



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$1.56

WINDHOEK - 12 May 1997

No. 1554

CONTENTS

Page

GOVERNMENT NOTICE

No. 83 Amendment of Regulations relating to Nature Conservation

1

Government Notice

MINISTRY OF ENVIRONMENT AND TOURISM

No. 83

1997

AMENDMENT OF REGULATIONS RELATING TO NATURE CONSERVATION

The Minister of Environment and Tourism has -

- (a) under section 84 of the Nature Conservation Ordinance, 1975 (Ordinance 4 of 1975), made the regulations set out in the Schedule; and
- (b) withdrawn Government Notice 304 of 18 November 1996.

SCHEDULE

1. In this Schedule "the Regulations" means the Regulations relating to Nature Conservation, promulgated by Government Notice 240 of 1976, as amended by Government Notices 256 of 1976; 112, 248, 302, 314 and 364 of 1977; 114, 190 and 247 of 1978; 10, 50 and 56 of 1979; AG. 8 of 1981; AG. 41 of 1982; 23, 49 and 61 of 1983; 72 of 1984; 3, 36, 101 and 121 of 1985; 122 and 242 of 1986; 81 of 1987; 89 of 1988; AG. 37 and AG. 44 of 1989 and 152 of 1993.

2. Regulation 147 in Chapter XVI of the Regulations is hereby amended by the insertion in paragraph (iv) of subregulation (1) -

- "(a) after the words "with droppers of iron" of the words "recycled plastic"; and
- (b) after the words "at the thinnest end" of the following words "and in the case of recycled plastic, such droppers shall have a thickness of at least 28 millimetres."

3. Regulation 148 of Chapter XVI of the Regulations is hereby amended by the substitution for paragraph (iii) of the following paragraph:

- "(iii) with droppers of iron, recycled plastic or treated wood, provided that -
 - (aa) in the case of treated wood, such droppers shall have a thickness of at least 50 millimetres at the thinnest end;
 - (bb) in the case of recycled plastic, such droppers shall have a thickness of at least 35 millimetres;
 - (cc) droppers shall be attached, if staggered, at the most two meters from each other and, if not staggered, at the most 1,5 metres from each other."

4. The Regulations are hereby amended by the insertion of the following Chapter after XVII A:

"CHAPTER XVII B

CONSERVANCIES AND WILDLIFE COUNCILS

Application for declaration of an area as a conservancy

155B (1) An application made to the Minister in terms of section 24A(1) of the Ordinance for declaration of an area as a conservancy shall be made on Form 1, and shall be submitted to the Permanent Secretary.

(2) The committee making the application referred to in subregulation (1) shall submit with such application a register compiled by that committee containing the names, identification numbers and addresses of the members of the community residing in the area to which the application relates, and who are represented by that committee.

(3) The relevant constitution required by section 24A(1)(b) of the Ordinance to accompany an application referred to in subregulation (1) shall be dated and signed by the chairperson of the committee making the application, and shall provide for -

- (a) the objectives of the committee as a conservancy committee, including the sustainable management and utilisation of game within the physical boundaries of the conservancy in accordance with a game management

and utilisation plan, and the equitable distribution of the benefits derived therefrom;

- (b) the procedure for the election and removal of members of the conservancy committee;
- (c) the powers and responsibilities of the conservancy committee, including powers to enter into agreements relating to consumptive and non-consumptive use of game;
- (d) provisions relating to the holding of -
 - (i) meetings of the conservancy committee; and
 - (ii) annual general meetings and ordinary meetings with the community it represents; and
 - (iii) the recording of the proceedings at any such meeting;
- (e) the criteria and procedure for being recognised as a member of the community represented by the conservancy committee, provided that no-one may be excluded from membership on the grounds of ethnicity or gender;
- (f) the rights and obligations of members of the community;
- (g) the procedure for members of the community to decide on the policy to be followed by the conservancy committee in the equitable distribution of benefits;
- (h) provision for the management of the conservancy committee's finances, including -
 - (i) the appointment of a person with adequate experience in financial matters and of book keeping as treasurer of the conservancy committee, who shall report to the annual general meeting of the community on the income received and the manner in which it has been utilised by such conservancy committee;
 - (ii) the keeping of proper accounting records and books of account, and the preparation of annual financial statements;
 - (iii) the opening of a bank account in the name of the conservancy with a financial institution approved by the Permanent Secretary;
 - (iv) a procedure for determining the manner in which the moneys derived from the consumptive or non-consumptive use of game by the conservancy committee shall be appropriated;
- (i) a procedure for dispute resolution;

- (j) a procedure for the amendment of such constitution; and
- (k) in general, such other matters as the committee in question may deem necessary.

(4) The statement required in terms of section 24A(1)(c) of the Ordinance to accompany the application referred to in subregulation (1) shall include a sketch plan setting out the physical geographic boundaries and the approximate extent of the area in respect of which the application is made.

(5) If the Minister has approved any application referred to in subregulation (1), and has -

- (a) under section 24A(2)(i) of the Ordinance recognised the committee which has made the application in question as the conservancy committee for the area in respect of which the application was made; and
- (b) under section 24A(2)(ii) of that Ordinance declared by notice in the *Gazette* the area in question as a conservancy,

the Permanent Secretary shall issue to the committee in question a certificate of declaration as prescribed in Form 2.

(6) The Permanent Secretary shall -

- (a) forward for information a copy of every certificate issued under subregulation (5) to the Permanent Secretaries of the Ministries of Lands, Resettlement and Rehabilitation and Regional and Local Government and Housing; and
- (b) keep or cause a register to be kept of declared conservancies and their recognised conservancy committees.

(7) A conservancy committee that is desirous to be disestablished shall in writing apply for such disestablishment to the Minister, giving reasons for such application.

(8) A treasurer appointed by the conservancy committee as contemplated in subregulation (3)(h)(i) shall be approved by the Permanent Secretary.

(9) The accounting records and books of account of the conservancy shall on request of the Permanent Secretary be submitted to him or her for inspection.

(10) For the purposes of this regulation "community" means the community represented by the conservancy committee concerned, the members of which are indicated in the register referred to in subregulation (2).

CHAPTER XVII C
WILDLIFE COUNCILS

Establishment of wildlife councils

155C (1) The Minister shall convene, if he or she intends to establish under section 24B(1) of the Ordinance a wildlife council for a community residing on communal land, a meeting to make such intention known to the members of the community in question, and have consultations with such members with regard to the functions and objectives of such intended wildlife council.

(2) A meeting contemplated in subregulation (1) shall be convened by giving notice thereof -

(a) at the Office of the Regional Council of the area for which the intended wildlife council is to be established; and

(b) in one newspaper circulating in the area in question.

(3) Any person with an interest in such meeting may attend such meeting.

(4) The Minister may under section 24B(1) of the Ordinance establish a wildlife council for a community referred to in subregulation (1), if he or she is satisfied, after the consultations contemplated in that subregulation, that such community together with a wildlife council, has the ability to manage and utilise in a sustainable manner the game in the area in which it resides.

(5) The Permanent Secretary shall with regard to a wildlife council established under section 24B(1) of the Ordinance -

(a) issue to such wildlife council a certificate of establishment on Form 3;

(b) note the particulars of such wildlife council in a register of such councils to be kept by him or her; and

(c) forward for information a copy of the certificate referred to in paragraph (a) to the Permanent Secretaries of the Ministries of Lands, Resettlement and Rehabilitation and Regional and Local Government and Housing.

(6) The notice referred to in section 24B(2) of the Ordinance shall, in addition to the requirements set out in that section, also set out the objectives and functions of the wildlife council in question, and the restrictions or conditions, if any, determined by the Minister under that section.

(7) A wildlife council shall consist of the following members, namely -

(a) the governor of the region in which the wildlife council has been established, or a person designated by him or her;

- (b) two staff members in the Ministry of Environment and Tourism designated by the Minister; and
 - (c) five other members appointed by the Minister, of whom -
 - (i) one shall be a person nominated for appointment by the traditional authority established in terms of section 2 of the Traditional Authorities Act 1995, (Act 17 of 1995) for the area in which the wildlife council has been established; and
 - (ii) four shall be persons nominated for appointment by members of the community for which the council has been established.
- (8) For the purposes of the nomination of persons referred to in subregulation (7)(c)(i) or (ii), the Minister shall in writing request the traditional authority or community in question, as the case may be, to nominate such number of persons as members of the wildlife council concerned as may be specified in such request, and to submit such nomination to the Minister within such period as may be so specified.
- (9) The Minister may appoint any member contemplated in subregulation (7)(c), if no nomination is submitted to him or her within the period specified by the relevant request made by him or her under subregulation (8).
- (10) A member of a wildlife council referred to in subregulation (7)(c) shall hold office for a period of three years or such shorter period as the Minister may in any particular case determine, but such member shall, at the expiration of his or her period of office, be eligible for reappointment as such a member.
- (11) The Minister shall designate one of the members of the wildlife council to be the chairperson thereof for such period as the Minister may determine.
- (12) A member of a wildlife council referred to in subregulation (7)(b) or (c) shall vacate his or her office, if -
- (a) he or she is by reason of his or her physical or mental illness incapable of acting as member of the council;
 - (b) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine;
 - (c) he or she in writing resigns from the wildlife council after giving the Minister at least one month's written notice of his or her intention to do so;
 - (d) he or she has absented himself or herself from three consecutive meetings of the council without permission of the chairperson of the wildlife council.
- (13) If a member of the wildlife council dies or vacates his or her office, the vacancy shall be filled for the unexpired portion of the period of office of that member in the manner contemplated in subregulation (7).

- (14) (a) A wildlife council shall meet at least three times a year.
- (b) The quorum for a meeting of such council shall be five of its members.
- (c) The chairperson shall preside over, and determine the procedure to be followed at, meetings of such council.
- (d) The decision of a majority of the members present at the meeting of the wildlife council shall constitute a decision of that council, and in the event of an equality of votes on any matter, the chairperson shall have a casting vote, in addition to his or her deliberative vote.
- (e) Minutes shall be kept of all meetings of the wildlife council and made available on request to any person requiring a copy thereof.
- (15) The funds of the wildlife council shall consist of -
- (a) income derived in terms of the provisions of section 24B(4) of the Ordinance; and
- (b) such other moneys as may from time to time accrue, become payable, or be donated to it.
- (16) Upon establishment the wildlife council shall -
- (a) appoint a person with adequate experience in financial matters and book keeping, and who shall be approved by the Permanent Secretary, as treasurer of the wildlife council;
- (b) keep proper accounting records and books of account;
- (c) submit annually to the Permanent Secretary the annual financial statements of the wildlife council, as audited by an auditor who has been registered under the Public Accountants' and Auditors' Act, (Act 51 of 1951);
- (d) deal with all moneys received by the wildlife council in such manner as may be determined by the Minister; and
- (e) comply with such other conditions or restrictions as the Minister may impose on such wildlife council.
- (17) No funds of the wildlife council referred to in subregulation (15) shall be expended or distributed without the approval of the Minister: Provided that the wildlife council may without the approval of the Minister pay out of its funds any amount to defray its operational expenses.
- (18) (a) A wild council shall keep a register of wildlife utilised within its area of jurisdiction.
- (b) The register shall contain particulars of the total number of wildlife

utilised according to species.

ANNEXURE

INDEX TO FORMS

- 1. Application for declaration of a conservancy.
- 2. Certificate of approval of a conservancy.
- 3. Certificate of establishment of a wildlife council.

Form 1

REPUBLIC OF NAMIBIA

MINISTRY OF ENVIRONMENT AND TOURISM

NATURE CONSERVATION ORDINANCE, 1975

APPLICATION FOR DECLARATION OF A CONSERVANCY

(Section 24A/Regulation 155B)

- 1. Name of conservancy:
- 2. Name of chairperson:
- 3. Address:
.....
.....
- 3. Description of the geographic boundaries of the area in respect of which the application is made:
 - (a) if the conservancy has been surveyed, please append a description of the boundaries in the Schedule and a sketch-map/plan; or
 - (b) if the conservancy has not been surveyed, provide a description of the physical geographic boundaries or markers. (Append the description on a separate sheet if there is insufficient space on this form).
.....
.....
.....
.....

.....
4. Endorsement by Governor of the region:

I, in my capacity as of the

Region certify that to the best of my knowledge there is no reason why the boundaries of the area stated above should not be accepted as the boundaries of the conservancy and have satisfied myself that the

area concerned is not subject to any lease or is not a proclaimed game park or nature reserve.

.....
Signed: Governor

.....
Date

5. Please attach the following to this application -

- (a) a copy of the conservancy committee constitution;
- (b) a list of names, including identity numbers and addresses of the conservancy committee members;
- (c) a copy of the register containing names, identity numbers and addresses of members of the community in respect of which this application is made.

6. Representative nature of the conservancy committee:

Briefly describe how your committee was chosen and by whom:

.....

.....

.....

.....

.....

7. Name of Treasurer:

Financial accounting experience:

.....

.....

.....

.....

Approved/Not approved Permanent

Secretary

8. Management and distribution of conservancy funds:

Briefly describe how the conservancy's funds will be managed and distributed:

.....

.....

.....

9. Inspection/Feasibility study:

If a Ministry of Environment and Tourism inspection or other feasibility study has been carried out for the proposed conservancy, please attach a copy of the inspection report or feasibility study to this application.

10. Application:

We, the members of community in our capacity as members of the proposed

conservancy committee, hereby apply for declaration of the whole area/part of

the area described in the Schedule and shown on the sketch-map/plan as a conservancy in terms of section 24A of the Nature Conservation Ordinance, 1975 (Ordinance 4 of 1975), and certify that to the best of our knowledge, all the necessary requirements have been complied with.

.....
Signed: Chairperson

.....
Date

Recommendations by the Permanent Secretary:

.....
.....

.....
Signed: Permanent Secretary

.....
Date

Approved/Not approved by Minister

Subject to the following restrictions or conditions:

.....
.....
.....
.....
.....

.....
Signed: Minister of Environment and Tourism

.....
Date

Form 2

REPUBLIC OF NAMIBIA

MINISTRY OF ENVIRONMENT AND TOURISM

NATURE CONSERVATION ORDINANCE, 1975

CERTIFICATE OF DECLARATION OF A CONSERVANCY

(Section 24A/Regulation 155B)

I hereby certify that the Minister of Environment and Tourism has by Government
 Notice declared the area set out in that notice as

 as a conservancy under section 24A of the Nature Conservation Ordinance, 1975
 (Ordinance 4 of 1975), and that the committee set out in the application dated
 has been duly recognised by the Minister as the conservancy committee
 for the Conservancy.

Signed:

.....
PERMANENT SECRETARY:
ENVIRONMENT AND TOURISM

Date:

.....

Form 3

REPUBLIC OF NAMIBIA

MINISTRY OF ENVIRONMENT AND TOURISM

NATURE CONSERVATION ORDINANCE, 1975

CERTIFICATE OF ESTABLISHMENT OF A WILDLIFE COUNCIL

(Section 24B/Regulation 155C)

I hereby certify that the Minister of Environment and Tourism has under section 24B of the Nature Conservation Ordinance, 1975 (Ordinance 4 of 1975) established the Wildlife Council for the area

Signed:

.....
PERMANENT SECRETARY:
ENVIRONMENT AND TOURISM

Date:

....."