

7TH NATIONAL ASSEMBLY



**PARLIAMENTARY STANDING COMMITTEE ON
CONSTITUTIONAL AND LEGAL AFFAIRS**



**REPORT ON THE PETITION ON THE MANAGEMENT OF THE
BWABWATA COMMUNAL LAND BY THE MINISTRY OF
ENVIRONMENT, FORESTRY AND TOURISM**

MARCH 2022 TO SEPTEMBER 2023

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ACRONYMS

| | | |
|-----------|---|-----------------------------------------------------------|
| BNP | : | Bwabwata National Park |
| BTC | : | Bwabwata Technical Committee |
| CBPP | : | Contagious Bovine Pleuropneumonia |
| DVS | : | Directorate Veterinary Services |
| FMD | : | Food and Mouth Disease |
| HWC | : | Human Wildlife Conflict |
| IRDNC | : | Integrated Rural Development and Nature Conservation |
| KA | : | Kyaramacan Association |
| KAZA TFCA | : | Kavango Zambezi Transfontier Conservation Area |
| KIFI | : | Kamutjonga Inland Fisheries Institute |
| MAWLR | : | Ministry of Agriculture, Water and Land Reform |
| MAWRD | : | Ministry of Agriculture, Water and Rural Development |
| Meatco | : | Meat Corporation of Namibia |
| MEFT | : | Ministry of Environment, Forestry and Tourism |
| MOU | : | Memorandum of Understanding |
| MRLGH | : | Ministry of Regional, Local Government and Housing |
| MUA | : | Multiple Use Area |
| MURD | : | Ministry of Urban and Rural Development |
| RIPES | : | Research, Information, Publication and Editorial Services |
| RSA | : | Republic of South Africa |
| WWF | : | World Wildlife Fund |

1. EXECUTIVE SUMMARY

A Petition on the Management on the Bwabwata Communal Land by the Ministry of Environment, Forestry and Tourism was referred to the Standing Committee on Constitutional and Legal Affairs on 01 December 2021.

The Standing Committee carried out a fact finding visit to Mukwe Constituency in Kavango East Region from 14 to 17 March 2022. The Committee also held consultations with key Ministries during the period 31 March 2022 to 9 February 2023.

The petition among others is calling for the National Assembly to revisit the Cabinet Decision of 1999 which stipulates that "no cattle be allowed in the Bwabwata National Park or any other game park in the North-East region."

The Petitioners claim that the decision was passed without their knowledge and proper consultation. They are also demanding that the promised tourism development in the Mahango Core Area that will benefit the Hambukushu community be implemented.

The other demand is that the Government should consider allocating farming units within the Bwabwata area to the Hambukushu Traditional Authority and further claim that the proclamation of Bwabwata into a National Park in 2007 is illegal and must be revisited and that the Ministry of Environment, Forestry and Tourism (MEFT) should consult the Hambukushu Traditional Authority on the management of Bwabwata area.

It is against this background that the Committee engaged with stakeholders involved in the Management of the Bwabwata National Park as well as the affected communities.

The report covers meetings held with key stakeholders and affected communities; and site visits to Bwabwata National Park. The report includes the Committee's findings and recommendations.

2. INTRODUCTION AND BACKGROUND

The Hambukushu Traditional Authority lodged a Petition on the 19th November 2021, titled “**Petition on the Management of the Bwabwata Communal Land by the Ministry of Environment, Forestry and Tourism**”. The Petition among others, is calling upon the National Assembly:

- to revisit the Cabinet Decision of 1999 that stipulate that no cattle be allowed in the Bwabwata National Park or any other Game Park in the North–East Region; they claim that the decision was passed without their knowledge and proper consultation.
- demand that the promised tourism development in the Mahango Core Area that will benefit the Hambukushu community be implemented.
- The other demand is that the Government should consider allocating farming units within the Bwabwata area to the Hambukushu Traditional Authority.
- They further claim that the proclamation of Bwabwata into a National Park in 2007 is illegal and must be revisited and that the MEFT should consult the Hambukushu Traditional Authority on the management of Bwabwata area.

In light of this, the above captioned petition was then referred to the Standing Committee on Constitutional and Legal Affairs on the 1st December 2021. A decision was taken to undertake a fact finding visit to the Bwabwata National Park, as well as to conduct public hearings with stakeholders involved in the management of the Bwabwata National Park.

The hearings took place in Mukwe Constituency from 14 to 17 March 2022 and several stakeholders were consulted which *inter alia* include: the Hambukushu Traditional Leaders and their communities, the Kyaramacan Association, the Khwe and Hambukushu communities residing at Omega 1 and within the Bwabwata National Park. The Committee paid courtesy calls to the Honourable Governor of Kavango East Region, FUMU of the Hambukushu Traditional Authority and the Honourable Councillor of Mukwe Constituency.

After the public hearings in Divundu-Mukwe Constituency, the Committee further consulted the Ministry of Environment, Forestry and Tourism, Ministry of Agriculture, Water and Land Reform as well as the Ministry of Urban and Rural Development, in order to ascertain Members with the findings provided during the hearings.

Consultations with such Ministries took place during the period 31 March 2022 to 9 February 2023 respectively and mainly focused on the following:

- The management of the Bwabwata Communal Land in terms of policies/acts and regulations governing the National Park;
- The merging of Caprivi National Park and Mahango Game Park to Bwabwata National Park;
- The situation of Human Wildlife Conflict;
- Directives from the previous and current Presidency that the Ministry of Environment should consult with the Hambukushu Traditional Authority and community of Bwabwata National Park; and
- The operations of the Kyaramacan Association and its intended beneficiaries as well as other issues addressed in the petition.

3. COMMITTEE MEMBERSHIP

The Standing Committee on Constitutional and Legal Affairs has twenty (20) Members of Parliament derived from various political parties represented in the National Assembly.

However, due to budgetary constraints, only 9 Members undertook the visit namely: Honourables Kletus Karondo (Chairperson), Paula Kooper (Deputy Chairperson), Tjekero Tweya, Herlinde Tjiveze, Modestus Amutse, Thimoteus Shihumbu, Edson Isaacks, Vincent Mareka and Elifas Dingara.

Members were accompanied by Ms Agnes N. Mukono (Committee Services), Ms Theresia Dimba (Committee Services), Ms Carol-Ann Esterhuizen (Directorate Legal Services) and Mr. Rafael Hangula (RIPES).

4. METHODOLOGY

In order to obtain all relevant information and evidence relevant to the Petition, the Committee resolved to employ three methods: Firstly, it conducted public hearings with the Petitioners and other affected communities in Mukwe-Kavango East Region and secondly, the Committee held consultative meetings with senior officials of the relevant Ministries involved in the management of the Bwabwata National Park and thirdly, the Committee conducted site visits/tour of the park.

The hearings were open to the general public and the media. To create awareness, all meetings that were conducted, notices were posted on the Parliament website and social media platform such as Facebook. All invited stakeholders were without exemption required to make a presentation and to

furnish supporting evidence and documentation to assist the Committee. All key documentation received form part of this report as annexures.

5. OBJECTIVES OF THE HEARINGS

The Main objectives of conducting the enquiry on the Petition were amongst others to:

- (a) investigate issues of key concerns raised by the Petitioners;
- (b) to ascertain Members with the situation on the ground pertaining to the management of the Bwabwata National Park;
- (c) obtain public input on the matter and
- (d) to map out the way forward on how to address issues of key concerns.

6. PURPOSE OF THE REPORT

The purpose of the report is to inform the National Assembly about the outcome of the public hearings in terms of findings, recommendations as well as to discuss, consider and adopt the report.

7. AREAS OF CONCERN BY THE PETITIONERS

- (a) The consultation process with the Hambukushu Traditional Authority and the entire Hambukushu Community to proclaim Bwabwata as a National Park was haphazardly conducted since the tenure of former Ministers of Environment Forestry and Tourism, namely; Hon. Philemon Malima, Hon. Rev. Willem Konjore and Hon. Netumbo Nandi-Ndaitwah.
- (b) Proposals on how best Bwabwata could be utilized by both Government and the Hambukushu Traditional Authority was submitted to the above-mentioned former Ministers.
- (c) The Hambukushu Traditional Authority and its Community only learned about the proclamation from the Ministry of Environment, Forestry and Tourism when the Ministry became hostile in its quest to evict livestock from Bwabwata, claiming that Bwabwata is a National Park proclaimed in 2007.
- (d) Fumu Erwin Munika Mbambo of the Hambukushu Traditional Authority on several occasions wrote letters to the Minister of Environment, Forestry and

Toursim, Honourable Pohamba Shifeta, to seek audience to discuss how best Bwabwata can be utilized by both the Community living there and the Government, all interventions prove futile, the Minister showed unwillingness to entertain such a request. **(Annexure 1: Letters from the Fumu to the former Minister of Environment, Forestry and Tourism)**

- (e) The Hambukushu Traditional Authority addressed the issues of Bwabwata through the former Head of State His Excellency Dr Hifikepunye Pohamba as well as His Excellency Dr. Hage G. Geingob who both showed their willingness to address the issue by instructing the line Ministers to attend to the matter since July 2023 and July 2016 respectively but nothing was done by the Ministers despite the directives from both Heads of State. **(Annexure 2: Letters from the former and current Head of State)**
- (f) On the 9th of May 2018, the Hambukushu Traditional Authority reminded the Minister of Environment Forestry and Tourism, Hon. Pohamba Shifeta regarding the directives from the two Heads of State with regards to the need for a dialogue to discuss the issue. However, the Minister responded that the Fumu of the Hambukushu Traditional Authority should meet him in Windhoek if he wanted the matter to be discussed. **(Annexure 3: Letter from the Hambukushu Traditional Authority)**
- (g) In 2020, the Ministry of Environment, Forestry and Tourism under the leadership of Honourable Pohamba Shifeta threatened to evict all livestock from Bwabwata without proper consultation.
- (h) While anticipating to have a dialogue on how Bwabwata will benefit its inhabitants, Ministry of Environment Forestry and Tourism has already come up with an adopted Strategy on how livestock will be removed from Bwabwata.
- (i) Since the Hambukushu Traditional Authority initiated the call for dialogue with the Ministry, the meeting never took place, however the Ministry drafted a report in February 2014 presume to be from the Technical Committee comprising of Ministry of Regional, Local Government, Housing and Rural Development, Ministry of Environment and Tourism and Ministry of Lands and Resettlement while the report was drafted by one Senior Official in the Ministry of Environment. **(Annexure 4: Report of the Technical Committee).**

- (j) The Ministry of Environment, Forestry and Tourism has recognized the Khwe as a Traditional Authority allowing them to send their correspondence to the Ministry, using the date stamp of Mashi Traditional Authority while the Hambukushu Traditional Authority is the only recognized Traditional Authority.
- (k) The Kyaramacan Association for the Khwe Community continue receiving benefits excluding the Hambukushu Community through the Tourism Development programme. **(Annexure 5: Presentation from the Ministry of Environment, Forestry and Tourism at the public hearing dated 31/03/2022)**
- (l) The Ministry of Environment agreed for a tourism development in Mahango Core Area for the Hambukushu community surrounding the area, however the agreement never materialized.
- (m) The merging of Caprivi National Park and Mahango Game Park to Bwabwata National Park was strategized by certain Officials in the Ministry of Environment and the claim that all Traditional Authority reached consensus to proclaim Bwabwata into a National Park, is not the case, as it emerged that only Traditional Leaders from Zambezi gave a consent.
- (n) The Ministry of Environment failed to rehabilitate the collapsed fence at Mahango Game Park allowing the wildlife such as Buffaloes to cross to spread FMD.
- (o) When consultation between Ministry of Environment and the Hambukushu Traditional Authority resumed in 2006 and 2007, there was no agreement reached but to their surprised the proclamation was granted without the consent of the affected Traditional Community. **(Annexure 6: Petition on the Management of the Bwabwata Communal Land)**

8. COMMUNITIES AND STAKEHOLDERS CONSULTED

- (a) Hambukushu Traditional Authority (Hambukushu Traditional Councillor, Senior Traditional Leaders and Various Headmen of the Hambukushu Traditional Authority)Hambukushu Community Members
- (b) The Kyaramacan Association
- (c) Community Members in Omega
- (d) Ministry of Environment, Forest and Tourism (MEFT)
- (e) Ministry of Urban and Rural Development (MURD)
- (f) Ministry of Agriculture, Water and Land Reform (MAWLR)
- (g) Officials of Bwabwata National Park
- (h) Officials of Shamangorwa Cordon fence
- (i) Officials of Mahango Game Park

9. MEETINGS AND VISITS

9.1. COURTESY CALLS

The Committee paid courtesy calls to the Honourable Governor of Kavango East Region, Honourable Bonifatius Wakudumo, FUMU Erwin Munika Mbambo of the Hambukushu Traditional Authority and Honourable Damian Maghambayi, Councilor of Mukwe Constituency in order to discuss the purpose of the intended visit in that area. (***Annexure 7: Programme for the fact-finding visit to Bwabwata National Park***)

9.2. COURTESY CALL ON THE HONOURABLE GOVERNOR, KAVANGO EAST REGION

Members were welcomed by the Personal Assistant to the Honourable Governor, on behalf of the Honourable Governor who was absent due to other equally important commitments. He informed the meeting that the Hambukushu Traditional Authority occupies the biggest part of the Bwabwata National Park and that the Ministry of Environment, Forestry and Tourism have only considered the Khwe communities as beneficiaries. He said, the Honourable Governor held several meetings with Traditional Authorities on the issue as well as inviting the Ministry of Environment, Forestry and Tourism to address the matter, but to no avail.

9.3. COURTESY CALL ON THE FUMU OF THE HAMBUKUSHU TRADITIONAL AUTHORITY

The delegation paid a courtesy call to the FUMU of the Hambukushu Traditional Authority, FUMU Erwin Munika Mbambo, who informed members that the issue of Bwabwata National Park has come a long way and that the government continues to ignore their concerns by not addressing their plights.

He applauded the Speaker of the National Assembly for sending the delegation to come listen to their concerns and was of the opinion that, if the matter could be handled by the National Assembly the issue could have been resolved.

In addition, the FUMU stated that he has been accused in the past for having interest in the Bwabwata National Park.

9.4. COURTESY CALL ON THE HONOURABLE COUNCILLOR, MUKWE CONSTITUENCY

Honourable Damian Maghambayi, Councillor of Mukwe Constituency highlighted some challenges affecting Mukwe communities such as; human and wildlife conflict. Members were informed that the Human Wildlife conflict policy does not assist the community and thus, the best food for crocodile is fish and in the absence of fish, they opt for human beings.

In addition, He cited the shortage of water that compels the community to fetch water from the river, and run the risk of being attacked by predators such as crocodiles.

Overfishing and illegal fishing were highlighted as some of the challenges affecting the communities within Mukwe Constituency. He further mentioned the issue of foot and mouth disease which he said is of great concern.

9.5. PUBLIC HEARINGS WITH THE PETITIONERS AND OTHER AFFECTED COMMUNITIES

9.5.1. MEETING WITH THE HAMBUKUSHU TRADITIONAL AUTHORITY, TRADITIONAL COUNCILLORS, SENIOR TRADITIONAL LEADERS AND VARIOUS HEADMEN

The Committee was informed that the Hambukushu Traditional Authority are more concerned about land in Bwabwata as per Cabinet Decision of 1999, which states that, no cattle should be allowed in the Bwabwata National Park or any other game park in the northern east region.

Members were informed that the proclamation of the Bwabwata National Park is illegal and must be revisited. Furthermore, the Ministry of Environment, Forestry and Tourism should consult the Traditional Leaders on the management of the Bwabwata National Park.

The Hambukushu Traditional Authority said there were no proper consultations with the affected communities and they feel that government policies are being imposed upon them without taking their views into account. The Ministry of Environment, Forestry and Tourism never informed the Hambukushu community about the removal of cattle, in order to give way to the buffaloes to live and breed there.

They further said, the MEFT should clearly direct them as to where they should settle, once they are to be removed from the Bwabwata National Park, where their Ancestors left them. They are being told to remove their cattle's from the Park, but they are not given alternatives as to where they should take their cattles.

In addition, they stressed that FUMU is being sidelined when it comes to activities taking place in Bwabwata National Park and the question asked was "under which jurisdiction or Chieftainship does the activities transpire? Hence, there are several meetings taking place within the Bwabwata National Park without the knowledge of the Hambukushu community.

They stated that secret meetings are being conducted between the Khwe speaking community and some officials from the Ministry of Environment, Forestry and Tourism and further emphasized that such meetings will cause conflict between the two communities.

According to them, the Khwe community does not feature in the Petition because the government is dividing them by establishing an association known as "the Kyramacan Association", which only benefits the Khwe speaking community. They accused government of dividing the Hambukushu and Khwe community who have lived together in the park since ancient civilization.

Members were informed that there is no dispute between the two communities (Hambukushu and Khwe) and that inter-marital activities are taking place between them. They further proposed that the two communities should restart the consultations from the scratch (drawing board) and once they reach the agreement then they can talk about the welfare of their wildlife.

They demanded that the land in the Bwabwata national park be returned to them for farming purposes and further said human beings should have priority over wildlife since animals do not vote, but human beings does. In addition, they stressed that the issue of Bwabwata National Park is very delicate, which they (Hambukushu Traditional Authority) on numerous occasions attempted to address through the former Head of State, His Excellency, Dr Hifikepunye Pohamba and the incumbent Head of State, His Excellency, Dr Hage G. Geingob.

Both Heads of State reiterated their willingness to address the issue surrounding Bwabwata National Park, as they instructed line Ministries to attend to the matter since July 2013 and July 2016, respectively. However, nothing was done by the line Ministries despite the directives from both Heads of State.

Members were further informed of the ongoing fencing in the Bwabwata National Park. Also, about the fence in the Mahango Game Park that has collapsed and wild animals are mingling with the livestock, putting the lives of human beings at risk.

A young man representing the youth delivered a written submission which states the existence of the Hambukushu community in the Bwabwata National Park ever since 1475, when the Portuguese arrived in Southern Africa.

In their submission, they condemned the existence of any project in the Bwabwata National Park without the consultation of the Hambukushu Tribal Authority and its community.

They further expressed that the Hambukushu community will never recognize Bwabwata as a national park and further denied the Cabinet Decision of 1999, that state that "no cattle be allowed in Bwabwata National Park and any other game park in the North East Regions. **(Annexure 8: Written submission dated 16/03/2022 on the existence of the Hambukushu community in Bwabwata National Park)**

Mr Mushongo read the written submission on behalf of His Royal Highness, Fumu Erwin Munika Mbambo of the Hambukushu Traditional Authority. The submission was prepared under the topic "**Understanding the conflict on the Development Plans for the Bwabwata National Park, by the MEFT**"

In his submission, the FUMU stated that his subjects were forcefully removed from the then Western Caprivi in 1937, by the colonial authorities as part of their defined

colonial special and ethnic order. He further said, since 1913 most Hambukushu FUMUs were either killed or removed from the thrown by the colonial office due to the fact that they wanted to retain their land in western Caprivi Game Reserve.

He described the Decision to rename Caprivi Game Park and subsequently prohibit Bwabwata inhabitants from grazing their cattle inside Bwabwata National Park, as a repeat of the colonial era. He mentioned that, the Ministry of Environment, Forestry and Tourism appears to be insensitive to the Namibian people's colonial injuries and psychological scars.

Furthermore, the petition that was submitted to the National Assembly in November 2021, was intended to seek justice and restoration of land and other properties during the colonial era. He was also of the opinion that the Hambukushu communities are being treated like non Namibians over the Bwabwata issue and, if no amicable solution is found, the Hambukushu Traditional Authority and its community reserve its right to explore the possibility of adjudication at international legal forum in the matter.

He further stated in the submission that, the Traditional Authority had always maintained that the land called Bwabwata is part of their jurisdiction. Therefore, they feel entitled to have some kind of authority or power in the decision making, management and benefits from the resources derived from the said land. It is for this reason that the Traditional Authority and the community reject the decision of the government to remove cattle and prohibit cattle farming from the park. They referred to the decision as draconian, unconstitutional and colonial in its origin and nature. ***(Annexure 9: Written submission dated 15/03/2022 from His Royal Highness, Fumu of the Hambukushu Traditional Authority)***

9.5.1.1 COMMITTEE OBSERVATION

Residence of Bwabwata National Park are being told to remove their cattle from the Park, but there is no clear direction or alternatives where to take their livestock and cattle.

9.5.2. CONCERNS RAISED BY SOME COMMUNITIES OF THE HAMBUKUSHU RESIDING WITHIN THE BWABWATA CORE MULTIPLE USE AREA (MUA)

According to the written submission presented to the Committee, the community disagrees with the decision of Nature Conservation (Ministry of Environment, Forestry and Tourism) for the merging of the Bwabwata and Mahango game

parks. The reason behind the objection was based on the fact that Bwabwata was not approved by the FUMU of the Hambukushu Traditional Authority.

Historically, Mahango National park is the only park that was given by the late Hambukushu Fumu, Max Makushe during early 1968 as a park. Therefore, the residents of the Bwabwata National Park (Hambukushu) totally refuse to accept the dual national park in their area.

Such community do not benefit from resources such as kudu, buffaloes and elephant meat. The Ministry (MEFT) does not pay for their children's school fees or stationeries. The communities depend on crop farming for food consumption and for the payment of school fees for their children. The Ministry also does not compensate for damages caused by wild animals for destroying their crops.

Members were further informed that the Hambukushu land has now been squeezed hence, it was supposed to start from Makena to Kwando and they further said that if the situation persists, they will not fight with guns anymore but with their voter's cards.

9.5.3. MEETING WITH THE KYARAMACAN ASSOCIATION (KA)

The Chairperson of the Kyaramacan Association informed the delegation that the Khwe speaking people never went far in terms of education. They sustained themselves by hunting and after independence, they learnt about the increasing advantages of hunting. For them who are regarded as illiterate, their benefits only derive from hunting.

There is no funeral cover from the state but they receive a little amount from the Kyaramacan Association for such incidentals (funeral cover). A question asked was, those people who bring their cattle in the park, does it benefit the entire community or individual person only?

Members were informed that the issue of cattle has taken a milestone since 1996 up to date. The Khwe people had lost their cultural way of living in terms of traditional medicine, hunting activities and wearing of animal skins due to cattle.

The Chairperson of the Kyaramacan Association further provided a historical background of the Kyaramacan Association in that, after independence, when others moved to Botswana and the Republic of South Africa (RSA), the Khwe

people remained behind and Mr Smit who came from Kunene to Omega 1, met with the Elders of the Khwe and further went to Mutjiku to meet Headman Kippi George.

During that time in 1992, the Constitution of the Kyramacan Association was drafted, there was no Hambukushu speaking people and 19 community members were elected from the following villages to serve as members of the Association.

| | | | | | | | | | |
|-----------|---|---|---|------------|---|---|-----------|---|---|
| - Omega 3 | : | 4 | : | - Omega 1 | : | 4 | - Mutjiku | : | 4 |
| - Cheto | : | 4 | : | - Mushambo | : | 3 | | | |

According to him, Kyaramacan means "look for yourself, no one is going to hunt for you". In 2006, the KA was given to the Khwe community to sustain their living due to their marginalization. The total number of the Khwe people were seven thousand (7 000) and the KA recruited three tribes namely; Hambukushu, Khwe and Xhu.

Members were informed that cattle are more than people who resides in the Bwabwata national park. An increasing number of cattle are from Angola and those who own cattle from Divundu (Khwe speaking) are only nine (9) and non-Khwe speaking are forty-two (42).

9.5.3.1. The KA normally generates its revenues through:

- (a) Mdumo hunting safaris
- (b) The Devil's claws Harvesting
- (c) Trophy Hunting Concessions
- (d) Covid Relief Fund, due to the outbreak of Covid 19

The KA Chairperson said the reason why the Hambukushu Traditional Authority would want to take over the revenue generated from Bwabwata for the Khwe people, is because they have the recognized Traditional Authority. They appealed to the government through the Parliamentary Standing Committee for the recognition of the Khwe Traditional Authority.

The KA is not yet registered hence, it is in the process of signing a Memorandum of Understanding (MOU) with the Ministry of Environment, Forestry and Tourism and they work in accordance with the said Ministry's directives.

9.5.4. MEETING WITH THE COMMUNITY AT OMEGA 1

A former Nurse from Mutjiku condemned veterinarians for restricting them from using animal skins, killing of animals and wearing of animal skins as part of their culture. She stated that, if government has realized that the population has increased and animals too, then there is a need to extend the multiple use area by ten kilometers on both sides, in order to accommodate both animals and people.

Another male from Mutjiku emphasized that there are five (5) countries (Angola, Botswana, Namibia, Zambia and Zimbabwe) that signed for Kavango Zambezi Transfrontier Conservation Area (KAZA TFCA) and Bwabwata is in the middle of the corridor where animals migrate from one country to another. He said there is a need for domestic animals that are settled in the conflicting areas to be transported back to where they came from such as Angola and Botswana.

A Khwe speaking community activist, said he is totally against the petition by the Hambukushu and that such petition could not touch on issues of the Khwe people.

As a community activist, they came up with a petition representing the Khwe community residing in Bwabwata since the first petition focused on the Khwe from the Zambezi Region.

He blamed Government, through the Ministry of Environment, Forestry and Tourism for drafting policies that restricts their movements such as going to the forest to collect herbal medicine.

In his opinion, the proclamation of land does not belong to the Khwe but to government since they are told that there is no land for their Traditional Authority to operate from. Such Ministry has come up with the plan to remove cattle, and his question was, what will happen to the group of the Khwe speaking people who were given that area once their cattle are to be removed?

Apart from the national park, he appealed to the National Assembly through the Parliamentary Standing Committee that, if the Traditional Authority of the Khwe was already recognized before independence, the issue of writing the petition by the Hambukushu could have been done away with. He said, in the absence of such Authority, Hambukushu is claiming that the Khwe do not have land and a

Chief to represent them and that's the main cause of disputes between the two tribes.

9.5.5. CONSULTATIVE MEETINGS WITH RELEVANT MINISTRIES

9.5.5.1. MINISTRY OF ENVIRONMENT, FORESTRY AND TOURISM (MEFT)

The meeting took place on 31 March 2022 with the Executive Director (ED), Deputy Executive Director and other senior officials from the MEFT. The presentation by the Ministry focused on the following: **(See Annexure 5)**

9.5.5.1.1. History and Legal Status of Bwabwata National Park

The Ministry made their presentation which was followed by questions, points of clarification and discussions by Members of the Committee. Members were informed that the history of the aforesaid park is complex, with various proclamations and policies affecting the North East Parks. It consists of former Caprivi Game Park, Mahango Game Park and the Kwando triangle, which did not have explicit conservation status.

They stressed that, the area between the Kavango and Kwando rivers was first proclaimed as Caprivi Nature Park in 1963, mostly for strategic military reasons in view of independence struggles starting in Namibia, Angola and Zambia. The Caprivi Nature Park had its conservation status elevated to that of Caprivi Game Park in 1968.

However, since its proclamation in 1968 until the independence of Namibia in 1990, the entire area was treated as a military zone by the South African Defense Force. Therefore, with Namibia's independence and upon the disbanding of the South African military in Namibia, the Khwe communities staying at military bases inside the park were allowed to continue living there. Mahango has always been an important traditional hunting and fishing area to this community.

Mahango was proclaimed and officially gazetted in February 1989 and the Socio Ecological Survey was done after independence, which resulted in a new vision for North East Parks. The Bwabwata National Park, which incorporates the Caprivi Game Park, Mahango Game Park and Kwando Triangle was proclaimed in the government Notice 2014 of 15 November 2007. The Ministry stressed that, the park covers an area of 6,274 square kilometer or 627, 400 hectares.

9.5.5.1.2. Cabinet Decision of 1999

According to the Cabinet Decision of 1999, Caprivi Game Park is to be renamed Bwabwata National Park and Mahango Game Park and Caprivi Game Parks are to be merged to form Bwabwata National Park. The eastern boundary of Caprivi Game Park is to be extended to the middle of the Kwando River thus, including the Kwando Triangle into Bwabwata National Park. **(Annexure 10: Copy of the Cabinet Decision 18th/20.07.99/004)**

The three core areas (Kwando, Buffalo and Mahango) should be zoned for special protection and controlled tourism. Also, the central area of Bwabwata National Park should be zoned to provide for a Multiple Use Area (MUA) of community based tourism, trophy hunting, human settlement and development.

The above Decision further states that, no cattle be allowed in Bwabwata National Park, nor any other game park in the north east of Namibia. Furthermore, communities neighbouring or living in the Bwabwata, Mamili, Mudumo and Khaudum be given conditional tourism rights in these parks such that they can establish, either on their own or in joint venture, tourism facilities in these parks and lastly, the tender proposals should be implemented for developing a tourism lodge at Buffalo camp in the Buffalo Core Area.

The Ministry emphasized that the reason for prohibiting cattle in Bwabwata National Park is mainly due to livestock disease as well as for tourism purposes. This means, the presence of cattle constitutes a threat to the spreading of lung sickness to the Eastern Zambezi and from Botswana to the Kavango East region on the west and beyond. They maintained that wildlife core areas (Mahango, Buffalo and Kwando) should remain for special protection, conservation and tourism purposes.

9.5.5.1.3. Park Neighbours and Resident Communities

About six thousand (6 000) people live inside the park (Multiple Use Area) mainly, Khwe community, who is thriving for recognition as Traditional Authority. On the eastern part of the park is the Mashi Traditional Authority under the chieftainship of Joseph Tembwe Mayuni, who says their jurisdiction in the park goes up to Omega one (Multiple Use Area), from the Kwando river.

The Mashi Traditional Authority has three conservancies namely; Kwandu, Mayuni and Mashi, neighbouring the Bwabwata National Park on the east. The Mashi

community actively participate in activities of the Bwabwata National Park and thus, supports its establishment.

On the western part of the Park is the Hambukushu Traditional Authority under FUMU Erwin Munika Mbambo. According to them, their jurisdiction in the park goes up to the Kwando river, Zambezi region from the Kavango river. Communities of Hambukushu (Kamutjonga) neighbouring the park has requested the MEFT to establish a conservancy west of Bwabwata National Park to their advantage. **(Annexure 11: Letters from the Hambukushu Traditional Authority to the Minister of Environment and Tourism dated 29/08/2007 and former Regional Councillor of Mukwe Constituency)**

9.5.5.1.4. Economic Opportunities for Bwabwata National Park

Bwabwata National Park is the most visited park in north eastern Namibia and tourism holds major socio economic potential for the park. The park offers income to local residents, jobs and business opportunities to communities and entrepreneurs as well as economic benefits to the region and Namibia as a whole.

9.5.5.1.5. Community Benefits and Income Generation

| Community | 2018 | 2019 | 2020 | 2021 |
|-------------------------------|------------------|-------------------|------------------|------------------|
| Kyaramacan Association | 4,172,403 | 4,974,429 | 5,229,311 | 3,482,744 |
| Kwandu | 1,190,108 | 1,278,177 | 810,175 | 943,149 |
| Mashi | 2,614,185 | 3,980,348 | 2,497,993 | 2,337,466 |
| Mayuni | 986,047 | 1,217,027 | 850,088 | 1,262,817 |
| Total | 8,962,743 | 11,449,981 | 9,387,567 | 8,026,178 |

(See Annexure 5)

9.5.5.2. MEETING WITH THE MINISTRY OF URBAN AND RURAL DEVELOPMENT

The meeting took place on 21 April 2022. The Ministry was represented by the Director responsible for Regional, Local Government and Traditional Authorities Proclamation and Deputy Director for Regional and Traditional Authorities Coordination.

Members were informed that the first recognized Traditional Authority in Namibia was established in March 1998 and the Hambukushu Traditional Authority was one of them. The first meeting of the Council of Traditional Authority to elect a

chairperson and deputy chairperson was held in Windhoek in November 1990. As per the law, the meeting was chaired by the Minister of Local Government.

With regards to the issue of Communal Land, the officials briefed Members on Article 102 (5) of the Namibian Constitution that state that "There shall be a Council of Traditional Leaders to be established in terms of an Act of Parliament in order to advise the President on the control and utilization of Communal Land and on all such other matters as may be referred to it by the President for advice" and Section 15 (1) of the Traditional Authority Act, Act No. 13 of 1997 which state that "Any draft legislation pertaining to Communal Land shall be laid before the Council for its consideration and recommendation before it is introduced in the National Assembly".

In terms of Section 15 (1) any regulation pertaining to Communal Land is to be tabled before the Council of Traditional Leaders and with regards to the proclamation of Bwabwata National Park in 2007, the Officials stated that to their knowledge the regulation to proclaim Bwabwata a National Park was never tabled before the Council of Traditional Leaders for consideration and recommendation as per the Act.

In 2014, a Technical Committee was constituted made up of three Ministries, namely; Ministry of Urban and Rural Development formerly known as Ministry of Regional Local Government, Housing and Rural Development, Ministry of Environment Forestry and Tourism and Ministry of Agriculture Water and Land Reform formerly known as Ministry of Lands and Rehabilitation. Their Ministry was represented by the late Mr Lameck Kuhepa Simataa, former Deputy Permanent Secretary and Mr Damian Maghambayi, who was a Control Administrator by then, and Secretariat for the Council of Traditional Leaders. This committee drafted a report with recommendations for consideration by the Ministry of Environment, Forestry and Tourism on the management and development of the Park. The Standing Committee expressed their disappointment because the said Report does not contain the view of the Hambukushu Traditional Authority.

Officials from the Ministry were of the opinion that the Hambukushu Traditional Authority was supposed to bring the matter of Communal Land to the attention of the Council of Traditional Leaders instead of taking the matter to National Assembly. **(Annexure 12: Presentation by the Ministry of Urban and Rural Development.)**

9.5.5.2.1 Committee Observations

- a) In terms of Section 15 (1) of the Traditional Authority Act No 13 of 1997 pertaining to regulation of Communal Land, the Committee learned that the proclamation of Bwabwata National Park in 2007 was never tabled before the Council for consideration and recommendation as per the Act.
- b) In 2014 a Technical Committee was constituted made up of three Ministries, namely; Ministry of Urban and Rural Development formerly known as Ministry of Regional Local Government, Housing and Rural Development, Ministry of Environment Forestry and Tourism and Ministry of Agriculture Water and Land Reform formerly known as Ministry of Lands and Rehabilitation. This committee drafted a report with recommendations for consideration by the Ministry of Environment, Forestry and Tourism on the management and development of the Park.

The Committee expressed their disappointment because the Technical Committee Report does not contain the view of the Hambukushu Traditional Authority and it appears not to be in existence since it is carried by one individual from the Ministry of Environment, Forestry and Tourism.

9.5.5.3. MEETING WITH THE MINISTRY OF AGRICULTURE, WATER AND LAND REFORM

The meeting was attended by the Acting Executive Director and other senior officials from the aforesaid Ministry. Members were informed that Bwabwata started as a conservation, then moved to a game park and currently it has been gazetted as a national park. **(Annexure 13: Presentation by the Ministry of Agriculture, Water and Land Reform)**

The presentation focused on the following:

(a) Disease Control Zones of Namibia

According to the Animal Health Act, Act No 1 of 2011, Namibia is divided into three Foot and Mouth Disease (FMD) Control Zones and the most risk foot and mouth disease is the buffalo that is the carrier of the foot and mouth disease virus itself. The three Zones were identified as follows:

- **Free Zone** (Otjozondjupa and Erongo regions) no free movements or roaming around of buffaloes.

- **Protection Zone** (Shamangorwa to Kunene): bordering the infected or red zone. Although, there are no free roaming of buffaloes , the movements of such buffaloes can be experienced once in a while
- **Red/Infected Zone** (Mukwe Constituency in the Kavango East region as well as Zambezi region): free movement of animals around the area is being observed/experienced

Members were informed that Bwabwata National Park is within the infected zone and it starts from Divundu checkpoint up to Kongola check point.

(b) Veterinary Focus Area

There are two Blocks within the Bwabwata National Park and six Crush pens namely:

- **Mutjiku Block:** stretching from Divundu Check Point to Bwabwata Veterinary Camp (MEFT) check point/gate. Crush pens within Mutjiku are: Mutjiku, Mushashani, Karenga and Mushangara
- **Omega Block:** crush pens are located within the vicinity of Omega 1 and they are: Omega and Shamakwi

(c) Livestock Status in Bwabwata National Park

Of all the people within Bwabwata National Park, there are hundred and sixty-eight (168) livestock keepers and the total number of cattle within the Ministry (Agriculture, Water and Land Reform) system are eight thousand and thirty-three (8 033) and the small stock farmers are one thousand, three hundred and seventy-seven (1377).

| Crush Pen | No. of livestock keepers | Cattle | Small stock |
|--------------------|---------------------------------|---------------|--------------------|
| Mutjiku | 54 | 2 558 | 478 |
| Karenga | 12 | 579 | 213 |
| Mushangara | 22 | 1 518 | 220 |
| Mushashani | 26 | 1 090 | 138 |
| Shamakwi | 21 | 809 | 117 |
| Omega | 33 | 1 479 | 211 |
| Grand Total | 168 | 8 033 | 1 377 |

(d) Movement of Livestock out of Bwabwata National Park

Bwabwata National Park is situated within the Foot and Mouth Disease (FMD) infected zone, this means, livestock (cattle and small stock) can only move within the infected zone and not outside. Members were informed that, livestock from Bwabwata National Park can only move to areas such as Mukwe Constituency (Kavango East region) and Zambezi region, respectively.

(e) Wildlife Interaction with animals

The Directorate of Veterinary Services (DVS) is mostly concerned about the outbreak of diseases when livestock are in close proximity to wildlife. Foot and Mouth Disease outbreak occurred during 2008 in Kamutjonga and Mutjiku in 2014. Such diseases include, Malignant Catarrhal Fever, Anthrax, FDM and African swine fever thus, they are costly to the Directorate of Veteran Services including the country at large.

The Ministry of Environment, Forestry and Tourism does not allow the Ministry of Agriculture, Water and Forestry to vaccinate cattle within their area

9.5.5.3.1. Committee Observations

(a) Members were not pleased with the decision by the Ministry of Agriculture, Water and Land Reform to extend the veterinary cordon fence (60km west of the bridge) while leaving the inhabitants of Mukwe without any market for their livestock.

(b) The situation of the red line has caused farmers residing in Bwabwata area and in particular Mukwe Constituency, to sell their cattle for as little as one thousand Namibian Dollars (N\$ 1000) because there is no market for their livestock. The Committee was of the opinion that, the Ministry should have repaired the original fence, which was erected by the colonial regime instead of establishing a new one, leaving farmers with little to no grazing land.

(c) On the issues of removal of cattle from Bwabwata National Park whether it will be coupled with incentives and how such incentives will be determined, the Ministry of Agriculture pointed out that the Ministry of Environment, Forestry and Tourism will compensate the farmers based on standard market price per cattle.

(d) The Ministry has embarked on renovating its abattoirs and quarantine facilities. This means, the Rundu Abattoir will become operational during the current financial year (2022-2023) and that, it will be run by Meatco to alleviate the challenges of lack of market for livestock.

(e) The issues related to communal farmer's settlement in the Bwabwata National Park was observed by the Committee and Members wanted to be enlightened on how the Ministry is addressing such issue.

9.5.6. SITE VISIT/TOUR OF BWABWATA NATIONAL PARK

The site visit/tour of the Park took place from 22 to 24 August 2022 and the following sites were visited: **(Annexure 14: Programme for the site visit to Bwabwata National Park)**

- Kyramacan Association
- Numbwa (Mayuni Conservancy)
- Horse Shoe
- Shamakwi Crush Pen in Omega
- Buffalo Fence Core Boundary
- Border between Namibia and Botswana
- Shamangorwa disease control fence
- Kamutjonga Inland Fisheries Institute
- Mahango Game Park and
- Mushangara Border Post

Before the tour, Members were briefed by the Deputy Director for North East Regions on the following: **(Annexure 15: Presentation by the Deputy Director, Ministry of Environment, Forestry and Tourism)**

9.5.6.1. Locality of the Park

The Park is situated in the Zambezi and Kavango East regions. It is bounded by the Kavango River to the west and the Kwando River to the east. Angola lies north of the Park and Botswana to the south.

9.5.6.2. Overview of the Bwabwata National Park

Bwabwata National Park is a core wildlife area for conservation, hunting and photographic tourism. It is a transboundary link wildlife corridor for wildlife migration with neighbouring countries: Kavango Zambezi Transfrontier Conservation Area (KAZA TFCA) and key wildlife habitat for high value species such as Roan, sable, tsessebe, elephants and lions. The Park is open to tourists and has revenue collection points at Buffalo, Susuwe and Mahango Game Parks.

9.5.6.3. Management Mandate

- The park is managed by the Natural Conservation Ordinance 4/1975 as amended;
- Controlled wildlife Products and Trade Act 9/2008 as Amended;
- Criminal Procedure Act 51/1977;
- Prevention of Organized Crime Act 29/2004;
- Arms & Ammunition Act 7/1996;
- Immigration Control Act 7/1993;
- Bwabwata Park Management Plan;
- North-Eastern Parks Tourism Development Plan;
- Land Use and Development Plan for the Managed Resource Use Zone of the Bwabwata National Park;
- Concessions Policy;
- And other Ministerial Policies.

9.5.6.4. Conservation areas

The Park is Zoned into 4 Conservation areas: namely;

(a) Kwando (1 345 sq km)

(b) Buffalo (629 sq km)

(c) Mahango (245 sq km)

(d) Managed Resource Use Zone (4 055 sq km) Use for conservancy, hunting, tourism, human settlements.

9.5.6.5. Conservation hunting concessions

There are three conservation hunting concessions:

Two concessions are under the Kyaramacan Association and one (Mahango) is under the Government of the Republic of Namibia. The money for Mahango concessions goes to the Government Game Products Trust Fund.

During the briefing, the Parliamentary Standing Committee learnt that, from the two concessions that was awarded to the Kyaramacan Association, 50% of the revenue collected goes to the Government Game Product Trust Fund.

In terms of the division of revenue between the Kyaramacan Association and Government, for the three concessions, Government receives revenue for two concessions and Kyaramacan Association only receive revenue for one.

9.5.6.5. Photographic Tourism Concessions

There are 4 photographic tourism concessions in the Park namely:

- (a) White sands under the Kyaramacan Association
- (b) Numbwa under the Mayuni Conservancy
- (c) Kazile under the Mashi Conservancy
- (d) Susuwe under Kwandu Conservancy which is not operational.

9.5.6.6. Management Matters

- Rehabilitation of old military sites
- Unexploded ordnances
- Poaching
- Fires
- Illegal Fishing
- Human – Wildlife conflict
- Increasing human settlements
- Wildlife road kills
- Wildlife diseases

9.5.6.8 Committee Observation

During the briefing, the Committee learnt that, from the two concessions that was awarded to the Kyaramacan Association, 50% of the revenue collected goes to the Government Game Product Trust Fund. In terms of the division of revenue between the Kyaramacan Association and Government, for the three concessions, Government receives revenue for two concessions and Kyaramacan Association only receive revenue for one. Members were not pleased how the revenue is divided between Government and the Kyaramacan Association. They questioned the rationale behind the awarding of two concessions to the Kyaramacan Association and the fact that, 50% of the revenue goes to the government Trust Fund.

After the briefing, the Committee jointly undertook the site visits with officials from the Ministry of Environment, Forestry and Tourism, Ministry of Agriculture Water and Land Reform and Ministry of Home Affairs, Immigration Safety and Security to the following places:

9.5.7. KYARAMACAN ASSOCIATION

Members were informed that the Chairperson is elected for two terms and the Management Committee is elected or appointed by the community. The main responsibilities of the Committee among others is to award tenders for trophy hunting. The minimum price for trophy hunting is \$330 000 per animal. The price is set by Economists from the Ministry of Environment, Forestry and Tourism.

Companies that bring in clients for trophy hunting, usually support the community with social responsibility programmes such as building of boreholes, school etc.

Members were further informed that from the 50% revenue collected by the Association through the concessions, the revenue is utilized for social responsibility programmes for the community. In the past, the Association provided the community solar panels with 10 years' life span, 30 Television sets, fans, pipe lines and they also purchased a Ford double cab bakkie for official use.

9.5.7.1. Committee Observation

- (a) The Committee found that the association is busy constructing a community hall and a computer Training Centre to be utilized by the community.
- (b) Members further learnt that the Ministry of Environment, Forestry and Tourism has a Concession Unit responsible for monitoring of funds generated through the concessions. Therefore, the Committee requested the Ministry to provide proof of the following:
 - (i) Evidence of revenue generated per concession for the past 3 years for the above mentioned concessions.
 - (ii) Evidence of social responsibility programmes, schools and water points that was build etc.
 - (iii) Contract of joint venture partnership between White Sands and Kyaramacan Association and the contract for trophy hunting.

9.5.8. SITE VISIT TO SHAMAKWI CRUSH PEN AT OMEGA 1

During the Committee's visit to this Crush Pen, vaccination of cattle was under way. Officials from the Ministry of Agriculture Water and Land Reform, led by Dr Shuro, expressed the challenges they face in ensuring the vaccination of all cattle.

According to them, Maputa Village has 400 cattle and is about 7 km away from Omega 1 hence, it does not have a crush pen. Farmers from that area have to transport their cattle to Shamakwi Crush Pen for vaccination purposes. Due to the long distance, some farmers fail to transport the cattle for vaccination and the Ministry of Environment, Forestry and Tourism, does not allow the Ministry of Agriculture Water and Land Reform to put up a Crush Pen in Maputa Village, reason being that Crush Pen should be discouraged in the Parks because the Ministry is working on a strategy to remove the cattle from the park in accordance with the Cabinet Decision of 1999.

During the year 2017, a borehole was drilled at Maputa village and Members felt the need to establish the existence of such village.

9.5.8.1. Committee Observation

- (a) The Committee observed lack of collaborative working relationship and synergy between the Ministry of Environment, Forestry and Tourism and Ministry of Agriculture, Water and Land Reform.
- (b) The Committee proposed the need to extend the multiple use area (MUA) by ten kilometers on both sides
- (c) The two Ministries (Agriculture and Environment) were tasked by the Committee to coordinate and put up a Crush Pen in Maputa Village to accommodate the vaccination of four hundred (400) cattle in that area.
- (d) The Committee observed that there is no clear demarcation between the corridors/cutline with clear indications where people can settle or reside and clear corridor for animals to pass.

9.5.9. SITE VISIT TO BUFFALO FENCE CORE BOUNDARY

The Buffalo fence core boundary was built during the colonial regime, the fence is of poor quality and weak and due to the floods in the area it is difficult to maintain and has collapsed, therefore buffaloes and other wild animals are mingling with the livestock causing possible mouth and foot disease.

9.5.10. SITE VISIT TO THE BORDER BETWEEN NAMIBIA AND BOTSWANA

Since 2016, the community of Botswana that reside near the borderline enters Namibia illegally and thereby conduct illegal fishing, poaching of wild animals and to collect fire wood. Officials from the Ministry conduct ambush operations on occasional basis but they have challenges with manpower.

The Ministry has a permanent station at Nova Delta whereby officials patrol the borderline on ad hoc basis.

9.5.11. SITE VISIT TO SHAMANGORWA DISEASE CONTROL FENCE

The fence was setup due to the foot and mouth disease outbreak that occurred in Kamutjonga in 2008 and Mutjiku during 2014, respectively. According to the

policy, the fence should be setup about 60 Km from the areas where the disease occurred. So far, the completion of the fence is 37 Km to Botswana Borderline and only 5 Km to the Angolan Border side.

The permanent setup for the fence was gazetted in 2014 and since then the structure to accommodate officials who patrols the fence was not build, they only have a camping site. There is no one to guard the place and no lights, water and neither a borehole. Officials pay for water at their own cost and are charged an amount of hundred dollars (N\$ 100) per month when fetching water from the next borehole.

According to the officials from the Ministry of Agriculture Water and Land Reform, the Shamangorwa disease control fence does not serve any purpose anymore, because since 2014 there hasn't been any case of foot and mouth disease in the area. As per their presentation on 30 June 2022 the Ministry is working on moving the control fence to the Park's main fence/entrance.

9.5.11.1. Committee Observation

The Committee observed that the temporary decision to set up a disease control fence (Shamangorwa), which resulted from the outbreak of foot and mouth disease has now been deviated to a permanent decision whereas, it was supposed to be temporary, even after the last outbreak of foot and mouth disease in 2014.

9.5.12. SITE VISIT TO KIFI: KAMUTJONGA INLAND FISHERIES INSTITUTE

Members learned that the fish at Kwetje in Mahango park is depleted due to illegal fishing. There is no permit for fishing in the Park. The fine for illegal fishing is \$300, if a person is caught fishing illegal, an Inspector drives from Rundu to give a fine of \$300.

9.5.13. SITE VISIT TO MAHANGO GAME PARK

The fence has collapsed due to lack of maintenance, unavailability of funding and manpower. The fence is supposed to be maintained by the Ministry of Environment, Forestry and Tourism in collaboration with the Ministry of Agriculture

Water and Land Reform through capital projects. Thus, the two Ministries are in the process of employing locals to repair the fence through donor funding.

9.5.14. SITE VISIT TO MUSHANGARA BORDER POST

Members were informed that there are four (4) Crush pens between the river and the road to Mushangara (Mushangara 1 & 2), Kalenga and Mushangara.

The Committee learned that the contractor of the fence was not given the go ahead to fence up to the borderline of Angola, because the area is not demined. Buffaloes goes through open areas which is not fenced to mingle with livestock, there was an instance where a Buffalo was found at one of the 4 Crush Pen.

One of the challenge faced is that cattle from Angolan side are not vaccinated and because of the lack of fencing these cattle mingle with the vaccinated cattle from the Namibian side.

9.5.15. CONSULTATIVE MEETING WITH THE HONOURABLE MINISTER OF ENVIRONMENT, FORESTRY AND TOURISM: HON. POHAMBAMBA SHIFETA

The Committee held a meeting with the Honourable Minister of Environment, Forestry and Tourism on 09 March 2023. The purpose of the engagement was to clarify some issues that emanated from the public hearings that was conducted by the Committee on the Petition on the Bwabwata Communal Land, such as;

- (a) The Directives from the previous and current Presidency (H.E. Dr Hifikepunye Pohamba and H.E Dr. Hage G. Geingob) that, the Ministry should consult with the Traditional Authority and community of Bwabwata National Park in terms of the management of the Bwabwata National Park. The Committee observed that such directives were not honoured and wanted to know the reason thereof.
- (b) The report of the Technical Committee which was constituted in 2014 and comprised of three Ministries namely; The Ministry of Urban and Rural Development, Ministry of Environment, Forestry and Tourism as well as the Ministry of Agriculture, Water and Land Reform. The Committee wanted to know whether the Honourable Minister was aware about the existence of such Committee as well as the authenticity of the report compiled by the aforesaid Technical Committee on the matter, since such report does not contain the composition of members and their signatures.

(c) The Committee further inquired whether consultations were held with the Hambukushu Traditional Authority on the matter.

9.5.15.1. Briefing by the Honourable Minister on the Petition on the Management of the Bwabwata Communal Land

In his presentation, the Honourable Minister thanked members for the vital engagement which is aimed at ensuring that the laws passed are beneficial to the community.

He noted that Bwabwata National Park is a protected area and all national parks are protected areas. Furthermore, the Bwabwata National Park falls in the infected zone area, as the area is prone to Foot and Mouth Disease (FMD), hence the allocating farming units in the park would be detrimental to animal disease control and would result in devastating consequences for the economy.

He maintained that no cattle are allowed in the Bwabwata National Park due to the risk of FMD. According to him, the presence of cattle also constitutes a threat to the spreading of lung sickness to the Zambezi region and from Botswana and foot and mouth disease (FMD) to the Kavango East region on the west and beyond.

He further said that all national parks are established following the law, adding that calls to de-proclaim the area have been met with rejection by the Government for economic reasons and to protect the beef industry because the Bwabwata National Park stretches down to the west up to Divundu, which is an infected area of the foot and mouth disease and cattle that happen to be there are declared as disease not free. In addition, he highlighted the following:

9.5.15.1.1. Proclamation of National Parks

Members were informed that National Parks are established, proclaimed and gazetted by the Minister in accordance with Section 14 of the Nature Conservation Ordinance, 1975 (Ord. 4 of 1975). In this regard, Bwabwata National Park was proclaimed as follows:

- ✓ 1963 as Caprivi Nature Park
- ✓ 1966 as Caprivi Game Park
- ✓ 1989 as Mahango Game Park which is now part of Bwabwata National Park was proclaimed
- ✓ 2007 as Bwabwata National Park

The Honourable Minister informed the Committee that because of all these, there are going to combine into one Bill. Therefore, a Bill is underway to combine all

the Nature Conservation Ordinances and legislation.

9.5.15.1.1. Management of Bwabwata National Park

National Parks are managed in accordance with Section 17 (1) of Nature Conservation Ordinance, 1976 (Ord. 4 of 1975) as amended. Section 17 (1) states that "The Minister shall control, manage and maintain game parks and nature reserves. He stated that, in order to implement this provision of the law, a staff component is put in place in the Ministry and each park has a Park Management Plan.

9.5.15.1.2. Presidential Directives

With regard to the question posed by the Committee on the non-implementation of the Presidential Directives by the Ministers responsible for Environment and Tourism regarding consultations, engagements and meeting with the Fumu of the Hambukushu Traditional Authority and his leadership, the Honourable Minister responded that:

Both President Pohamba and President Geingob received letters of complaints on Bwabwata National Park from Fumu Mbambo. In this regard, President Pohamba directed the Ministers of Regional, Local Government, Housing and Rural Development; Environment and Tourism as well as Lands and Resettlement to attend to the matter with Fumu Mbambo. The Minister of Regional, Local Government, Housing and Rural Development was mandated to convene, spearhead or facilitate the process.

Furthermore, President Pohamba had earlier himself visited the Fumu and had a meeting with the Fumu and the Honourable Governor of Kavango region on the matter. After such meeting, the President directed that:

- (i) Bwabwata National Park should remain a park and be managed as per Cabinet decision of 1999
- (ii) The official launch of the Bwabwata National Park be put on hold, which the Minister cancelled later on; and
- (iii) The Ministry of Environment and Tourism should continue involving communities in the management and development of communities and benefit thereof.

The Honourable Minister mentioned that, President Geingob also gave similar directives and reference was made from work and decisions made under President Pohamba. He further said, the Technical report is part of the

Management Plan for Bwabwata National Park.

In addition, he mentioned that, the Technical Committee was chaired by the late Dr. Simenda Simwanza in his capacity as Deputy Permanent Secretary. Other Permanent Secretaries who were present included Ms. Neumbo from the Ministry of Environment and Tourism as well as Dr. Shapwa from the Ministry of Lands and Resettlement. The Minister also underscored that he [personally] held two meetings with the Fumu during the year 2015 and 2019 respectively. However, the two Ministers could not confirm having been part of such meetings.

9.5.15.1.3. Community beneficiation

The Kyaramacan Association was formed for all the inhabitants of Bwabwata to benefit from tourism and conservancy concessions.

The Minister informed the Committee that his Ministry made various attempts for the Fumu and the Hambukushu community to benefit from the conservancies but unfortunately there appears to be limited interest. Hambukushu community was awarded two concessions but unfortunately they did not want to follow the requirements and conditions; and thus not part of that. According to the Minister these concessions are very "lucrative" and the Ministry is still awaiting on this community to take part.

The Bwabwata Advisory Committee was established but the Hambukushu Traditional Authority leadership does not want to participate. This advisory group usually meets regularly to discuss issues regarding the communities in the park including community beneficiation.

The Honourable Minister informed the Committee that he personally met with the Fumu and briefed the Fumu on the Cabinet Decision, Decisions of the former and current Presidents; and the community benefits. The Hambukushu are still beneficiaries and there are additional benefits that cannot be taken on board because the leadership did not take it up.

9.5.15.1.4. Cattle Removal

In terms of the Cabinet Decision of 1999 which states that "no cattle be allowed in Bwabwata National Park, nor any other game park in the north east of Namibia". This is mainly due to livestock disease and tourism.

This implies that, the presence of cattle constitutes a threat to the spreading of lung sickness to the Zambezi Region and from Botswana and FMD to the Kavango East region on the west and beyond. According to the Minister the area is not disease free and there are movement of buffaloes. In October 2022 there was an

announcement of FMD outbreak in Zambezi and Kavango East.

The Honourable Minister informed the Committee that the perception out there, is that there is grazing without considering the consequences of FMD.

9.5.15.1.5. Committee's Observation

- The Minister mentioned that the Technical Committee was chaired by the late Dr. Simwanza Simenda in his capacity as Deputy Permanent Secretary. Other Permanent Secretaries who were present included Ms. Neumbo from the Ministry of Environment and Tourism as well as Dr. Shapwa from the Ministry of Lands and Resettlement. However, there were no minutes of the technical meetings and during the consultation with Ministry of Agriculture, Water and Land Reform, the Ministry indicated that they were not aware about the Technical Committee report.
- Members observed that the information provided by the Honourable Minister could not tally with the findings during the fact finding during the fact finding mission to the Bwabwata National Park;
- It also appeared or it was alleged that, there was no existing policy mandating the Ministry to erect the fence at Divundu with the purpose to combat Foot and Mouth Disease (FMD) in that area hence, they could not share the Policy with the Committee.
- The Committee further observed that the last FMD which occurred within the area of Divundu was in 2008 and 2014 respectively.
- The Minister could not provide any evidence of his two meetings with the Fumu for 2015 and 2019 respectively.
- De-proclaiming the area have been met with rejection by the Government for economic reasons.
- The Committee was disturbed with the unwillingness of government Ministry to engage the Hambukushu Committee about the utilization of the natural resources in their area
- The Bwabwata Advisory Committee was established but the Hambukushu community leadership does not want to participate. This advisory group usually

meets regularly to discuss issues regarding the communities in the park including community beneficiation.

- The official launch of the Bwabwata National Park was put on hold and later cancelled by the Honourable Minister.

10. MAIN FINDINGS OF THE COMMITTEE

- (a) The issue of Bwabwata National Park is very delicate and has come a long way, the Hambukushu Traditional Authority has on numerous occasion attempted to address the issue on the Management of Bwabwata National Park by requesting for a dialogue with the Ministry of Environment, Forestry and Tourism including through the former and current Head of State, however directives from the two Heads of State were not honoured by the Minister of Environment, there is no records of such meetings.
- (b) Hon. Pohamba Shifeta, Minister of Environment, Forestry and Tourism explained that to respond to the directives, a technical committee was established and a report was produced which was endorsed by the Ministers, and Minister of Regional Local Government, Housing and Rural Development as the Convener, submitted the report to the President. However, there is no evidence or records to support the statement from the Minister.
- (c) A Technical Committee was constituted in 2014 made of Ministry of Environment, Forestry and Tourism, Ministry of Regional Local Government, Housing and Rural Development and Ministry of Lands and Rehabilitation and A Technical Committee report with recommendation was compiled by the Committee on the Management and development of the Park but the said report does not contain the views of the Hambukushu Traditional Authority neither the composition of members and signatures. There are also no minutes of committee meetings and Ministry of Agriculture, Water and Land Reform were not aware of such a report. No record of the Technical Committee meetings as the National Assembly Committee found two Ministries (Ministry of Agriculture, Water and Land Reform and the Ministry of Urban and Rural Development) had never attended any meetings of this matter.
- (d) The fence in Bwabwata National Park (Buffalo fence core boundary) was built during the colonial regime, the fence is of poor quality and weak and

due to the floods in the area it is difficult to maintain and has collapsed, therefore buffaloes and other wild animals are mingling with the livestock causing possible mouth and foot disease and putting the lives of human being at risk. The Committee found the dilapidated fence as per community complain.

- (e) The merging of Bwabwata National Park and Mahango Game Park was not approved or signed by Fumu of the Hambukushu Traditional Authority. The meeting with Ministry of Urban and Rural Development on 21 April 2022 confirmed that the regulation to proclaim Bwabwata a National Park was never tabled before the Council of Traditional Leader for consideration and recommendation as per Section 15 (1) of the Traditional Authority Act No 13 of 1997, the Ministry does not have records that the legislation was tabled before the Council.
- (f) The removal of cattle from Bwabwata National Park as per the proposed compensation in the Technical Committee report will be coupled with compensation based on the standard market price per cattle, however there is no clear directions where the Community will take their cattle's. There was no solution as to where the cattle will be taken too.
- (g) Lack of proper consultation with the Hambukushu Traditional Authority, there are no records to prove that the Hambukushu Community was consulted. There are only written communications requesting for dialogue between the Ministry of Environment Forestry and Tourism and the Hambukushu Traditional Authority.
- (h) Due to the FMD outbreak that occurred during 2008 in Kamutjonga and 2014 in Mutjiku respectively, Bwabwata National Park is considered to be within the infected Zone, this means livestock can only move within the infected zone and not outside. The Ministry of Agriculture Water and Land Reform extended the Cordon fence 60 km eastwards to Shamangorwa leaving the inhabitants of Mukwe without a market for their livestock (for well over 14 years), the situation caused the farmers residing in Mukwe to sell their cattle for as little as one thousand Namibian Dollars (N\$ 1000) because there is no market for their livestock. However, the Committee found that there is no existing policy mandating the Ministry to erect the fence at Shamangorwa.

- (i) With regards to the Trust Fund that was turned down by the Ministry of Environment Forestry and Tourism, Members found that there are requirements to establish a conservancy such as having a registered Organisation. The Hambukushu Traditional Authority submitted names for the Trust Fund, however, the Ministry had issues with the membership of the trust and some individuals from the community also had a problem with the membership.
- (j) Some community members had a problem with the membership of the Trustees and the Ministry of Environment, Forestry and Tourism insisted that it should be registered as a Conservancy, an idea which the community rejected.
- (k) The fence at Mahango Game Park has collapsed due to the lack of maintenance. The Ministries indicated that the fence was not repaired because of unavailability of funding.
- (l) Members observed that the establishment of the Kyaramacan Association (KA), does not benefit the Hambukushu community hence, all the intended benefits are earmarked for the Khwe speaking community. The Ministry of Environment, Forestry and Tourism confirmed that the communities benefiting from Bwabwata are Mashi, Kyaramacan Association, Kwandu and Mayuni. **(See Annexure 5)**
- (m) During the tour of Bwabwata National Park, Members found that there was no clear demarcation between the corridors/cutline with clear indication where people can reside and corridor for animals to pass.
- (n) The official launch of the Bwabwata National Park was put on hold which the Minister cancelled later.
- (o) The Bwabwata Advisory Committee was established to discuss issues regarding the Communities in the Park including Community beneficiation, but the Hambukushu leadership are not part of the Committee. There was no evidence for the existence of such Committee.
- (p) The Minister of Environment, Forestry and Tourism underscored that he personally held two meetings with the Fumu during the year 2015 and 2019 but there is no evidence in terms of minutes, that the meetings did indeed

take place. There was no evidence of the so-called meetings in 2015 and 2019 respectively.

- (q) The Committee found that the Minister was in Hambukushu area when he officially opened the office at Bwabwata on the 31st August 2019 and never made efforts to meet with the FUMU.
- (r) The information provided by the Minister of Environment, Forestry and Tourism could not tally with the ones obtained during the fact-finding visit to Bwabwata National Park.

11. CONCLUSION

Based on the above findings by the Committee, it is quite evident that the issue surrounding the management of the Bwabwata National Park is long overdue.

The Hambukushu Traditional Authority attempted to address the issues of Bwabwata through the former Head of State, His Excellency Dr. Hifikepunye Pohamba and His Excellency Dr. Hage G. Geingob who both showed their willingness to address the issue by instructing the line Ministers to attend to the matter since July 2013 and July 2016 respectively. However, nothing was done by the Ministers despite the directives from both Heads of State.

It is evident through the public hearings and consultative meetings with the relevant Ministries, that there is lack of willingness on the part of the Ministry to address the plight of the Hambukushu community.

12. RECOMMENDATIONS

The Committee therefore recommends that:

- 12.1. The removal of cattle from Bwabwata National Park as decided in 1999 must be put on hold until the engagement is concluded.
- 12.2. The three Ministries (Ministry of Environment, Forestry and Tourism; Ministry of Agriculture, Water and Land Reform and the Ministry of Urban and Rural Development) must engage the Traditional Authorities and discuss the matter for a lasting solution.

- 12.3. The Hambukushu Traditional Authority must table the matter at the Council of the Traditional Leaders as per the Traditional Authority Act, Act 25 of 2000 and Council of Traditional Leaders Act, Act 13 of 1997 as amended, for consideration.
- 12.4. The Ministry of Environment, Forestry Tourism and the Ministry of Agriculture, Water and Land Reform, repair the collapsed fence in Bwabwata National Park (Buffalo fence core boundary) that was built during the colonial regime.
- 12.5. The Ministry of Environment Forestry and Tourism should fast-track the repair of Mahango Game Park fence in order to avoid the mingling of livestock with wild animals; and to prevent the spreading of FMD.
- 12.6. Multiple use area (MUA) be extended by ten (10) kilometers on both sides to be used for human settlement.
- 12.7. The direct benefits from Bwabwata National Park through tourism development, trophy hunting and harvesting of natural resources such as the devil's claw should be extended to benefit the Hambukushu community.
- 12.8. The Ministry of Agriculture, Water and Land Reform should fast-track the removal of the Shamangorwa disease control fence that was set up due to the FMD outbreak of 2008 in Kamutjonga and 2014 in Mutjiku. The fence does not serve any purpose anymore because since 2014 there has not been a case of FMD and also because there is no existing policy mandating the Ministry to erect a fence at Shamangorwa.
- 12.9. The Ordinance of 1974 must be reviewed with urgency as soon as possible to bring it in line with the independent Namibia.
- 12.10. The new Bill that will combine all the Nature Conservation Ordinances and Legislation to be referred to the Parliamentary Standing Committee for scrutiny and public consultation before tabling in the National Assembly.
- 12.11. The Ministry of Environment, Forestry and Tourism to create a platform to engage the Hambukushu Traditional Authority and find an amicable solution to the issues of the management of Bwabwata National Park.

13. SIGNATURES

Hon. Kletus Karondo (Chairperson)

Hon. Paula Kooper (Deputy Chairperson)

Hon. Tjekero Tweya

Hon. Emilia I. Nuyoma-Amupewa

Hon. Modestus Amutse

Hon. Apius! Auchab

Hon. Philipus Katamelo

Hon. Herlinde Tjiveze

Hon. Julieta Kavetuna

Hon. Elifas Dingara

Hon. Vincent Joseph Mareka

Hon. Longinus lipumbu

Hon. Vipuakuje Muharukua

Hon. Koviao Hengari

Hon. Patience Masua

Hon. Edson Edmund Isaaks

Hon. Diederik Vries

Hon. Erastus Shuumbwa

Hon. Reginald Diergaardt

Hon. Josef Kauandenge

Date: 18.10.2023

Paula Kooper

Tjekero Tweya

Emilia I. Nuyoma-Amupewa: 08/11/2023

Modestus Amutse

Apius! Auchab

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Herlinde Tjiveze

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Josef Kauandenge

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