out with Integrated Rural Development (IRDNC) and other NGOs a series of participatory "socio-ecological surveys". They led to the development of several localised community-based conservation projects, within the existing policy and legislative framework. Government officials and Namibian NGO partners realised that policy and legislation must change for these projects to be successful.
- 1992: MWCT developed first draft of new policy providing for rights over wildlife and tourism to be given to communities that form a common property resource management institution called a "conservancy".
- 1993: Living in a Finite Environment (LIFE) Programme brought major donor support (USAID) to CBNRM in Namibia. Evolution of a 'National Programme' involving a partnership between MWCT, government, NGOs and rural communities.

- 1995: Cabinet approved the new policy for communal area conservancies. Work began on drafting legislation to put the policy into effect.
- 1996. Parliament passed new legislation.
- 1997: First communal area conservancy gazetted.
Draft Forest Act makes provision for community-based forest management
- September 1998: Official public launch of Namibia's Communal Area Conservancy Programme by President Nujoma
- 1999: Start of 2nd phase of LIFE Programme for a further four years
Communal Land Reform Bill recognises communal area conservancies, but creates potential conflicts of approach
Third draft of Rural Water Supply Management Bill providing for Community-based Water Point Associations and Committees
- By mid 2000, 10 communal area conservancies gazetted, three community forest areas and numerous community water point committees established

4.5 Key players – actors and networks

The early influences on policy development came from the work carried out by the NGO, Integrated Rural Development and Nature Conservation (IRDNC) in the north west of Namibia led by Garth Owen-Smith and Margaret Jacobsohn. Their work with local leaders, community game guards and community-based tourism projects in the mid to late 1980s demonstrated the viability of community-based approaches to natural resource management. Their work also demonstrated that local residents and community leaders were willing to take on responsibility for conserving wildlife before there was any prospect of significant financial benefit (Jones 1999e).

The government agency that initiated the socio-ecological surveys and policy and legislative reform was the Directorate of Environmental Affairs in the MET, under the then leadership of Dr Chris Brown. The author of this paper was responsible for co-ordinating the policy and legislative reform process. He is now a consultant but is still involved in policy analysis (see bibliography). The DEA worked in close partnership with the NGO, IRDNC and later with the broader CBNRM partnership within the national programme (including the LIFE Project).

Within the MET, responsibility for CBNRM has currently shifted to the Directorate of Resource Management. There is no specific person responsible for policy issues and this falls to John Hazam, a USAID-funded CBNRM advisor to the Director. The lead in future is likely to be taken by the CBNRM Association of Namibia (CAN). The director is Karl Aribeb, a Namibian who formerly worked for the LIFE Project. CAN is made up of the CBNRM implementing partners and includes NGOs, CBOs and the MET. It

provides direction for CBNRM approaches and constitutes a national CBNRM network. It is still mainly wildlife and tourism based and needs to include other sectors more fully.

4.6 Participation by the poor in the policy process

Community representatives took part in a major policy workshop held by the new Minister of Wildlife, Conservation and Tourism shortly after independence. The rural poor were able to participate directly in the policy process through the socio-ecological surveys that were held by the conservation authorities. These surveys provided a platform for local residents to give their views about what was right or wrong about existing conservation approaches. They said they wanted the same rights over wildlife and tourism as the freehold farmers. The surveys enabled officials to realise that major changes needed to be made to the existing policy and legislation. There was feedback to communities through local committees and community meetings as the policy was being developed. NGOs also acted as intermediaries for articulating community interests. Ongoing work at the community level also emphasised the need for communities to agree on mutual boundaries before forming conservancies, on the need to be flexible so that the policy could allow for differences in social organisation in different parts of the country, and the need to accept that conservancies might shrink or grow as social units try to work together and succeed or fail.

Now, the main channel for community involvement will be through the conservancy committees, which are expected to form their own advocacy association that will represent their interests to government, NGOs, donors. Conservancy committees also participate in national events such as the national CBNRM conference which debates policy issues. They might also pressure government through the courts, for example over the government's continued control over permits for huntable game. The extent to which the poor will be properly represented will depend upon the extent to which the committees are properly representative of and accountable to local residents. If conservancy committees are captured by elites, then the poor will not have a strong voice, if any.

4.7 Key issues for future work

4.7.1 Monitoring the voice of the poor

Considerable efforts have been taken to ensure that as far as possible Namibian conservancies develop as representative and accountable community institutions and that the poor will have a voice and be beneficiaries. However, the extent to which the conservancies are in fact representative and accountable and the extent to which the poor have a voice and gain benefits, needs to be researched and monitored on an ongoing basis.

4.7.2 Research on the policy and institutional opportunities for integrated resource management

Research is needed on the extent to which integrated management takes place through coalescent community institutions or whether a plethora of resource specific community committees is set up by competing government agencies. At the same time research is needed on the appropriate levels of management for specific resources (e.g. wildlife and tourism over a whole conservancy, water by people living near to a water point) and what are the appropriate relationships between these different levels and their institutions. A pilot project exists in north west Namibia where government agencies, NGOs and donors are trying to coordinate provision of services through meeting the needs of the community's own development vision. A farmers' association and the conservancy committee are closely linked local institutions that are driving formulation of this community vision.

4.7.3 Tracking the success of the policy intervention

The Namibian conservancy policy and legislation was specifically designed to provide communities with rights over wildlife and tourism in line with common property resource management institutional design principles. Research is needed to track the success of the policy in achieving its aims and objectives. Has it created the right incentives for sustainable management? Even if it has, is government really letting go of control and what effect does this have on the policy implementation? The policy strategists had clear objectives when the policy and legislation was designed. How does the achievement of these objectives get distorted in the process of implementation and reinterpretation of policy through practice (or even neglect) by officials and bureaucrats? How does the policy evolve through this process? What are the implications of new thinking concerning common property resource management for the evolution of the policy? Does it/can it/need it respond to new thinking about how tenure is secured through ongoing social and political processes rather than through a set of laws or rules (Cousins 2000)?

Already experience has shown that the approach is not necessarily appropriate for all Namibian circumstances. What other policy and institutional options are there?

5 ACCESS TO WILD RESOURCES: SOUTH AFRICA By Sheona Shackleton and Christo Fabricius

5.1 Introduction

This background paper briefly outlines the policy, legislative and institutional frameworks affecting access to wild resources by the rural poor in South Africa. Following a definition of “wild resources”, issues relating to access to and governance of natural resources under different tenure regimes, both historically and following the democratic transition in 1994, are discussed. Current policy debates and key areas requiring attention to broaden access to resources and to ensure their sustainable management are also highlighted. The objectives of this paper are to:

- a) provide a practical working definition of wild resources;
- b) provide an overview of the role of governance processes, policies, legislation, institutions and organisations in determining access to wild resources by the poor;
- c) highlight key issues in the current policy debate;
- d) discuss factors affecting the current state of policy development;
- e) identify who has been able to influence the course of policy development and the participation of the poor in this process; and lastly
- f) list any additional key issues for further work.

2. Definition of Wild Resources

Wild resources can be defined as self-regenerating and naturally (usually freely) available indigenous and naturalised plant and animal species utilised by rural households. Their natural occurrence has prompted the use of the term “non-domesticated” by some authors (IIED 1997) as well as the more expansive “nature’s bounty” used by Cavendish (1999). Wild resources are seldom cultivated, although there are many references to rural households’ encouraging and nurturing these species. Where farming and cultivation does take place, this is usually externally driven and focussed on economically valuable species (e.g. medicinal bulbs, butterflies for collectors) which show declining availability in the wild. Non-renewable environmental resources such as sand, clay, water and stone are also often included under a broader definition of natural or wild resources.

Wild resources provide a diverse array of goods which contribute to household livelihoods either through being consumed directly (e.g. edible leaves, fuelwood), as inputs into other production systems (e.g. wood for agricultural implements), or by being converted into a range of products for household use or sale in the market place (e.g. baskets, mats, brooms). There is much evidence that these uses are of particular importance to the poorest sectors of rural society.

Wild resources are mainly extracted from common lands, and to a lesser extent individual home plots and fields. For this reason, they are frequently termed common-access resources and display the subtractability characteristics typical of resources held or used in common. This poses particular challenges for their equitable and sustainable management which are discussed later in this paper. Regulated access to selected wild resources also occurs under state or private tenure systems, in the case of the former often under a co-management regime.

5.2 Access to wild resources by the poor

The ability of the rural poor to access wild resources in South Africa is inextricably linked patterns of land ownership and tenure. This section examines historical and contemporary factors influencing land distribution as well as access to natural resources under communal, state and private property regimes. “Access” is interpreted broadly as both the ability to make use of or “physically” access resources, as well as more formalised and secure rights to and ownership over resources.

5.3 Macro-level policies and legislation influencing access to wild resources

5.3.1 Historical context: The process of dispossession and disempowerment

South Africa has a daunting history to redress in all spheres, not least in access to land and natural resources. Apartheid concentrated the majority of the rural population into only 13% of the country, disrupted rural livelihoods by creating “labour reserves” and a dependency on migrant remittances, eroded social structure and capital, disempowered local communities and institutions, deprived people of basic services and infrastructure, and prohibited blacks from owning property. All of this served to disrupt rural dwellers’ relationships with each other, their institutions and the natural resource base.

Historically, South Africa’s natural resources management strategies were severely regulatory and interventionist. Conservation policies adopted an exclusionist approach which focused on wildlife and set aside areas and resources in reserves. Removal of many hundreds of people from newly “protected” land, and the withdrawal of rights to make use of resources required for everyday existence set communities in conflict with these protected areas. This led to illegal resource exploitation, antagonism and hostility between protected area managers and dispossessed people, military like policing, increased pressure on resources outside of protected areas, a hardening of communities’ attitudes to conservation and finally, in some areas, land invasions. The “whites’ only” entrance policies of most conservation agencies further fuelled the situation.

Once the protected areas were proclaimed, little attention was paid to supporting the management of natural resources outside of conservation areas and particularly on communal land. The only interventions were those that were disruptive of rural life and that were resisted and resented by local communities, e.g. the

betterment (villagisation) policies of 1920s mainly implemented in the 1950s/1960s which zoned land into residential, agricultural and grazing areas. The importance of wild resources for rural livelihoods was not recognised and most rural development efforts focused on the agricultural sector, primarily on government sponsored farmers' schemes, few of which were successful. This neglect of resource management in communal areas has persisted through to present times (see Section 3.2).

In South Africa, areas with high wildlife /timber potential are generally controlled by the private sector or the state. South Africa has very limited timber resources except the yellow woods (*Podocarpus*) in the Knysna forests. These, although harvested commercially, are under strict state control and have been so for decades. In communal areas the concentration of people into limited lands by the apartheid government prohibited wildlife management even where agro-ecological conditions are favourable. Many communal lands are surrounded by state and private conservation areas. Generally SA communal areas have very little wildlife potential because of high population densities, a scarcity of land and highly converted landscapes. There are only about three or four conservation areas on communal land in SA. The following quote reinforces this: "... but in South Africa the semi-urban settlements bordering game reserves are often so large and so densely populated that opportunities for applying the CAMPFIRE model to generate significant benefits from communal resource rights are likely to be very limited" (Wells 1996).

5.3.2 Current policies: The move towards greater equity

Since democratisation in 1994, a host of new policies and legislation have been developed in South Africa that relate to the ownership, use and management of natural resources. These reflect the shift in the national goals of the country to redress past injustices and to improve the conditions and opportunities for those disadvantaged by the previous government. Thus, there has been much emphasis on policies that both provide communities with increased access to resources as well as a meaningful role in managing these. Indeed, with transformation, South Africa has entered a new era of conservation and environmental management where concerns for human rights, equity and sustainable development have become as important as biodiversity conservation (Wynberg and Kepe1999). Key elements of these new policies which affect access to wild resources are outlined.

5.3.2.1 International conventions

South Africa is signatory to a number of international conventions which advocate access to and sustainable use of biodiversity including the convention on the *Conservation of Biological Diversity* and the *Convention on Desertification*.

5.3.2.2 *Overarching policies*

The *Bill of Rights* in the *Constitution* emphasises the need to “secure ecologically sustainable development and the use of natural resources while promoting justifiable economic and social development”. The Constitution also makes provision for some of the previously centralised power of the state over environmental issues to be decentralised. Provincial legislatures are provided with authority to make laws regarding the environment and nature conservation, with the exception of national parks, national botanical gardens and marine resources.

The *Reconstruction and Development Programme* (RDP) (1994) formed the core of South Africa’s transformation process and, although it is no longer the responsibility of one ministry, it still forms the basis of current approaches and policies (IUCN 1999). The RDP stresses the need for equitable access to resources and services and participatory decision-making that empowers local communities to manage their own environment (Willis *et al.* 1999). A product of the RDP, the *Rural Development Framework* (RDP and DLA 1997), emphasises the need to improve income generation and employment opportunities in rural areas by broadening access to natural resources.

5.3.2.3 *Department of Water Affairs and Forestry (DWAF)*

- The *White Paper for Sustainable Forest Development in South Africa* (1996), the *National Forestry Action Programme* (1996) and the *National Forests Act* (1998) all aim to promote the sustainable use and management of the country’s woodland and forest resources. Principles such as gender equity, people-driven development, consultation in formulating and implementing policy, benefit-sharing, participatory management, and sustainable harvesting appear throughout these policy documents, demonstrating a commitment to ensuring increased community access and involvement. The National Forests Act specifically provides for:
 - The right of everyone to have access to state forests “for the purpose of recreation, education, culture or spiritual fulfilment”. While this right may be restricted by certain rules, it does provide for more equitable access to state resources and the indirect (non-use) benefits these provide.
 - Certain exemptions, particularly to local communities for activities such as those intended only for domestic, cultural, health or spiritual purposes. Commercial exploitation is not permitted.
 - A mechanism for legal agreements (*Community Forestry Agreements*) between government and communities for the latter to engage in forestry activities, particularly on state land. This is intended to facilitate access to and participatory management of these forests.

5.3.2.4 Department of Land Affairs

The White Paper on Land Reform Policy (1977) addresses issues of land reform through three different elements. *Land restitution* covers cases of forced removals since 1913. These are being dealt with by a Land Claims Court and Commission under the *Restitution of Land Rights Act* (Act No 22 of 1994). *Redistribution* aims to provide the disadvantaged poor with access to land for residential and productive purposes, thus redressing historical imbalances in land access and ownership. This process is facilitated by the *Provision of Land and Assistance Act* (Act 126 of 1993) which provides for designation of land as well as land acquisition grants for community groups to purchase land. The third arm of the policy, *tenure reform*, aims to provide security of tenure to communities in communal areas and labour tenants on private farm and forestry land. A number of Acts apply; the *Land Reform (Labour Tenants) Act* (Act No 3 of 1996), the *Interim Protection of Informal Land Rights Act* (Act 31 of 1996) and the *Extension of Security of Tenure Act* ((Act No 62 of 1997) (labour tenants). In communal areas, the draft *Land Rights Bill* would have impacted positively on access to and management of natural resources. However, this Bill, which aimed to introduce a flexible system of group rights based on established use and occupation, has recently been rejected by the new Minister of Land Affairs. The Bill proposed that locally adopted rules, defined by the group, would govern the management of land rights in specific areas as well as determine systems for access to and control of common pool resources (Claassens 2000), thus coinciding closely with common property theory. The rules would have been administered through a body elected by the co-owners, which may or may not have included traditional leaders (depending on their legitimacy and support). These structures would have been supported by Land Rights Officers and Boards. The Bill would also have allowed for voluntary registration of individual rights provided these were accepted by the group.

With this draft legislation being abandoned, the new proposals for tenure reform in communal areas are still somewhat vague although it appears that the move is towards transferring land rights to “tribes” as represented by the traditional authorities (an institution) rather than members of a group. This means that Chiefs would effectively be the owners and administrators of land as is the case in KwaZulu-Natal under the KwaZulu Ingonyama Trust Act (KwaZulu Act No. 3 of 1994).

Another important Act which is relevant across all the land reform programmes is the *Communal Property Associations Act* (Act No 28 of 1996). This enables communities to form legally constituted Communal Property Associations (CPAs) in order to acquire, hold and manage property. CPAs have been formed in the restitution and joint management cases described in this paper. CPAs also provide the institutional mechanism necessary for entering into partnership with the private sector. Once a CPA is formed security of tenure is ensured and all rights holders are legally recognised as beneficiaries from any development on the land.

However, because of the intensive process required, it is now accepted that CPAs are not the way forward for blanket tenure security in communal areas, unless such a legal entity is specifically requested by the community because they need to enter into partnership with the private sector (or for some other reason). To apply for CPA registration in terms of the CPA Act of 1996, a community needs to:

- Give a clear indication of any land or right to land or other right which may be acquired by the provisional association.
- Provide a list of names and where available identity numbers of the intended members of the provisional association. Where this is not possible, the application must contain i) principles for the identification of other persons entitled to be members, and ii) a procedure for resolving disputes regarding the right of other persons to be members.
- A list of names of the interim committee democratically elected to represent the provisional association during the period prior to registration of the association.
- An undertaking signed by members of the interim committee that pending the adoption of the final constitution they would adhere to the principals stated in section 9 of the Act. These principles include: a) fair and inclusive decision-making processes; b) equality of membership in that (i) there is no discrimination of any member of the community except where there are rules regarding age, and (ii) where different classes of membership are created this is compatible with the principle of equity (e.g. where the community already occupies the land different classes should not lead to different rights to land and resources); c) democratic process; d) fair access to the property of the association; e) accountability and transparency.
- Any other information reasonably required by the Director-General (Land Affairs) relating to the right to occupy and use land and the settlement of the community on such land.

Once this is done, and the Director General (or delegated official as in section 15 of the Act) is satisfied, a provisional CPA is registered and granted the right to occupy and use the land for a 12-month period (extensions of an additional 12 months may also be granted if required). During this time the community should develop and adopt a constitution. Assistance can be applied for. The constitution needs to cover issues such as: criteria for membership; rights of different types of members; household or individual membership; what do the rights involve; inheritance and termination of membership; transfer of rights; approaches by outsiders for land and resources; allocation of property; use of property; constitution of the CPA committee and executive committee; powers of the committee; procedural processes for meetings; financial management; changing of constitution; disciplinary matters; dispute resolution; rules for use of common resources; distribution of benefits; the role of the traditional authorities.

The adoption of the constitution must follow a prescribed open and democratic process, to ensure fairness, and must be attended by an authorised officer. After adoption the community must submit the constitution together with the prescribed information to the Director- General. Any complaints regarding the

process by community members may also be lodged with the Director-General. If all is fair and acceptable and the constitution meets the requirements set out in section 8 of the Act (including a majority support), the provisional association may be registered as an association by the registration officer. The community must pay a fee. If the Director-General is not satisfied that the association qualifies for registration he or she shall notify the community of the steps to be taken to procure registration of the association and assistance may be provided, including mediation and dispute resolution.

A registered or provisional association must at prescribed times furnish certain documents and information to the Director-General in order for him/her to monitor compliance with the constitution and the CPA Act. Inspection may take place at the discretion of the DG. If a dispute arises at any stage an enquiry may be instituted and, if necessary, a new committee elected. Various mechanisms are built into the Act to ensure that the rights of all CPA members are protected and the power granted to the committee is not abused.

A number of problems with the implementation of this Act, particularly related to the capacity of community groups to manage and administer CPAs as well as internal conflict, have recently been raised. For example, Piennar (2000) highlights the problem of conflict and internal division within group land holding entities. Other issues (also identified by Hargreaves 1997 and Cousins 1999) include a lack of rules for access, use and management of land in CPA constitutions; poor means of enforcing these rules with few external control mechanisms to help support the CPAs; slow delivery by government to the new land holding entities, and in some cases a lack of consistent post-settlement support; lack of clarity on the nature of the relationship with local government and the services they should supply; the legal language used in developing constitutions which is difficult for community members to comprehend; poor capacity within the new institutions; large and unwieldy groupings on people; insecure traditional authorities afraid of losing their power base; and inappropriate constitutions including mismatches between the constitutions and practice.

However, Piennar maintains that these are not major issues compared to the problem of conflict between different interest groups. He argues that the conflictual situation is partly due to the diverse objectives the new land holding entities take on, and partly a result of the highly differentiated groupings of people (who often want to separate into smaller groups but have not been accommodated) who make up the “community” or apply to register as a CPA or other legal entity. He states that “dispute resolution mechanisms have tended to focus on matters ‘community’ without focussing on opportunities for restructuring relations”. A key question is not what type of legal entity is required, but what is it the land owners want the land reform project to achieve for them. There is often too much focus on the entity itself and not enough on the reasons for forming the entity and the management of the land thereafter. Some argue that the CPA Act should be amended to provide that a local authority be permitted to qualify as a similar entity in terms certain commonage land, especially grazing commonage on municipal boundaries. An advantage of this is that the local authority is more robust than the CPA structure to act against

transgressors. Another suggestion has been that once a claim is settled, the group formed to pursue the claim disappears and is supplanted by a series of clustered groups or sub-committees with specific interests (e.g. grazing, housing, etc.). Fluid and permeable boundaries are also needed so as not to create “abnormally isolated zones” and the community/entity should slot into the local government dispensation.

The requirements to form a CPA are fairly onerous, but it is important that the constitution adopted by the Association is explicit and carefully worked through with all CPA members. Rules and duties need to be clearly communicated and there should be no room for misunderstandings. However, Cousins (1999) raises the issue of inaccessible language in legal entity constitutions and the (un)appropriateness/ (un)suitability of many constitutions to the situation on the ground and the nature of the community grouping. Problems in this respect were found in most of the cases/ constitutions evaluated. Often the constitutions are so complex that the association members, especially those that are illiterate, have no idea about their rights and duties. This is bound to cause conflict. Members rarely have seen copies of the constitutions, not are the contents communicated or attempts made to simplify and translate the constitutions. In some cases it was not clear to what extent the written texts conformed to actual agreements reached with members of the entities/ CPAs.

5.3.2.5 Department of Environmental Affairs and Tourism (DEAT)

The *White Paper on Environmental Management* (1998) is an overarching policy framework with the primary goal of achieving sustainable development in South Africa. This document has amongst its expressed objectives the need to “promote equitable access to and sustainable use of natural and cultural resources”. It also places emphasis on ensuring effective public participation in environmental governance, as well as building the capacity of people from disadvantaged backgrounds to manage their own environment.

The *National Environmental Management Act* (Act no 107 of 1998) provides for cooperative governance in environmental management through establishing principles, institutions and procedures for decision- making on matters affecting the environment. In terms of community access and management there is a principle that promotes equitable access to resources, benefits and services. The Act also outlines processes for conflict resolution. Also enacted are legal mechanisms that make provision for the establishment of *environmental cooperation agreements between any person or community and the Minister of DEAT, a provincial minister or local council* for the purpose of promoting the environmental management principles. This means that anyone may approach the relevant authority with a proposal to jointly manage a site in accordance with the principles in the Act (IUCN 1999). This is similar to the agreements provided for forest management in the National Forests Act.

The *White Paper on Conservation and the Sustainable Use of South Africa’s Biological Diversity* (1997) identifies as a national priority the sustainable use of biological resources. It recognises the “human living

environment as a vital component of the broader environment” and the value of indigenous knowledge. The paper identifies a number of goals and strategies that increase access to wild resources including the need for:

- Local communities and other interested parties to be included in decisions concerning the designation of new protected areas, the adjustment of protected area boundaries and development and implementation of management plans.
- Community-based wildlife initiatives to be viewed as part of a broader set of approaches to land-use planning and local sustainable development.
- Partnerships between conservation agencies, communities, NGOs and private entrepreneurs for purposes of planning and managing the use of resources within and outside of protected areas, and optimising benefits for local people.
- Capacity building of communities residing in or adjacent to protected areas to enhance their participation in protected area management through providing appropriate training and education, and through recognising local expertise and traditional institutions.
- Improvement of benefit flows to people in and around protected areas.
- Benefit sharing arrangements that take into consideration the rights of local communities, farmers and others holding traditional knowledge to benefit from co-ownership of research data, patents and products derived from their knowledge.
- Support programmes that utilise indigenous and traditional wildlife sustainably for subsistence purposes and commercial gain.

In terms of marine resources, the *White Paper on Coastal Development* and the *White Paper on Marine Fisheries* both attempt to provide for more equitable access to marine resources and promote co-management and partnerships with the private sector. The former policy specifically seeks to promote food security amongst poor and marginalised communities. Marine resources, however, continue to remain state property.

5.3.2.6 National Department of Agriculture

The *White Paper on Agriculture* (1995) is committed to addressing poverty in rural areas particularly amongst rural women, to encouraging integrated land-use planning and to ensuring community participation in the management and utilisation of natural resources (IUCN 1999). The national *LandCare Programme* of the Department is targeted specifically at natural resource management in communal areas. It focuses on the conservation of natural resources such as soil, water and vegetation, through sustainable utilisation and the creation of a conservation ethic. To date, because of its emphasis on job creation, it has addressed mainly land rehabilitation efforts and is paying less attention to sustainable utilisation of wild resources.

5.3.2.7 Conservation agency policies at national, provincial and park level

Most national and provincial conservation agencies have adopted formal and informal policies that allow better access to resources inside protected areas by rural communities, joint management planning and outsourcing of some services. Protected area managers have commenced talking to and negotiating with their previously disenfranchised neighbours, and a general softening of the “fines and fences” approach has taken place.

5.3.3 Summary

Overall, progress with policy and legislation which promotes community access to and involvement in wild resource management in South Africa has been positive, and a clear mandate exists to address this issue. But, the challenge still remains to move from a rhetorical commitment to greater access and local control to effectively putting this into practice. To date there has been little solid implementation of any of the policies outlined above, other than a few pilot projects. Many of these initial projects have been hampered by bureaucratic delays, poor coordination between government stakeholders, inefficiency and a lack of skills and ability amongst state officials.

Additionally, sector specific policies, and the lack of a coordinated and coherent CBNRM strategy are suggested as major constraints to achieving more equitable access to natural resources in South Africa (IUCN 1999). There has been some effort towards integrating resource management with respect to state owned areas and various participatory joint management processes are in the initial implementation phase, although in many of these the State is still the ultimate authority. As shown below with respect to communal areas, there has been little effort to address natural resource management issues with the consequence that open access systems apply in many areas.

5.4 Wild Resource Access and Governance

5.4.1 Wild resource access and governance on communal lands

State-owned communal lands in South Africa constitute some 15 million hectares, equivalent to about 13% of the total land surface. Approximately 64% of the rural population (some 12.7 million people in 2.4 million households) is concentrated in these areas. Population densities are high, varying from 70 people km⁻² to as much as 300 people km⁻² in parts of Northern Province. This highly inequitable pattern of land ownership, created by enforced land dispossession and resettlement during apartheid, denies the majority of the rural population access to much of the natural capital of the country. Moreover, high population pressures are leading to over-exploitation and decreased access to resources. Increasing conversion of land to other land uses such as sugar cane and plantation forestry is also impacting negatively on wild resource access, particularly by women and the poor, as this land is often transferred to the more wealthy in the community.

Land reform policies are attempting to redress the imbalance in land and resource access. But, to date, most land redistribution cases have been in urban or peri-urban areas or in highly converted commercial farming landscapes impacting little on the overall picture of wild resource access. On the other hand, some of the land restitution cases have been more successful in redistributing significant and valuable natural resources. Additionally, communal area residents living adjacent to state land (and private land) are increasingly gaining access to resources in these areas. This helps expand the area available for wild resource harvesting.

Communal lands are one of the few parts the country where the rural poor have relatively unrestricted access to wild resources. Communal area residents have *de facto* (rather than *de jure*) rights to gather resources from their individual fields and plots and from commons lands for both household and commercial use. Permits are generally only required for protected species (e.g. carving hardwoods) or to fell live trees, but are rarely enforced (see below). Hunting with dogs is illegal but widespread. In some areas, systems of “private” tenure over specific resources have developed. The most well known is the private tenurial arrangements for the palm, *Hyphaene coriacea*, used in the palm wine industry in Zululand (Cunningham 1990). Women have evolved systems of tacit rights to fruit trees or other wild resources found within the commons, but that are located close to their homesteads (Shackleton et al. 1995). All residents hold usufruct rights to resources on their allocated plots and fields.

Some researchers have argued that formalised CBNRM systems may not be favoured by local people in some instances, as it may put an end to relatively free and unfettered access. Permit systems which require payment for permits often make legal access to some resources prohibitive for very poor households (for example, in Bushbuckridge, Northern Province local woodcarvers are required to seek permission to harvest *Pterocarpus angolensis* and then pay for the wood based on the size of the tree). There are times when some do not have the cash for this and, therefore, they resort to harvesting illegally.

Since rights to use resources in communal areas are not (formally) legally recognised and enforced there is little local communities can do to exclude outsiders. Should the proposed tenure reform legislation be enacted, this will provide communities with the legal rights to exclude non-residents. Where CPAs are in place, members have the legal right to exclude outsiders. Although rural dwellers can readily access wild resources in these areas relative to other parts of the country, in-depth analysis of tenure, access and governance issues show the situation to be highly complex and conflictual especially since the establishment of decentralised local government in 1996.

Local arrangements for wild resource management in communal areas in South Africa have always been contentious mainly due to the systematic undermining of the traditional leadership by the state over an extended period. Historically, land allocation and resource access was governed by chiefs and headmen through customary tenure and law, encompassing codified rules, traditions, taboos and norms. During

colonial and apartheid periods, this system was exploited by the state and additional regulations (mainly permit systems) and sanctions (e.g. fines) imposed. Law enforcement was performed by rangers and tribal police who patrolled the commons, arresting and fining transgressors. Fines were paid to the Tribal Authority (TA) who used the monies to fund TA activities (Shackleton et al. 1999). Occasionally, the local magistrate would be involved in effecting punishment. Consequently, the relationship between the so-called “custodians of the resource base” and local communities was often tenuous and uncooperative, with many of the rules and by-laws being perceived as unfair and unrealistic (e.g. the ban on harvesting green wood for fuel where there is little alternative) and therefore rarely respected. In some areas, chiefs were alleged to apply these restrictions differentially, favouring some individuals and groups over others (Shackleton 2000). Women were virtually powerless under these arrangements, and incidences have been recorded where women lost access to valuable resources due to large tracts of land being transferred to male farmers by the chiefs (Shackleton et al. 1995).

Since the democratic elections in 1994 and the establishment of local government in 1996, the situation has deteriorated further, largely the result of ambiguity regarding the jurisdiction and responsibilities of chiefs and elected local government councillors. At a policy level there is much talk about the need for greater clarity regarding the functions, responsibilities and jurisdictions of the traditional authorities relative to local government. Where new local structures are formed (such as CPAs), one solution has been to include the traditional leaders in these either through election or as *ex officio* members. Traditional leaders are also recognised as *ex officio* members of local government but rarely participate in meetings except in Kwazulu Natal. Some commentators argue that these problems will not be resolved unless addressed at a political level (for example, Manyathi (1999)). Manyathi also suggests that it may be useful to consider institutional arrangements and models such as the Land Boards in Botswana which include councillors, traditional leaders and officials from the Land Department. Land allocation is becoming one of the primary areas of tension between traditional leaders and local government in South Africa. Planning processes such as the required Integrated Development Plan (IDPS) and Local Development Objectives (LDOs) could help bring local government and the traditional authorities together to discuss local development needs and priorities. Hargreaves (1997) suggests that the Department of Land Affairs and other government departments must provide the necessary support (such as facilitation and mediation services) for communities to negotiate satisfactory arrangements between traditional leaders and other institutions, including CPAs, at the local level.

Nonetheless, in most rural areas traditional leaders continue to remain the primary decision-makers in communal land and resource management. But, because their role is in question, uncertainty, confusion and the erosion of their authority pervades. Conflict and power struggles between the traditional leaders and elected councillors are also common place. In some areas this has resulted in the dissolution of existing institutional arrangements for natural resource management (however dysfunctional) such that open access systems are becoming the norm (Pollard *et al.* 1998, Ainslie 1999, Shackleton 2000a). In some parts of the

country, e.g. Ciskei, ineffective traditional structures have been replaced by non-statutory civic organisations (Cocks 2000). These tend to be closely linked to the Transitional Rural Councils (TRCs). Most of these new structures have taken on the issue of land, but have rarely actively addressed resource management responsibilities.

A consequence of the current situation is that an effective institutional vacuum exists at a local level regarding access to and control of natural resource use in communal areas. This lapse has resulted in damaging opportunistic exploitation of the resource base by both locals and outsiders. Indeed, there are anecdotal reports from across the country of large scale appropriation of resources by groups from outside the local community (Pollard *et al.* 1998, Shackleton 2000b). This use, as well as the monopolisation of commercial opportunities by the already well-off in the community, ultimately threatens local subsistence use and the livelihood security of the poor. The better-off have access to capital and other resources such as transport, support networks, markets and power structures which puts them at a distinct advantage. They are thus more able to build small enterprises and compete in the market place, primarily because they have fewer cash flow problems than poorer people. Many of them are well-off because of an inherent entrepreneurial spirit and they are able to recognise and exploit opportunities. There is no doubt that the better-off have obtained greater access to land through the chiefs because of their social standing.

Little has been done to address the collapse of natural resource management in communal areas, although many hoped that the proposed Land Rights Bill (see Section 3.1.2), which has now been rejected, would have provided a way forward. The tenure reform procedures outlined in the bill could have contributed to transforming the situation on communal land by providing local residents with legally enforceable rights (especially against outsiders), by ensuring greater equity in access, by redefining rules and regulations for resource use, and by establishing legitimate, statutory local institutions for land and resource management. The new tenure reform proposals suggest that land is transferred to “tribes” as represented by the traditional authorities. This means that chiefs will effectively remain in a position of authority over natural resource use and management, with the balance of power being shifted considerably in their favour. It remains to be seen whether traditional leaders would use such an opportunity to bring about more participatory and effective natural resource management. Past experience does not bode well for inclusive and equitable systems of resource access and management, and women are bound to be in a disadvantaged position. In addition to tenure issues, the complex issue of local governance and the division of responsibilities and functions between the traditional authorities and local government must also be resolved if development and the introduction of enhanced systems for land and resource management are to move ahead.

However, some authors (such as Ainslie 1998) caution that there may be a mismatch between the ideals of common property and the complexity that exists on the ground making such a process difficult to implement. In particular, further research is needed on mechanisms for dealing with the conflicts of interest

that arise when attempts are made to institutionalise resource management. Some researchers feel that there has been little concerted effort to understand the deeply embedded and conflicting interests which underlie institutional relations at a local level (for example, Clacey 1997 in Hargreaves 1997). The situation in South Africa is particularly complex because communities highly differentiated (especially along economic lines), complex rural-urban linkages, strong integration into the formal economy, few economic incentives for resource management at a local level, institutional breakdown and confusion, high population densities, erosion of social capital and a lack of trust between community members; and severe pressure on the resource-base. What is needed, as a start, is a commitment by government to addressing natural resource management in communal areas. Once this is obtained there can be some progress. The process to re-establish common property systems would need costly and intensive facilitation. Some researchers suggest starting at a specific resource user level (for example, working with cattle owners, women using reeds, women's groups) and building on this through a nested approach to a community level. Common property systems could be re-instituted if the communities concerned are committed to this. Local people are certainly aware of the problems and impacts of resource over-utilisation. The problem in South Africa is that there are few valuable resources to create an economic incentive. One approach would be to demonstrate the value of resources currently used by households and the costs associated with continued degradation. Research is also required to obtain a better understanding of the issues and complexities on the ground. Alternatives to communal systems (such as privatisation) are not the answer.

5.4.2 Wild resource access and governance in state-owned protected areas

As mentioned, South Africa has a history of forced removals for the creation of national and provincial parks and gazetted forests. In most situations, but not all, rural residents were also excluded from harvesting resources. Exceptions were some of the State Forest Reserves, where local people were provided with restricted access to selected products (e.g. basket weaving grass) under a permit system. All management and control lay in the hands of the state.

Despite legal exclusion, in many reserves, neighbouring communities continued to exploit resources that they saw as rightfully theirs (Kepe 1997, pers obs). In some cases local institutions evolved to legitimise this activity, and to distinguish between those historically entitled to resources and those who were not - e.g. *ukujola* (a notion that "legalises" grazing, hunting and resource gathering on state land) amongst communities bordering Mkambati Game Reserve in former Transkei (Kepe 1997). Where communities have instituted their own access systems, they may be reluctant to adopt new arrangements which put an end to informal practices which may have provided relatively unfettered access to resources (Abrahamse in IUCN 1999, Ainslie 1999) or may open the resource to other competing users.

The above reality, the changing policy environment and political pressure (including at a local level where there have been cases of mass marches into parks to protest against exclusion) have resulted in the establishment of "parks-neighbour" programmes by the majority of protected areas. These are driven

primarily by the conservation agencies and have involved increased access to wild resources as well as other benefits such as a share of gate fees, craft and small enterprise development, business partnerships, and support for community projects. Few of these developments are true co-management initiatives, except perhaps in the land restitution cases described below (Turner 2000). Of all state protected areas, it is only South African National Parks (SANP) that does not permit harvesting of resources in its Schedule 1 Parks (except to meet conservation objectives, e.g. elephant culling).

South Africa also has a number of unique cases which are effectively the reverse of the typical protected area-community partnership. A number of communities have, through the land restitution process, successfully regained ownership of state conservation land from which they were evicted in the past, e.g. the Makuleke, Dwesa-Cwebe and San-Kalahari cases. In all these cases the claimant communities, represented by CPAs, have entered into partnerships with the state wherein the conservation authorities will assist the communities to continue to manage the restored land for biodiversity conservation. In these examples the community is the land-owner and beneficiary, although the state remains a powerful stakeholder. Since there continues to be a number of, as yet, unresolved land claims in conservation areas, e.g. St Lucia Eastern Shores, Blyde River, Mkambati Game Reserve, Ngome State Forest and Augrabies National Park to mention a few (there are more than 30 claims - Wynberg and Kepe 1999), more such community-state partnership arrangements or *contractual parks* are likely to arise. In the SANP cases (Makuleke and San-Kalahari), the communities have not regained rights to consumptive use of resources but rather to the benefits accruing from non-consumptive uses such as tourism (although hunting as a source of revenue is being discussed).

Land restitution has thus probably been the biggest driver of change on the ground with respect to access to state managed areas in recent years. Restitution has provided communities with a very powerful stake in the ownership of land which assures them strong bargaining power. Indeed, many of the conservation bodies have done a complete “about turn” in their attitudes during the process of settling these claims. In many areas, the possibility of land claims have been pre-empted by both forestry and conservation officials who have been proactive in building relationships with local communities, increasing access and in establishing participatory management committees.

5.4.2.1 *National Parks*

The SANP’s Social Ecology Department is dedicated to building relationships with local communities and redressing past inequalities. However, despite a commitment to being at the forefront of transformation (SANP 2000), it is interesting to note that there are two types of National Parks in South Africa - contractual parks where resource harvesting is permitted, and Schedule 1 parks (the majority) where this is not allowed. In the latter case, the *National Parks Act* (Act 57 of 1976) prohibits natural resource utilisation and hunting within National Parks (IUCN 1999). This legislation continues to take precedence despite policies to the contrary at a national level. The SANP “Visions of Change” programme has thus rarely provided increased access to wild resources for the rural poor (although other benefits have been extended). An exception is the

case of the Richtersveld National Park, where land is leased from the local Nama community who continue to graze their livestock in the reserve (albeit at reduced stocking rates) and access plants, honey and firewood as part of an agreement made with National Parks in 1991. This negotiated settlement was forced on the conservation authorities when the Nama applied for an interdict to prevent their removal from the Park in 1989 (SANP 2000).

The SANP is the only conservation agency in South Africa that has its own Land Claims Policy. The SANP's approach to land claims is that they will assist communities with land restitution and redistribution as long as it does not jeopardise the conservation of biodiversity (SANP 2000). The challenge is to resolve land claims to accommodate both the rights and interests of communities and conservation needs.

5.4.2.2 Gazetted or State forests

Forestry policy and legislation promotes and provides for the joint management of state forests through Community Forestry Agreements (CFAs).

The National Forests Act (No. 84 of 1998) “allows communities that wish to engage in community forestry to enter into agreements with the Minister”. Any community wishing to access resources in a State forest for which a licence is required, or wishing to enter into a joint forest management arrangement may make an offer to enter into a community forestry agreement. The Minister may also invite communities to submit offers to enter into community forestry agreements. The offer must include:

1. Details of the membership of the community
2. A copy or details of the constitution, laws or customs which regulate the community
3. The terms of its offer
4. Details of any rights held by the community or any of its members in the forest concerned in terms of IPILRA (see above table).
5. Any other prescribed information

The offer must then be investigated to establish whether there are any other communities who may wish to make a counter offer, to invite them to offer, to consult with other stakeholders, to evaluate the suitability of the forest for community forestry, and negotiate the terms of the offer. If there is a competing offer, this would be evaluated and a facilitator appointed to secure agreement between the competing offers. The Minister may then decide whether to accept or reject the offer. In the case of a “trust” forest (as opposed to a State forest) the Minister may only enter into a CFA if the Minister of Land Affairs agrees or in the case of land held in trust by the Ingonyama referred to in the KwaZulu Natal Ingonyama Trust Act, 1994, the authority with the necessary power in terms of that Act agrees. The Minister must license the activities, which the community/ies may participate in under the CFA.

In terms of content, a community forestry agreement must:

- Not discriminate unfairly
- Identify the management powers delegated to the community or communities and those retained by the state (Minister)
- Identify accurately the area subject to the agreement
- Identify the licensed activities which the community/ies intend carrying out
- Regulate the use and management of the forest in a way which is sustainable
- Identify the duties of the various parties in terms of the agreement, including payments to be made by any party
- Prohibit the parties to the agreement from transferring their rights under the agreement without the consent of the Minister
- Provide for dispute resolution
- Provide for remedial measures including the suspension or cancellation of the CFA in the event of a breach.

A community forestry agreement may:

- Rename a forest
- Be indefinite or for a fixed period
- Oblige a community to reconstitute itself or make a lawful amendment to its constitution
- Require a sustainable forest management plan
- Include another party wishing to use the forest who is not a community member
- Provide for the management of a protected area
- Provide that a community need not pay rent for the rights granted it, based on the historical association of the community with the land and the economic circumstances of the community

The first real efforts at participatory management commenced in 1998. Since then several pilot projects (e.g. Ngome, Dukuduku, Dwesa-Cwebe, Pirie, Wavecrest, Port St Johns) have been identified. In all these initiatives local residents have been granted regulated access to a range of forest products, although CFAs, as prescribed by the Act, have still to be developed. The Danish Aid Agency, DANCED, is currently considering funding a proposal to support DWAF in implementing these.

The Dwesa-Cwebe case in the Eastern Cape (restitution case) is presented here as an example to illustrate a community access system. In this reserve legal harvesting has been taking place since 1996 (Timmermans 1999). The control system put in place was a product of numerous meetings with all stakeholders. Rare species continue to be protected and harvesting tariffs based on existing forestry

legislation were applied. Access is only allowed to those villages that share a boundary with the reserve and no vehicles are permitted. Harvesters must approach the village CPA committee for authorisation to collect resources and for proof of residence. A stamped “community permit” is obtained which is then presented to the conservation authorities for a nature reserve harvesting permit, which is paid for and valid for three days. Although the situation does not yet represent true participatory management, it has come a long way from total exclusion (which was the case at this site after the forestry reserve was extended into a larger nature reserve in 1981). It is expected that this management system will be adapted once the land claim is fully settled, although it is unclear how this will be reconciled with recent forestry legislation which prevents devolution of authority in Primary Conservation Areas (PCAs).

One of the most complex problems faced by all the forest co-management schemes has related to defining who (which communities) should have access and rights to forest resources and participate in their management. All these initiatives must therefore be supported by a sensitive and dedicated mediation and negotiation process. This is hampered by the Department’s weak capacity at field level and its efforts to downscale. Related to this are perceptions of inefficiency, vacillation and a lack of will on the part of the state (e.g. Kraai in Wynberg and Kepe 1999) to accept or legalise negotiated agreements (usually facilitated by NGOs and other external players). Consequently, partner communities are becoming impatient for delivery and less reconciliatory in their approach.

5.4.2.3 Provincial and other parks

About 47% of South Africa’s protected area falls under provincial control, either through statutory parks boards or provincial line departments, which have concurrent competence for nature conservation (Wynberg & Kepe 1999). Consequently, policies and approaches to community access and participation differ quite significantly between parks.

The parastatal parks boards, such as Mpumalanga Parks Board, North West Parks, and KwaZulu Natal Nature Conservation Services, have been involved in promoting enhanced relations with local communities and providing access to wild resources for a number of years, even preceding 1994. Most of these conservation agencies operated partially in the previous homeland areas, where such an approach was unavoidable due to intense socio-economic and political pressures. Like SANP, these agencies now have dedicated staff and programmes aimed at enhancing the relevance of protected areas for poor communities. Selected initiatives are highlighted below.

One project of particular interest is a case in which a group of women weavers from the Mabaso community in Zululand have been given access to, and individual tenure over Ilala palm trees within the Greater St Lucia Wetland Park (McKean 1998). This case represents a significant policy shift and progressive step forward for the conservation agency, since it recognises the women not just as resource users but as the “owners” and managers of the palm trees. Support has also been provided with pricing and marketing of

both the raw material and finished products (McKean 1998). Other resources collected from parks managed by KwaZulu Natal Nature Conservation Services include thatch grass, construction reeds, weaving reeds (the annual reed harvest at St Lucia is a well known event in South Africa), medicines, fodder, bait, sand, medicines and wood. In 1992/3 it was estimated that the total value of resources harvested was approximately US\$400 000 (Hughes 1994). However, the household benefits remain extremely low because of the large number of people involved.

Mpumalanga Parks Board provides access to wide variety of resources across all of its parks (Sonnett Krynauw pers. comm.). In Loskop Dam Nature Reserve local residents are permitted to harvest wood below a certain diameter free of charge. Each collecting group is provided with a tape measure and spot checks are carried out to ensure compliance. Since 1997 over 20 tonnes of wood have been removed from the reserve. This system not only benefits local people but helps the reserve managers control a bush encroachment problem. The same reserve also awards three contracts per year to local black contractors to harvest thatch grass. For every four bundles cut one is retained by the reserve in lieu of payment. A rotational harvesting system applies and approximately 100 000 bundles are removed annually. In Verlorenvlei Nature Reserve (near Dullstroom) a medicinal bulb, *Alepidea amatymbica*, has been planted in a previously disturbed area of the reserve. The reserve managers are now negotiating with traditional healers regarding a system for the sustainable harvesting of these plants. Gauteng Provincial Nature Conservation similarly permits the harvesting of medicinal bulbs in Suikerbosrand Nature Reserve. In Songenwela and Sterkspruit Nature Reserves women are provided with access to collect *Athrixia phyllicoides*, a scrubby bush used for making brooms. However, this has been temporarily suspended in Sterkspruit because harvesters ignored the request to cut rather than uproot the plants. Songenwela Nature Reserve has also allowed local residents to graze their cattle in the reserve for a number of years, although there is talk of phasing this out. This is likely to cause considerable resentment amongst the local population. The new Wakkerstroom Biosphere Reserve has contracts for local cattle-owners to graze their livestock in the reserve.

There are many such examples of access to resources within state conservation areas across the country (although few are formally documented). However, many of the smaller parks, such as those managed by municipalities or provincial departments (rather than boards), have been slower in implementing change, mainly because the processes to enhance community participation and access are relatively costly and few of these parks have the required financial resources. Indeed, SANP, Department of Forestry and parks boards have received significant funding from external agencies, both local and international, to aid them in their transformation process.

Some of the key issues emerging so far from these parks-neighbours programmes relate to the fact that resources must be shared across large communities yielding relatively low benefits at household level. It is also clear that the institutions set-up to manage access, benefits and revenue tend to become foci of acute intra-community conflict. Another issue relates to different understandings between communities and

biologists of resource scarcity. In some instances this is due to differing value systems, with communities being accustomed to utilising rather than preserving resources, whilst conservationists have been trained to protect resources from exploitation. It is evident from the growing pool of ecological data that the prescribed levels of off-take in conservation areas generally err on the conservative side, and that sustainability is still achievable at higher harvesting levels (C. Shackleton pers. comm.). However, there are instances where communities seem oblivious to the impacts of their harvesting on resources. In the Dwesa-Cwebe case, for example, scientists and communities cannot agree on acceptable levels for harvesting mussels, despite scientific evidence to suggest that local mussel beds are severely impacted from over-use (Timmermans 1999).

5.4.3 Wild resource access on private land

Private land, owned by individuals, groups and companies, constitutes by far the largest proportion of land area in South Africa. As is typical of any private property regime, there is limited access to resources in these areas by parties other than the owners themselves. However, there are exceptions that deserve mention, particularly since these reflect a progressive trend by some land owners (particularly corporations) towards increased resource sharing with neighbouring communities.

The process of restructuring and privatisation of state-owned forestry plantations in South Africa (over 500,000 ha of land) has resulted in lease agreements with the private sector that ensure the continued access of local residents to natural woodland, grassland and forest resources on these timber estates. These lease agreements also protect the underlying land rights of local people until any land claims lodged against the plantations are evaluated and settled (Evans in Shackleton and Willis 2000). This is the only example of formalised, legal access to resources in privately managed areas.

Mopane worms (an edible caterpillar) are a valuable seasonal resource in parts of the far Northern Province where the host plant (*Colophospermum mopane*) is dominant. Private game and cattle farms in the region provide local women with extended access, up to two weeks, to harvest these caterpillars. Each woman pays for the rights to harvest (US\$15 in 1994). Some farmers have had up to 600 women on their farms over a single season (Styles 1994). The mopane worm business is lucrative (in relative terms) and harvesters can earn up to US\$500 over the harvesting season (Shackleton, Scholes, Kgame et al. 1999).

Aloe ferox tappers and farmworkers in the Eastern and Western Cape are permitted to harvest aloe sap on private farms in the region for a fee or for some proceed from the harvest (Newton & Vaughn 1996). This activity provides a livelihood for a large number of people in the Klein Karoo region.

In the Bushbuckridge area in Northern Province, twigs and grass for hand brooms (for which there is a large market) are collected on private farms in the grassland areas on the escarpment (Graskop through to Witbank). Generally, only permission from the landowner is required and no fee is charged (Shackleton and

Shackleton 1997). In the same part of the country, private game lodges, e.g. Sabi Sabi and ConsCorp, have attempted to provide neighbouring communities with access to wild resources, particularly fuelwood from bush clearing operations.

On many farms, farmworkers and their families are permitted to harvest resources, such as firewood and thatch grass, and take this back to their rural homes, often within communal areas where these resources may be scarce. Sometimes this access is used as a bargaining tool by land owners in lieu of a portion of wages. Some sheep farmers in the Karoo region allow, or at least turn a blind eye, to hunting of small mammals and antelope by their labourers who see this as one of the “perks” of farm life, where wages may be as low as US\$1 per day. Nomadic shearers in the Karoo utilise plants and wildlife, especially “vermin” such as porcupine and mongoose, either while staying on farms or passing through.

Although the rural poor may have enjoyed access to wild resources in these situations, there is little security and few rights for resource users. The landowner defines the terms and can deny access at any stage, even in the case of more formal commercial ventures such as aloe sap tapping. This issue has received little attention in South Africa, probably because of the emphasis on the need for land redistribution. However, large tracts of land are likely to remain under private ownership and efforts to enhance mutually beneficial resource sharing schemes should form part of a broader rural development agenda.

5.5 Key issues in current policy debates

Most policy issues of importance have already been mentioned in the above discussions and are, therefore, only outlined in point form here.

- Because of South Africa’s history and labour reserve policies, access to natural capital as a key component of rural livelihoods has seldom been given the attention it deserves in the country, especially in communal areas. Recent studies have indicated the high economic value of wild resources for rural households (e.g. Shackleton, Shackleton and Cousins 2000). Thus, there is a strong movement advocating policies and programmes aimed at promoting livelihood strategies based on locally available natural resources (as one of a diversity of livelihood strategies) and for more research in this area.
- The issue of equitable access to resources and systems for natural resource management in communal areas comes up frequently in policy debates and is an area that requires urgent attention. Tenure reform must move ahead, but the recent proposals to transfer land to “tribes” under the control of unelected, and often unaccountable, traditional leaders has caused much concern amongst land policy analysts and activists in South Africa.
- In terms of state-community partnerships on state owned land, a key policy issue emerging relates to the degree of “co-management” of these initiatives. It has been argued (Turner 2000) that there is very little true co-management in the South African context. This means that many of these initiatives are still

biased towards state agendas with community involvement remaining relatively passive. The empowerment process still needs policy attention.

- The issue of access to wild resources in national parks should be re-considered. Many argue that the legislation prohibiting any use of resources in the majority of South Africa's national parks is dated and incompatible with national environmental policy.
- Redistribution of more land is essential to redress past imbalances and ensure increased access to wild resources. But, the Department of Land Affairs current implementation process which favours commercial agriculture and small, emerging farmers is likely to do little to help increase the livelihood security of the rural poor and their access to productive resources. There is much heated debate over this at the moment.
- The impact of the current drive to expand parks and protected areas (e.g. peace parks, transfrontier parks) on access to resources and rural livelihoods has been given little thought at a policy level. There is concern of severely negative consequences for the rural poor.
- Unlike other southern African countries, South Africa has neither a coherent strategy nor formal guidelines to address community-based natural resource management (IUCN 1999). At the moment this is addressed through different line departments with little or no communication across natural resource sectors. There is strong argument in support of more coordinated approaches.
- In many instances, South Africa has good policies, but putting these policies into practice has been interminably slow. This is the case in terms of the land reform policy, and the policies and legislation for the management of communal woodlands. Guidelines on how to interpret and implement policy are urgently needed (IUCN 1999). Furthermore, where policy is being implemented, government bureaucracy, incapacity and vacillation is impacting negatively on the process to the detriment of long term solutions and sustainability.
- With regard to resource access in protected areas, there is much discussion around "process" issues. More attention needs to be paid to mechanisms to manage the intense conflicts that can emerge once benefits from parks and natural resources start flowing. It is also necessary to develop approaches and methodologies for defining participating communities and evaluating and accommodating variable claims and rights. This is especially true for parks such as Kruger National Park which has close to a million people bordering it.
- The need for clarification of the functions, jurisdiction and responsibilities of traditional authorities versus local government in land and resource management issues is advocated constantly by researchers and practitioners working in this field. Ways to integrate CBNRM into local government plans and processes (i.e. Integrated Development Plans (IDPs) and Local Development Objectives (LDOs)) are also required.
- Whilst recognising the need for land redistribution, the potential for mutually beneficial outcomes for local communities and land owners by providing access to wild resources on private land ought to be given more attention (multi-purpose land use) and recognised and promoted by the state. Relevant policy guidelines would be required.

5.6 Key players: actors, networks and participation by poor in the policy process

5.6.1 Key players - actors and networks

Within government, no particular departments/ individuals have taken the lead on developing policy for CBNRM in communal areas. Cocks (2000) states “in the current political environment, no single government department has taken responsibility for resource management in communal areas and, without formal guidelines, communities are unable to motivate their own existing management programmes”. The rejected Land Rights Bill which could have helped provide a way forward. In terms of access to resources on state land, policy change has been led by the Department of Land Affairs, the Department of Water Affairs and Forestry and the various Parks Boards and provincial departments responsible for environment and conservation.

The recent policy development process in South Africa has been relatively participatory and consultative, opening the doors for input and comment by a wide range of role players including the “ordinary” citizen. However, certain stakeholders have been able to actively influence the policy process (by being represented on policy and legislation drafting teams) and continue to be advocates for policy change. These include:

- Academics from university research institutions and departments, e.g. PLAAS, University of Western Cape; Rhodes University; Department of Sociology; University of the Witwatersrand and many others. Most of these institutions conduct policy related research and constantly feed into the policy process.
- International environmental agencies such as IUCN, Peace Parks Foundation, TRAFFIC and WWF.
- NGOs, e.g. Environment and Development Agency (EDA), Africa Resources Trust (ART), Group for Environmental Monitoring (GEM), MAFISA, AWARD, Land and Agricultural Policy Centre (LAPC), National Land Committee. Many of these NGOs have direct hands on experience in attempting to implement policy, and know where the problems lie with current policy.
- Donors, mainly international agencies through bilateral agreements with government departments, have been instrumental in guiding and funding policy development. For example, all the new forestry policy has been driven and funded by DFID. The environmental policy process was supported by DANCED, who is now also the major funder behind the SANP’s socio-ecology department. Others include GTZ (TRANSFORM Programme), FINNIDA, Ford Foundation, International Development and Research Centre (IDRC) and the EU.
- Rural people in some parts of the country have played a role in influencing policy change, often at a regional rather than national level, through various forms of protest. For example the mass invasion of local residents into Dwesa-Cwebe Nature Reserve set into motion the process for a co-managed reserve.

A exception to this consultative process has been the land reform policy changes under the new Minister of Land Affairs in the last 18 months. A review of land reform policies carried out within the Department of Land Affairs deliberately excluded those members of civil society actively involved in land issues (Cousins 2000). Consequently, there is much concern around some of the new policy directions, particularly those related to tenure reform in communal areas and the commercial farming focus for redistribution.

5.6.2 Participation by the poor in the policy process

South Africa prides itself in having a policy process that was/is widely consultative and inclusive of grassroots input. Indeed, commitment to a participative and consultative policy development process was made by the new ANC government in 1994 and spelt out in the RDP and various other policies.

In terms of environmental policy, the *White Paper for Environmental Management* was preceded by a discussion document and Green Paper and a process known as CONNEPP (Consultative National Environmental Policy Process). CONNEPP ensured wide input was obtained through a series of workshops at a very local level throughout the country. The process itself was also guided by a multi-stakeholder management team consisting of representatives from government, business and industry, civic organisations, NGOs, and organised labour. A similar consultative process followed for other DEAT policies and the National Environmental Management Act.

The development of *White Paper for Forest Management* also catered for community input. A National Forestry Conference was held early (March 1995) in the process of developing the Green Paper (*Towards a policy for Sustainable Forest Management in South Africa*), to which representatives from rural communities across the country were invited. These representatives arrived two days early so that they could be prepared for their participation in the main workshop. In October 1995 the “Greening of South Africa” conference was held. This was a conference organised by women, for women, and over 350 delegates were involved. Outputs of this fed into the policy process. In 1997 the draft National Forestry Action Programme was taken on a road show around the country to accommodate wide feedback and comment before final publication.

The “grassroots” representatives participating in these processes, however, are usually the more educated, articulate and wealthy in the community and do not necessarily represent the rural poor. Furthermore, the lack of awareness and understanding of major policy issues amongst ordinary people on the ground raises questions around how effective the participatory policy making process has been. It also points to a failure by government to effectively communicate its policies to those who are most affected by them.

5.7 Conclusions

This paper has examined the policy and institutional environment influencing access to wild resources by the rural poor in South Africa. It is clear that the greatest limitation to resource access is the gross inequalities that exist in terms of land ownership, although there are policy measures in place to address this. Where access to wild resources is relatively free, i.e. in the communal areas, continued use is threatened by high population densities, institutional breakdown and political neglect, indiscriminate use and outsider appropriation. Consequently, the people most dependent on the resource base, the rural poor, are at risk of losing long term access to resources. Commitment by the government to address sustainable natural resource management in these areas is urgently required. On the other hand, there has been much progress with enhancing access to resources on state land over the last few years. This is supported by appropriate environmental and forestry policies at national level. The challenge in these state-community partnership situations is to move from providing communities with mere access to resources and other benefits, to including them in management and decision-making. Land restitution claims in protected areas in South Africa have created a unique situation where community groups have ownership rights over land and resources within conservation areas. In some of these cases (those with the SANP) agreements have been reached not to harvest wild resources, but rather derive benefit from non-consumptive use. Some question whether this approach is sustainable in the long term.

5.8 Key issues for further work

As well as the policy issues outline above, a range of additional questions regarding access to wild resources in South Africa are raised here.

- How can the value of less “high profile” wild resources for rural livelihoods be brought to the attention of policy makers so that their sustainable management receives due attention?
- What is required to ensure that a balance is achieved between commercialisation and subsistence use of wild resources?
- Do current policy, legislation and support systems adequately empower local resources users and institutions to control and regulate outsider usage? If not, what is required?
- How can true devolution and co-management be achieved?
- Is the banning of consumptive use of resources in favour of benefits from non-use values such as tourism sustainable in the long term?
- How can access to and the levels of off-take of resources in protected areas be increased?
- How can access to wild resources on state and private land be made more secure?
- What are the local level social, institutional and political complexities that are likely to impact on tenure reform and common property resource management in communal areas across the region? What approaches are required to help overcome these?
- Who really benefits from increased access (contractors, those with transport, etc.) to resources and how can natural resource development programmes be designed to effectively target the poor and women?

BIBLIOGRAPHIES

General Sources

Shackleton S, Shackleton C and B Cousins (2000) Re-valuing the Communal Lands of Southern Africa: New Understandings of Rural Livelihoods. *Natural Resource Perspectives No. 62*. Overseas Development Institute. London.

Sources on Wild Resources in Botswana

Cassidy, L. and R. Jansen (eds.), 2000, *National Conference on Community-based Natural Resource Management in Botswana*. Report of Workshop Proceedings, Gaborone, Botswana, July 26-29, 1999. IUCN. Gaborone.

Cassidy, L. and M. Madzwamuse (eds.), 1999, *Community Mobilisation in Community-Based Natural Resource Management in Botswana*. Report of Workshop Proceedings, Francistown, Botswana, December 9-11, 1998. IUCN/SNV. Gaborone.

Cousins, B., 2000, 'Tenure and Common Property Resources in Africa.' In: Toulmin, C. and Quan, J. F. (eds). *Evolving Land Rights, Policy and Tenure in Africa*. DFID/IIED/NRI. London.

Hartley, R., 1999, 'CBNRM Enterprise Development in Botswana.' In: L. Cassidy and M. Madzwamuse (eds.). *Enterprise Development and Community Based Natural Resource Management in Botswana*. Report of Workshop Proceedings, Maun, Botswana, March 9-12, 1999. IUCN/SNV. Gaborone.

Jones, B. T. B. and W. Slade, 2000, *Strengths and gaps in district-level support systems for Community-based Natural Resource Management with recommendations for strengthening the system*. Paper prepared for the Community Services Division of the Department of Wildlife and National Parks, Botswana. USAID/RCSA. Gaborone.

Jones, B. T. B., 1999, 'Community-based Natural Resource Management in Botswana and Namibia: an inventory and preliminary analysis of progress.' *Evaluating Eden series, Discussion Paper No. 6*. IIED. London.

Maluwa, T., 1998, *Botswana National Conservation Strategy Action Plan Consultancy*. Volume 5. Legislative Reforms and Provisions. National Conservation Strategy Agency. Gaborone.

National CBNRM Forum in Botswana, 2000, Proceedings of the first National CBNRM Forum meeting in Botswana 30th and 31st of May 2000 and the CBNRM Status report 1999/2000. National CBNRM Forum. Gaborone.

Quan, J., 2000, 'Land Boards as a Mechanism for the Management of Land Rights in Southern Africa.' In: Toulmin, C. and Quan, J. F. (eds). *Evolving land Rights, policy and Tenure in Africa*. London: DFID/IIED/NRI.

Rozemeijer N., and C van der Jagt, 2000, *Community Based Natural Resource Management (CBNRM) in Botswana: How community based is CBNRM in Botswana*. Paper prepared for the research project: Community-based natural resource management: Where does the power really lie?. Institute for Environmental Studies, University of Zimbabwe and the Natural Resources and Rural Development Programme of the Council for Industrial and Scientific Research (CSIR) of South Africa.

SASUSG, 1997, *Southern Africa Synthesis Report for the Evaluating Eden project*. Southern Africa Sustainable Use Specialist Group, IUCN/IIED. Harare.

SASUSG, 1995, *Southern Africa Sustainable Use Specialist Group 1995 Report to the Chairman of the Steering Committee of the IUCN Species Survival Commission*. Southern African Sustainable Use Specialist Group, IUCN. Harare.

Sources on Wild Resources in Mozambique

Abacar, A.J., 2000, *A case study of inland fisheries management in the Lucheringo-Rovuma-Messinge River systems, Northern Mozambique: From open to common property?*. Unpublished MSc Thesis, Centre for Environment and Development, University of Natal, Pietermaritzburg.

Alexander, J., 1997, 'The Local State in Post War Mozambique: Political Practice and Ideas about Authority.' *Africa* 67 (1).

Anstey, S.G., 2000a, 'Necessarily Vague: The Political Economy of Community Conservation in Mozambique.' In Hulme, D and M.W. Murphree (eds) *African Wildlife and African Livelihoods: The Promise and Performance of Community Conservation*. Oxford: James Currey.

Anstey, S.G., 2000b, *History Matters: Institutional Change and CBNRM in Sanga District Northern Mozambique*. Paper presented to the 8th Conference of the International Association for the Study of Common Property. June 2000, Bloomington, Indiana.

- Anstey, S.G. and C. de Sousa, 2000, 'Old Ways and New Challenges: Customary Natural Resource Management in the Chimanimani Mountains of Mozambique.' In Hulme, D and M.W. Murphree (eds) *African Wildlife and African Livelihoods: The Promise and Performance of Community Conservation*. London.: James Currey.
- DNFFB, 1997, *Forestry and Wildlife Policy and Strategies*. Ministry of Agriculture and Fisheries, Maputo, Mozambique.
- DNFFB, 1998, *Forestry and Wildlife Component: Agriculture Programme (PROAGRI) of Ministry of Agriculture and Fisheries*. Unpublished MAP report, Maputo.
- Chabal, P. and J-P. Daloz, 1999, 'Africa Works. Disorder as political instrument.' *African Issues; The International African*. Oxford and Indiana University Press, Bloomington and Indianapolis: James Currey.
- Government of Mozambique, 1997, *Forestry and Wildlife Policy and Strategies*. Ministry of Agriculture and Fisheries , Maputo, Mozambique.
- Kloek-Jenson, S., 2000, 'Locating the Community: Administration of Natural Resources in Mozambique.' *Land Tenure Centre Working Paper No. 32*. Wisconsin: University of Wisconsin-Madison.
- Mansur E., 1997, *Proposta Metodologica e Instrumento para o Autodiagnostico*. Nota Tecnica No. 2. Maputo: DNFFB.
- Matakala P W, 1999, *Guidelines for Assessing the Suitability of Communities for Community Forestry Programs: an evaluation framework*. Technical Note No. 3. Maputo: DNFFB.
- Newitt, M., 1995, *A History of Mozambique*. London: C. Hurst and Co.
- Norfolk, S and Soberano, D., 2000, *From Conflict to Partnership: a Report on Relationships and Land in Zambezia Province*. SPGC-Zambezia: Quelimane.
- Nhantumbo, I., 2000, *The new resource tenure framework in Mozambique: Does it really give the tenancy to the rural communities?* Paper presented at the 8th Conference of the IASCP, June 2000, Bloomington.
- Serodio, K. (ed), 1998, *The Bushmeat Trade in Mozambique*. Report to TRAFFIC TESA Office. Unpublished report, IUCN Mozambique, Maputo, Mozambique.

Virtanen, P., 1999, *Community in Context: Chiefs and Councils in Mozambique*. Unpublished paper for Institute of Environmental Studies, University of Zimbabwe Seminar “Governance, property rights and rules for woodland and wildlife management in Southern Africa.”

Wilson, K., 1997, *Of Diffusion and Context: The Bubbling Up of Community Based Conservation in Mozambique*. Unpublished paper to the Representing Communities Conference, Helen Lodge, Georgia, USA.

Sources on Wild Resources in Namibia

Corbett, A. and C. Daniels, 1996, *Legislation and Policy Affecting Community-based Natural Resource Management in Namibia*. Social Science Division, University of Namibia. Windhoek.

Cousins, B., 2000, ‘Tenure and Common Property Resources in Africa.’ In: Toulmin, C. and Quan, J. F. (eds). *Evolving Land Rights, Policy and Tenure in Africa*. London: DFID/IIED/NRI.

GRN, 1999a, *Communal Land Reform Bill*. Government of the Republic of Namibia. Windhoek.

GRN, 1999b, *Rural Water Supply Management Bill 1999. (Third Draft)*. Ministry of Agriculture, Water and Rural Development. Windhoek.

GRN, 1996, *Nature Conservation Amendment Act, 1996*. Government Gazette No. 1333. Government of the Republic of Namibia. Windhoek.

Jones, B. T. B., 2000, *Lessons learned and impacts of the Living in a Finite Environment (LIFE) Project Phase 1: Development of Effective, Representative Conservancy Management Committees*. LIFE Project. Windhoek.

Jones, B. T. B., 1999a, ‘Rights, Revenues and Resources. The problems and potential of conservancies as community wildlife management institutions in Namibia.’ *Evaluating Eden Series, Discussion Paper No. 2*. London: IIED.

Jones, B. T. B., 1999b, *Lessons learned and impacts of the Living in a Finite Environment (LIFE) Project Phase 1: CBNRM Policy/Legislation Review and Analysis*. LIFE Project. Windhoek.

Jones, B. T. B., 1999c, ‘Community-based Natural Resource Management in Namibia: the challenge of overlapping resource rights.’ Paper prepared for the seminar and workshop on: *Governance, property rights and rules for woodland and wildlife management in southern Africa*. Harare, November 23-24, 1999.

Jones, B. T. B., 1999d, 'Policy Arena. Policy lessons from the evolution of a community-based approach to wildlife management, Kunene Region, Namibia.' *Journal of International Development*. 11, 295-304.

Jones, B. T. B., 1999e, *Community management of natural resources in Namibia*. IIED Drylands Programme. Issue Paper No. 90. London: IIED.

Jones, B. T. B. and M. W. Murphree, 2000, 'The Evolution of Policy on Community Conservation in Namibia and Zimbabwe.' In Hulme, D. and Murphree, M. (eds) *African Wildlife and African Livelihoods: The Promise and Performance of Community Conservation*. Oxford: James Currey.

MET., 1995, *Wildlife Management, Utilisation and Tourism in Communal Areas*. Policy document. Ministry of Environment and Tourism. Windhoek.

MET, 1997, *Forest Act, 1997* (Draft). Ministry of Environment and Tourism. Windhoek.

MWCT, 1992, Policy Document. *The establishment of conservancies in Namibia*. Ministry of Wildlife, Conservation and Tourism, Windhoek.

Sources on Wild Resources in South Africa

Ainslie A., 1998., *Wading in: The realities of land tenure reform in the communal areas of the Eastern Cape Province, South Africa*. Paper presented at the 1998 IASCP Conference. [Http://www.indiana.edu/~iascp/iascp98.htm](http://www.indiana.edu/~iascp/iascp98.htm)

Ainslie, A. 1999, 'When 'community' is not enough: managing common property natural resources in rural South Africa.' *Development Southern Africa* **16**: 375 - 401.

Cavendish, W., 1999, *Empirical regularities in the poverty-environment relationship of African rural households*. WPS 99-21.

Claassens, A., 2000, 'Land rights and local decision-making processes: proposals for tenure reform.' In Cousins (ed). *At the crossroads: Land and agrarian reform into the 21st century*. Papers from a conference held at the Alpha Training Centre, Broederstroom, Pretoria on 26th - 28th July 1999.

Cocks, M., 2000, 'Empowering communities to manage natural resources: Where does the new power lie. Fish River Case Study, Eastern Cape, South Africa.' In, Shackleton, S.E. and Campbell, B. (eds). *Empowering communities to manage natural resources: Case studies from southern Africa. SADC NRM project in collaboration with CSIR*. CSIR Published Report No. Env-P-C-2000-025. CSIR, Pretoria. 200 pp.

- Cousins T., 1999, *Legal Entities in Land reform, Lessons for Policy and Practice*. Paper prepared for the Legal Entity Assessment Project and presented at the Land and Agrarian Reform Conference in July 1999. [Note this paper does not appear in the final proceedings]
- Cunningham A. B., 1990, 'Income, sap yields and effects of palm wine tapping on palms in south-eastern South Africa.' *South African Journal of Botany* **56**: 137-144.
- Hargreaves, S., 1997, *Communal Property Associations in the Field*. TRAC, Johannesburg. (email: trac@wn.apc.org).
- Hughs, G., 1994, *GEM Monitor No. 1. Ecotourism: A tool for rural reconstruction in South Africa*. GEM, Johannesburg.
- IIED, 1997, *Valuing the hidden harvest: Methodological approaches for local-level economic analysis of wild resources*. Research Series, Volume 3, No. 4. IIED, London.
- IUCN, South Africa Country Office, 1999, *Promoting sustainable livelihoods for communities through the use and management of natural resources*. Workshop proceedings and papers. 12th - 13th May 1999. IUCN South Africa Country Office, Hatfield, Pretoria.
- Kepe T, 1997, *Environmental entitlements in Mkambati: Livelihoods, social institutions and environmental change on the Wild Coast of the Eastern Cape*. PLAAS, University of the Western Cape, Cape Town.
- McKean, S.G., 1998, 'Towards sustainable use of palm leaves by a rural community in KwaZulu-Natal, South Africa.' In: Shackleton, S.E. & Tapson, A. (Eds). *Proceedings of the mini-symposium on common property resource management. Nylsley Nature Reserve, 4-5 August 1998*. CSIR, Pretoria. pp 67-70.
- Manyathi ,1999, *Afra News* Vol 41.
- Newton, D.J. and Vaughan, H., 1996, *South Africa's Aloe ferox plants, parts and derivatives industry*. TRAFFIC East/Southern Africa, Parkview, Johannesburg.
- Piennar, K., 2000, 'Communal property arrangements: A second bite.' In: Cousins, B. *At the crossroads: Land and agrarian reform in South Africa into the 21st century*. Papers from a conference held at the Alpha Training Centre, Broederstroom, Pretoria on 26 – 28 July 1999. PLAAS and National Land Committee, Cape Town.

- Pollard, S.R., Perez de Mmendinguren, J.C., Joubert, A., Shackleton, C.M., Walker, P., Poulter, T and White, M., 1998, *Save the Sand phase 1 feasibility study: the development of a proposal for a catchment plan for the Sand river catchment*. Department of Water Affairs and Forestry, Pretoria.
- SANP, 2000, *Visions of change. Social ecology and South African National Parks*. South African National Parks, Pretoria.
- Shackleton, C.M. & Shackleton, S.E., 1997, *Commercialisation potential of veld products in Bushbuckridge* (122 pp). Prepared for the DANCED/DARUDEC Bushbuckridge Community Forestry Project. Nelspruit.
- Shackleton, C. M., Scholes, R.J., Kgame, W., Willis, C. B., Crookes, D., Manders, P. T., and Moshe, D., 1999, *State of the Forest Report: Chapter 4 - Indigenous Woodlands*. 42 pp. CSIR report no ENV-P-C 99033.
- Shackleton, S.E., Stadler J., Jeenes, K., Pollard, S., Gear, J.S.S., Reynolds, J. and Mathebela, F.R., 1995, *Adaptive strategies of the poor in arid and semi-arid lands: In search of sustainable livelihoods. A case study of the Bushbuckridge District, Eastern Transvaal, South Africa* (170 pp). Prepared for the International Institute of Sustainable Development (IISD), Winnipeg, Canada. Wits Rural Facility, University of the Witwatersrand.
- Shackleton, S.E., von Maltitz G, & Evans J.M., 1998, *Factors, conditions and criteria for the successful management of natural resources held under a common property regime: A South African perspective*. Research Paper No 8, Programme for Land and Agrarian Studies, School of Governance, University of the Western Cape.
- Shackleton, S.E. 2000. *Local level institutions for land and resource management. Case studies from Manganeng and Rakgoadi in Sekhukuneland, Northern Province*. Prepared for the EDA Northern Province Community-based land management project. Unpublished CSIR Report No. ENV-P-C 2000-011, CSIR, Pretoria. 129 pp.
- Shackleton, S.E., Shackleton, C.M. and Cousins B. 2000. *The economic value of land and natural resources to rural livelihoods. Case studies from South Africa*. In Cousins (ed). *At the crossroads: Land and agrarian reform into the 21st century*. Papers from a conference held at the Alpha Training Centre, Broederstroom, Pretoria on 26th - 28th July 1999.
- Shackleton, S.E. and Willis, C., 2000, *Community involvement in forestry management. Whose stake in forest management? The case of South Africa*. Background paper for a regional review of “Community Involvement in Forestry Management” coordinated by IUCN East African Regional Office and funded by DFID. Unpublished CSIR Report No. Env-P-I-2000-001, CSIR, Pretoria. 55 pp.
- Styles, C., 1994, ‘There’s big value in Mopane worms.’ *Farmer’s Weekly*, July 22, 1994.

Timmermans, H., 1999, *Reconciling conservation and rural development. Social and ecological dynamics of forest resource harvesting in the Cwebe Nature Reserve*. Paper prepared for the National Forestry and Woodlands Symposium, Breton-On-Sea, 6th - 9th September 1999.

Turner, S., 2000, *Evaluation of the TRANSFORM programme*. GTZ, Pretoria.

Wells, M.P. ,1996, 'The social role of protected areas in the new South Africa.' *Environmental Conservation* 23 (4): 322 – 331.

Willis, C.B., Geach, B., Pillay, V. & Versveld, D., 1999, *A review of current policies and legislation which may impact on the sustainability of natural woodlands*. Proceedings of the Forests and Woodlands Symposium, Breton-on-Sea, September 1999.

Wynberg, R. and Kepe, T., 1999, *Land reform and conservation areas: Towards a mutually beneficial approach*. Working document prepared for the Land Claims and Protected Areas Workshop, 3th - 4th September 1998. IUCN South Africa Country Office, Hatfield, Pretoria.

All government policies and acts can be obtained from the South African government's website <http://www.gov.za>