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DEPLETING NATURAL CAPITAL

How Namibia has been losing wildlife, forests and sand through mis-governance and maladministration since 2015



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BY FREDERICO LINKS



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1. KEY OBSERVATIONS

Poaching, illegal logging and forest harvesting, and illegal sand-mining have come to characterise Namibia's struggles to maintain its natural assets in the face of climate change gaining increasing prominence as a threat to the sustainability of the drought-prone southern African country that is hemmed in by growing deserts.

Much of the damage to Namibia's natural capital that has escalated since around 2015 can be attributed to a failure of governance - government departments and entities that have struggled, underperformed or failed in their custodial or regulatory mandates or functions concerning safeguarding some of Namibia's most prized natural assets.

This comes against a backdrop narrative in which Namibia is being spoken of as something of a conservation and environmental success story, when it is evident that the country's natural wealth is clearly in cumulative, and increasingly man-made, decline and that those with the mandates to safeguard the natural wealth of the country are not near to fulfilling those mandates adequately.

The aim of this paper is to map publicly reported examples of underperformance, mis-governance and maladministration within and by responsible government entities as a means to spotlight the practices that are contributing to Namibia's deteriorating natural capital base.

The paper illustrates this through an overview of events, incidents and statements from 2015 through 2019/2020, which is the five-year period in which wildlife and environmental degradation, as well as natural resource-related corruption, has by all indications become more pronounced across the board.

In light of this, the following observations bear spotlighting:

1.1 On wildlife poaching:

- While poaching has always been a problem for Namibia, since 2015 the poaching of high value wildlife species (elephants, rhinos, pangolins) has seen a spike;
- Since 2015, the cumulative losses of high value wildlife, some of which are either threatened or endangered, has been staggering;
- The high rates of poaching of rhino and pangolins continues to be concerning through 2020;
- Since 2018 Namibian environmental and law enforcement authorities appear to be making progress in turning the poaching tide through strong collaboration and coordination with communities and private conservation initiatives;
- Even so, the fact that the long-incoming Protected Areas and Wildlife Management Bill and the National Strategy on Wildlife Protection and Law Enforcement have not been passed or adopted and implemented speaks volumes of the Namibian government's commitment to urgently and decisively confront the poaching scourge;
- According to arrest figures, it seems clear that increasing numbers of people are engaging in or contemplating engaging in poaching of high value wildlife species, suggesting that the poaching crisis is far from resolved.

1.2 On illegal and unregulated logging

- Long-term abdication of its regulatory role made the Directorate of Forestry in the former Ministry of Agriculture, Water and Forestry a key contributor to the illegal logging and timber harvesting that has been contributing to deforesting Namibia;
- Over the last few decades Namibia has lost millions of hectares of forest cover due in large part to slack enforcement of regulations or unregulated logging and harvesting;
- Forestry officials have consistently disregarded the stipulations of the Environmental Management Act of 2007 in the awarding of timber harvesting permits;
- A lax approach to enforcing the provisions of the Forest Act of 2001 has also contributed to Namibia becoming a conduit in the illicit, cross-border trade in African timber;
- Deficient or the absence of regulatory coordination and communication among various Namibian government departments has been illustrated to have been a major contributor to governance failure in forest management.



1.3 On illegal sand-mining:

- Despite being on their radar for most of the last decade, environmental authorities have been slow and erratic in dealing decisively with the destructiveness of unregulated and illegal sand-mining operators;
- Illegal sand-mining has damaged communal areas, wildlife habitats and settlement areas across the northern parts of the country;
- On the one hand it appears the Ministry of Environment and Tourism is battling a combination of poverty, greed and ignorance in especially rural areas in trying to protect the natural environment, and on the other, the official approach has been one of lax and reactive enforcement of environmental regulations;
- This lax approach has undoubtedly contributed to sand-mining getting out of hand in some northern parts of the country as it seems to have emboldened sand-mining operators to disregard the stipulations of the Environmental Management Act of 2007 and to operate with impunity;
- Deficient or a lack of coordination and communication between various national and local level government authorities, including traditional authorities, has characterised the official response to illegal sand-mining.

2. RECOMMENDATIONS

In light of the above observations, the following recommendations are made:

- That the Protected Areas and Wildlife Management Bill be finalised and enacted without further delay;
- That the National Strategy on Wildlife Protection and Law Enforcement be finalised, adopted and implemented;
- That departments mandated to monitor and regulate the use of Namibia's small and declining stocks of natural assets be adequately staffed, resourced and capacitated to optimally fulfil their roles in enforcing their mandates;
- That measures and mechanisms be put in place to increase access to information for the public as a means to ensure public oversight over the activities of relevant and responsible government departments and regulatory bodies mandated to safeguard the Namibian people's natural assets and capital.



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3. INTRODUCTION

Article 95 (l) in chapter 11 of the Namibian Constitution obligates the Namibian government to safeguard the country's natural capital.

The constitutional article states:¹

"The State shall actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at the following: ...

(l) maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future; in particular, the Government shall provide measures against the dumping or recycling of foreign nuclear and toxic waste on Namibian territory."

While the Namibia government has made laws and policies to protect Namibia's natural wealth and regulate the use of natural assets over the 30 years since independence in 1990, a large question mark has always loomed over the quality of implementation of such laws and policies.

In recent times it has increasingly become clear that Namibian government entities have long been and continue struggling to optimally live up to their mandates as broadly defined by Article 95 (l), and the various laws and policies that have flowed from the article over the decades.

To be clear, the evidence suggests that Namibian authorities have substantially failed in important respects to protect the country's natural assets and wealth and have instead played a significant part in the destruction, whether directly or indirectly, through inaction or enablement, of such assets and wealth. All this while Namibia is already facing the potentially devastating impacts of unfolding climate change on its increasingly fragile ecosystems, biodiversity and shared habitats.

The unsustainable exploitation and unregulated use, as well as the disregard of laws and science, of natural wealth will undoubtedly have far-reaching consequences for Namibia long into the future, for as the World Bank states: "The depletion of natural capital – including assets like forests, water, fish stocks, minerals, biodiversity and land – poses a significant challenge to achieving poverty reduction and sustainable development objectives. The issue is especially important in developing countries as shown in a World Bank publication, 'The Changing Wealth of Nations 2018'. Low-income countries depend on natural capital for 47 percent of their wealth. And yet, in several of these countries, natural capital is being depleted without any corresponding investments in human capital (such as education or health) or produced capital (such as infrastructure), leading to an overall decrease in wealth and a failure to improve standards of living among the poor."²

It is in light of such sentiments and observations that the failings and shortcomings of Namibian government authorities have to be highlighted and considered, which is what this paper sets out to do by presenting some, among many, examples of mis-governance from 2015 through 2019, and even into 2020 in some cases.

¹ <https://www.lac.org.na/laws/annoSTAT/Namibian%20Constitution.pdf>

² <https://www.worldbank.org/en/topic/natural-capital#1>



4. A POACHING EPIDEMIC



Photo by Bernd Dittrich on Unsplash

Namibia is among the few African countries consistently hailed as a beacon of successful conservation of threatened wildlife species on a continent seemingly fighting a losing battle to sustainably manage its wildlife for development.

And Namibian government authorities and some conservationists have over recent years been in the habit of continuously touting this wildlife protection success story, even as the numbers continued to stack up to create an alarming picture of the cumulative losses being suffered as a result of poaching and other wildlife-related crimes.

To illustrate, consider that at the time, in April 2015, that the then newly appointed Minister of Environment and Tourism, Pohamba Shifeta, declared that his ministry would henceforth adopt a “zero tolerance”³ approach to curb escalating levels of poaching in Namibia, the ministry also announced that over the three years since 2012 about 116 elephants and 10 rhinos had been poached in the country. Over the following three years, from 2015 through 2017, 200 elephants and 213 rhinos were poached.

Number of elephants poached (2015 - 2019)

2015	2016	2017	2018	2019	TOTAL
49	101	50	27	12	239

(Source: Ministry of Environment and Tourism)

Number of rhinos poached (2015 - 2019)

2015	2016	2017	2018	2019	TOTAL
97	61	55	74	45	332

(Source: Ministry of Environment and Tourism)

³ <https://www.namibian.com.na/135613/archive-read/Government-promises-zero-tolerance-on-poaching>



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And according to the first annual 'Combating Wildlife Crime in Namibia'⁴ report, for the period 1 January to 31 December 2019, jointly produced by the Intelligence and Investigation Unit in the environment ministry and the Namibian Police Force's (NAMPOL) Protected Resources Division, there were 123 pangolins or pangolin products seized in 2019, including 49 live pangolins. The report indicates that pangolin poaching and trafficking were the major wildlife crimes of 2019.

Number of high-value species⁵ poaching & illegal wildlife products possession arrests & cases (2015 - 2019)

	2015	2016	2017	2018	2019	TOTAL
No. of people arrested	96	82	123	138	363	802
No. of cases	91	135	76	115	174	591

(Source: Ministry of Environment and Tourism)

While the number of poaching cases has fluctuated but tended upward over the years since 2015, the number of people arrested has increased markedly over the five-year period. And the number of arrests keeps rising alarmingly, for according to a report⁶ in August 2020, over the seven months from January to end-July 2020, there had already been 363 arrests, with indications being that 2020 could become by far the worst year in terms of poaching and wildlife crimes arrests on record.

Many of the arrests – almost 50% in case of rhinos – are pre-emptive, based on intelligence, capturing people going into areas with poaching equipment and intentions. This pre-emptive approach has been adopted over the last two years, since 2018.

Even so, despite state efforts to discourage poaching and other wildlife-related crimes, through clearly increased and stricter policing and stiffer fines and sentences, many and increasing numbers of people still view such illegal activities as lucrative. This could be due to deepening and prolonged economic hardships experienced across the country over recent years, and exacerbated by COVID-19 conditions prevailing through the first half of the year and beyond.

Suffice to say, Namibia's poaching problem does not appear to be going away, but in fact seems to be worsening in some species categories (especially pangolin), and environmental, law enforcement and prosecutorial authorities continue to struggle to effectively get to grips with such crimes.

In February 2020, environment minister Shifeta as much as admitted that conservation and law enforcement entities were struggling to bring poaching under control, stating: "Wildlife protection and law enforcement remained one of our core functions in 2019. The year 2019 was characterized by a high number of cases, arrests and rhino and pangolin poaching or trafficking. The number of arrests is significantly higher than in the previous years, which also had a lower percentage of arrests related to rhino, elephant and pangolin. Arrests and seizures related to rhino have remained relatively stable, while a high number of pre-emptive arrests continued to stop poachers before they killed animals. Arrests and seizures related to both elephant and pangolin have increased, with pangolin cases showing the most alarming rise."⁷

Namibia has legislation and policies in place for wildlife protection and utilisation, tourism and gaming, and national parks, environmental and species management. It is illegal in the country to be in possession of wildlife products (skins, hides, teeth, claws, etc.) without a permit.

The legislation governing wildlife management and the activities of the Ministry of Environment and Tourism (MET) as an executive arm of government, are the following:

- The Nature Conservation Ordinance 1975 (No. 4 of 1975);
- The Nature Conservation Amendment Act (Act 5 of 1996);

⁴ https://n-c-e.org/sites/default/files/2020-04/MET_Annual-Report_Wildlife-Crime_2019_Final-Print_re4-online_200323s.pdf

⁵ Elephant, rhinos and pangolins are classified as high-value species by Namibian authorities.

⁶ <https://www.namibian.com.na/93673/read/elephant-pangolin-crimes-still-highest>

⁷ http://www.met.gov.na/files/downloads/6f1_2020%20met%20opening%20speech.pdf



- The Nature Conservation General Amendment Act (Act 31 of 1990);
- The Controlled Wildlife Products and Trade Act (Act 9 of 2008);
- Regulations relating to Controlled Wildlife Products and Trade (Controlled Wildlife Products and Trade Act, 2008), and;
- Amendment of Schedule 3 (Controlled Wildlife Products and Trade Act, 2008).

4.1 Significant shortcomings

Shortly after Pohamba Shifeta became environment minister in early 2015, the devastating news was announced, demonstrating the sheer scale of the domestic wildlife loss problem, of the discovery of the carcasses of 31 rhinos in the world-renowned wildlife sanctuary, the Etosha National Park, and that 87 elephants had been poached in the north-east of the country within a short space of time.

At the time that Shifeta promised “zero tolerance” to poaching he also promised that the Protected Areas and Wildlife Management Bill, a legislative initiative that ostensibly proposes stiffer sentences and fines for wildlife-related crimes, would undergo public consultation “before the end of June or July” 2015. More than five years later, this Bill has still not been finalised.

On World Rhino Day, in September 2019, Bernadette Jagger, then deputy minister in the Ministry of Environment and Tourism, declared that the Protected Areas and Wildlife Management Bill was only then in its final stages, and that the National Strategy on Wildlife Protection and Law Enforcement was being revised. The revised strategy, she said, would enable the strengthening of institutions and law enforcement “on all levels” to address “both the supply of and demand for illegal wildlife products”.⁸

The Protected Areas and Wildlife Management Bill, in effect, would repeal the Nature Conservation Ordinance (No. 4 of 1975).

What should not be lost sight of is that during the more than five years that the Ministry of Environment and Tourism has been unable to finalise the Protected Areas and Wildlife Management Bill, and the National Strategy on Wildlife Protection and Law Enforcement, which purportedly proposes heavier sentences and fines for wildlife-related crimes, poaching in Namibia has escalated to unprecedented levels, as the figures presented earlier show.

And, since 2015, the poaching crisis has been especially bad in areas under the direct control of the Ministry of Environment and Tourism: National parks.

In June 2015 it was reported that of the 68 rhinos poached up to that point in the year, 62 were poached in the Etosha National Park, while 21 of the 23 elephants poached up to that point in 2015 had been poached in the Bwabwata National Park, in the Zambezi Region.

In 2016, Etosha National Park was dubbed “Poaching Heaven”⁹ by local media when 45 black rhino carcasses were discovered within the boundaries of the park, believed to have been poached between January and December that year.

Until 2016, the largest concentration of black rhino had been in Etosha National Park, but because aerial block counts to verify the size of the black rhino population in the park had been repeatedly postponed due to lack of funding, and two fixed-wing aircraft used to patrol the park were out of service, the actual number of black rhino in the park has been shrouded in mystery.

At the same time, the southern and western boundary fences of the park, where poaching continues to be prolific, were found at the time to be in dire need of maintenance and repair. The call to repair and electrify the fences around the park only went out on public tender five years later, in September 2019, after significantly more black rhino losses in the park due to poaching.

⁸ <https://rhinoreview.org/protected-areas-wildlife-management-bill-in-final-stages-namibia/>

⁹ <https://thepatriot.com.na/index.php/2016/12/03/etosha-namibias-poaching-heaven/>



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The Zambezi Region has also long been a poaching 'hotspot'. The region is home to three national parks (or protected areas): the Bwabwata National Park, Mudumu National Park and Nkasa Rupara National Park.

The region shares borders with Zambia and Botswana. The Lower Zambezi ecosystem (spanning Zambia, Zimbabwe, north-east Namibia, Botswana and Mozambique) is home to the world's largest elephant populations and has since 2015 experienced an alarming increase in elephant killings. It has time and again been highlighted as a 'hotspot' for the illicit ivory trade.¹⁰ In addition, not surprisingly, the killing of lions in the region has increased and it has also seen an increase in the killing and live capture of pangolins over recent years.¹¹

However, it's not only poaching that has caused Namibia to lose valuable natural capital since 2015. Human-wildlife conflict has compounded such losses over the years, as the following examples illustrate. During the period under review (2015 - 2019), human-wildlife conflict steadily increased, in part due to growing elephant populations (up from approximately 7,000 in the 1980s to more than 25,000 in 2018) and the expansion of human settlements in elephant roaming areas.

In 2015, it was reported by local media that Chief Mamili of the Mafwe in the Zambezi Region had complained that the elephants in the region were "too many" and that they were destroying valuable crops meant for human consumption.¹²

That same year, rural communities were outraged when elephants killed a fourteen-year-old girl and an Angolan national clearing land for agriculture. In 2016, a manager at the Musese Green Scheme Project, in the Kavango West Region, had reportedly killed three elephants for damaging crops, and the Ministry of Environment and Tourism, in turn, accused the Musese Green Scheme Project of not being in compliance with an EIA (environmental impact assessment) because the scheme was situated on a traditional elephant migratory route.¹³

In 2018 the conflict escalated when it was reported that a herd of 28 elephants destroyed 18 homesteads and fences and damaged a borehole in the village of Otjorute in the Ruacana constituency of the Omusati Region.¹⁴ And in the village of Maha in Kavango West Region, large herds of elephants regularly raided the food stores of villagers and destroyed huts to access food such as maize, beans and pumpkins.¹⁵ Herds of elephants also reportedly destroyed a homestead and the water-pipes and tank of a community borehole at Ncorose village in Kavango West.¹⁶

Human-wildlife conflict during the period under review has led to the killing of numerous elephants and lions, and such conflicts remained a burning issue through mid-2020.

Namibia and CITES

In 2019, CITES (the Convention on International Trade in Endangered Species) rejected Namibia's proposal to allow the trade in southern white rhino products.

Minister of Environment and Tourism, Pohamba Shifeta, described the CITES rejection as "political" and threatened to withdraw the country from the organisation because Namibia's population of southern white rhino was 'healthy' and the second largest in the world.¹⁷

Earlier that same year, Namibia, Botswana, Angola, Zambia and Zimbabwe had also unsuccessfully requested CITES lift the ban on ivory trading it had imposed since 1989.

In August 2019, Namibia had an ivory stockpile reportedly valued at N\$125 million. The stockpile was mostly confiscated from poachers, but also contained tusks from elephants that had died naturally. Namibia argued that selling its ivory stocks would pay for protecting and monitoring wildlife, especially elephant and rhino.

10 <https://africageographic.com/blog/namibias-poaching-business/>

11 <https://www.awf.org/blog/dismantling-elephant-poaching-lower-zambezi>

12 <https://www.namibian.com.na/142491/archive-read/In-the-shadows-of-a-powerful-silent-chief-HEY>

13 <https://neweralive.na/posts/shifeta-unhappy-regular-elephant-killings-musese>

14 <https://neweralive.na/posts/elephants-destroy-houses-borehole>

15 <https://neweralive.na/posts/maha-villagers-lose-sleep-over-elephant-invasion>

16 <https://neweralive.na/posts/elephants-cause-more-damage-in-kavango>

17 <https://www.namibian.com.na/192386/archive-read/Namibia-threatens-to-withdraw-from-Cites>



4.2 Some successes

Despite the glaring losses and governance shortfalls, the period 2015 - 2019 has not only been about Namibian authorities struggling to secure and protect high value wildlife assets and capital, but also saw some improvements in laws and policing in efforts to mitigate future losses.

On the legal front, in 2017 the Nature Conservation Ordinance (No. 4 of 1975) was amended (see 'Penalties for poaching') to make provision for much stiffer fines and sentences for poaching and wildlife crimes.

On the law enforcement side, in the 2016/2017 financial year, the anti-poaching Intelligence and Investigation Unit (IIU) was created in the Wildlife Protection Services Division of the Ministry of Environment and Tourism, and in 2018 the IIU and the Namibian Police Force's (NAMPOL) Protected Resources Division launched the anti-rhino poaching Operation Blue Rhino, which has been instrumental in pre-emptive investigations and arrests of potential poachers, according to reports¹⁸. This initiative also includes units of the Namibian Defence Force (NDF).

In 2019, the Environmental Crimes Unit was established in the Office of the Prosecutor-General, to specifically devote prosecutorial resources to wildlife and environmental crime cases.

With regard to this law enforcement situation, an environmentalist with knowledge of the situation stated: "The wildlife law enforcement team has become increasingly effective – bringing together multiple agencies and partners. The core elements are the MEFT's Intelligence & Investigations Unit with the Protected Resources Division of NAMPOL (they work together on a permanent basis in teams), the Office of the Prosecutor General, Customs & Excise, Financial Intelligence, Forensics and many others. Namibia is the envy of the region, and a model used by donors in this regard, as this approach is really making a difference."

In 2019 the Namibian Wildlife Crime Database was also implemented as an initiative of the IIU and NAMPOL's Protected Resources Division, and in March 2020 the first 'Combating Wildlife Crime in Namibia Annual Report 2019' was released.

Of the overall situation regarding the official approach to poaching and wildlife crimes, the environmentalist spoken to said: "While the general level of staff capacity, innovation, initiative, drive, commitment is fairly low in much of the MEFT – including to a lesser extent in the wildlife and parks sector, and while there are undoubtedly a number of rotten eggs amongst them, there is also a very dynamic, committed and professional team working on wildlife protection and law enforcement, with strong political support from the Minister. This team includes senior to junior level staff, and the size and capacity of this team is growing all the time."

Penalties for poaching

In 2017 the Namibian government amended the penalty provisions for the illegal hunting of rhino and elephant under the Nature Conservation Ordinance (No. 4 of 1975).

The amendments came into force in June 2017, and substantially increased the legal penalties for poaching which were, up to that point, relatively lenient.

Under the amendments, those caught and prosecuted for illegally hunting rhino and elephant in Namibia could face a maximum penalty of N\$25 million (it used to be N\$200, 000) and maximum imprisonment, to be imposed along with the fine, of 25 years (it used to be 20 years).

The penalty for hunting any other "specially protected game" (e.g. zebra, hippopotamus, giraffe) was increased to N\$10 million (it used to be N\$20,000) and time in prison was increased to 10 years (from 5 years). The latter are for first convictions, only. In case of repeat offending, illegally hunting rhino and elephant or "protected game", the maximum fine will be increased to N\$50 million and / or imprisonment for up to 40 years.

Extenuating circumstances were attached for hunting at night. The amendments also stipulate that any foreign national convicted of an offence under the Nature Conservation Ordinance would automatically be declared a prohibited immigrant and deported.

¹⁸ https://n-c-e.org/sites/default/files/2020-04/MET_Annual-Report_Wildlife-Crime_2019_Final-Print_re4-online_200323s.pdf
<https://www.namibian.com.na/192386/archive-read/Namibia-threatens-to-withdraw-from-Cites>



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4.3 Key observations:

- While poaching has always been a problem for Namibia, since 2015 the poaching of high value wildlife species (elephants, rhinos, pangolins) has seen a spike;
- Since 2015, the cumulative losses of high value wildlife, all of which are either threatened or endangered, has been staggering;
- The high rates of poaching of rhino and pangolins continued to be concerning through 2019/2020;
- Since 2018 Namibian environmental and law enforcement authorities appear to be making progress in turning the poaching tide through strong collaboration and coordination with communities and private conservation initiatives;
- Even so, the fact that the long-incoming Protected Areas and Wildlife Management Bill and the National Strategy on Wildlife Protection and Law Enforcement have not been passed or adopted and implemented speaks volumes of the Namibian government's commitment to urgently and decisively confront the poaching scourge;
- According to arrest figures, it seems clear that increasing numbers of people are engaging in or contemplating engaging in poaching of high value wildlife species, suggesting that the poaching crisis is far from resolved.



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5. TIMBER TROUBLE

Up to the end of March 2020, forests and woodlands fell within the regulatory ambit of the Ministry of Agriculture, Water and Forestry (MAWF) in Namibia. Following a government portfolio downsizing and re-shuffling, since April 2020, forest management now resorts under the Ministry of Environment, Forestry and Tourism.

There are 37 registered community forests found in ten regions of the country, all of which form important parts of the government's Community-based Natural Resource Management (CBNRM) Programme, as many of these forests also fall within communal conservancies¹⁹

¹⁹ <http://www.nacso.org.na/community-forests>



The commercial harvesting of Namibian hardwoods, which are slow growing trees, is an important employment and income source for local communities, and can be used as fuel, for the manufacturing of tools, in construction, boat-building, furniture-making, for musical instruments and the manufacture of charcoal. The trees also bear fruit of both nutritional and economic value.

In Namibia, community forest committees have rights over timber resources. The committees also regulate livestock grazing in community forests.

The largest community forests in Namibia are located in the Omaheke and Otjozondjupa regions, along the border with Botswana. The smallest community forests are situated in the Zambezi, Kavango East and Kavango West regions. Community forestry was a core focus of the Directorate of Forestry in the former MAWF.

According to the Forest Act (12 of 2001)²⁰, anyone who needs to harvest, transport, and export or market forest resources is required to be in possession of valid licenses or permits issued by a forestry office.

The regulations²¹ of the law make provision for different types of licenses and permits, including harvesting licenses, transport, transit, marketing and export permits.

When considering the way forest resources have been mismanaged in Namibia up to now, it is important to understand the aim of forest management, as articulated in the law. Section 10 (1), in chapter 2 of the Forest Act, states of the aim of forest management: "The purpose for which forest resources are managed and developed, including the planting of trees where necessary, in Namibia is to conserve soil and water resources, maintain biological diversity and to use forest produce in a way which is compatible with the forest's primary role as the protector and enhancer of the natural environment."

5.1 Chronology of looting and mismanagement

Illegal harvesting of trees is a major problem in Namibia.

In 2015, the Uukwaluudhi Traditional Authority made the local news²² when the traditional leader, Josia Taapopi, had several people arrested for illegally harvesting in a protected forest. He said that the culprits had felled the trees, cut them into poles, loaded the poles onto trucks to sell them or to make traditional homesteads. After the people disregarded his warnings to stop cutting down trees, and officials from the MAWF were "reluctant" to lend assistance, he seized the wood and had the people arrested.

In February 2017, MAWF officials ordered that the cutting down of trees should stop in an area in the Zambezi Region, after the contractor, New Force Logistics, failed to produce a license to harvest protected and mature African rosewood.²³ At the same time, the ministry also instructed New Force Logistics not to remove the harvested timber from the site, or to sell the timber commercially, until the required licenses and permits had been issued. The ministry then left the matter in the hands of the community to decide what to do with the harvested timber.²⁴

It was reported at the time that New Force Logistics, owned by Chinese businessman Hou Xuecheng, had been de-bushing and logging in a state forest adjacent to the Liselo area and Katima farm in the Zambezi Region where a joint venture had been awarded a tender of over N\$20 million to clear land to make way for a MAWF green scheme.

The following month, in March 2017, the Ministry of Environment and Tourism was alerted that the same company, New Force Logistics, was clearing an unauthorised portion of the same area. The clearance certificate, the environment ministry said, had been for a different portion of the farm with no trees on it.²⁵ However, a spokesperson for the MAWF confirmed that New Force Logistics was clearing that specific portion of the farm in line with the ministry's environmental management plan to make way for a green scheme. Upon further investigation, it was revealed that New Force Logistics had a standing agreement with the MAWF to buy the felled trees for N\$200 per tree.

20 <https://laws.parliament.na/annotated-laws-regulations/law-regulation.php?id=428>

21 https://laws.parliament.na/cms_documents/2015--forest-regulations-17c8d03ac4.pdf

22 <https://www.namibian.com.na/137922/archive-read/Uukwaluudhi-king-angry-over-forest-UNCONTROLLED>

23 <https://www.namibiansun.com/news/chinese-logging-operation-halted>

24 <https://www.namibiansun.com/news/forestry-halts-illegal-logging>

25 <https://www.namibian.com.na/166436/archive-read/No-clearance-for-Zambezi-timber-harvesting-The>



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According to the MAWF, live trees had been sold to New Force Logistics for N\$200 each, and dry trees for N\$150 each, with the timber to be exported to China, because, according to the MAWF, it did not have the capacity to harvest and process timber locally.

In January 2018, the Anti-Corruption Commission (ACC) seized five trucks from Zambia and discovered they were carrying 121 'mkula' logs.²⁶ The timber was believed to have originated in the Democratic Republic of the Congo (DRC). The 'mkula' tree (*Pterocarpus chrysotrix*) is a rare and slow-growing species, much sought-after on international markets for its outstanding hardwood, which is threatened by extinction due to illegal logging.

In 2016, Zambia imposed a ban on the felling and transportation of the tree. The logs seized in January 2018 by the ACC were destined for China. The reported reason the trucks and cargo were seized was because the permits were forgeries, stamped and admitted at both the Zambian and Namibian border posts, implicating officials on both sides.

Interestingly, along with the Zambian trucks, two other trucks were also impounded by the ACC, and their cargo of Namibian rosewood confiscated. The trucks belonged to New Force Logistics, and the seized rosewood related to the illegal logging case the ACC was investigating at that time concerning New Force Logistics' involvement in a tender to clear the Katima farm and Liselo area in the Zambezi Region.²⁷

The ACC said that New Force Logistics had not indicated its intention to export and sell the wood cleared on the farms. The Chinese-owned company was charged with violating the Forest Act because it had not obtained permits to harvest, transport, sell and export timber. The ACC added that according to the agreement with the government, New Force Logistics was supposed to have stockpiled the felled timber in the areas they had cleared for the MAWF's irrigation project. The matter implicated MAWF officials for possibly abusing their offices and mismanaging forestry resources, but the ministry denied any wrongdoing.

However, by then 24 containers of Namibian rosewood, potentially worth millions, had reportedly already been shipped to China via Walvis Bay.²⁸

New Force Logistics' Hou Xuecheng was eventually arrested in late March 2019, along with a Namibian customs official, by the ACC on a bribery charge under the Anti-Corruption Act of 2003 and the case continues.²⁹ Hou Xuecheng also faces wildlife crime charges from his arrest in 2014 for possession of elephant tusks.³⁰ Despite this, by late November 2019, New Force Logistics was apparently still carting timber through Namibia.³¹

Not only was illicit logging costing Namibia dearly, but Namibia had also become a crucial transshipment route in the southern African illicit timber trade, according to the ENACT research project of the Institute for Security Studies (ISS), Interpol and the Global Initiative Against Transnational Organized Crime.³²

A September 2018 report by ENACT stated: "Our research in the Caprivi Strip found that timber originating from northern Zambia, the DRC and Angola is smuggled into Namibia for onward transport to Asian markets. A circular route is used that sends the illicitly felled logs with no paperwork to the DRC, where it is then registered as having been harvested locally. Essentially then, the logs have been laundered for onward transportation. They then enter Namibia by means of temporary transport cargo permits, allowing the wood to pass through customs, sometimes with the help of small bribes paid to customs officials. The cargo is then transported to Walvis Bay for shipment."

To stem illegal timber harvesting, on 26 November 2018, a moratorium was placed on the harvesting, transportation and export of trees by the MAWF. However, despite the moratorium, the illegal harvesting of timber continued unabated, especially in the two Kavango regions.

26 <https://www.namibian.com.na/173039/archive-read/ACC-sniffing-out-corruption-in-a-wood-pile-THE>

27 <https://www.namibian.com.na/174164/archive-read/ACC-sued-over-seizure-of-lorries-timber-A>

28 <https://www.namibian.com.na/173039/archive-read/ACC-sniffing-out-corruption-in-a-wood-pile-THE>

29 <https://www.namibian.com.na/187226/archive-read/Chinese-businessman-arrested-on-corruption-charge>

30 <https://www.namibian.com.na/174859/archive-read/Chinese-man-faces-trial-on-wildlife-charges>

31 <https://www.namibiansun.com/news/hous-trucks-laden-with-timber-again2019-11-18>

32 <https://enact-africa.s3.amazonaws.com/site/uploads/2018-09-20-research-paper-06-logging.pdf>



In early November 2018, it was reported that 114 Zambezi teak trees had been illegally harvested and that more than 1 500 cubic metres of timber and 35 logs had been found without permits.³³ The MAWF admitted that illegal logging in the two Kavango regions and the Zambezi region was out of control and blamed the situation on high global demand for timber, the suspension of timber harvesting in Angola and Zambia and the limited capacity of the MAWF to conduct regular patrols and inspections.

Both Kavango regions are characterised by high levels of poverty and unemployment, and poor communities were unable to pay for licenses and permits to harvest, market and sell timber. The penalties for violating the Forest Act of 2001 were also extremely lenient and inadequate to fund patrols. When illegally harvested timber was confiscated, perpetrators were typically fined between N\$300 – N\$5,000 or had criminal cases opened against them. Most of the illegal harvesters were local people from extremely poor communities, many of whom were contracted by outsiders.

On the issue of a logging moratorium, the September 2018 ENACT report stated: “All evidence suggests that if moratoria are used selectively, and limited export rights are retained or there are exceptions, there will always be a way for criminal actors to continue to traffic high-value species. In addition to the many examples already given in this report, Zambia, Angola and Namibia have imposed several moratoria on the harvesting and transport of raw timber. However, the measures have failed because the bans are partial and do not apply to locals, who are allowed to harvest timber for non-commercial purposes.”

Also in December 2018, the Legal Assistance Centre (LAC) and forensic investigation specialists showed that Namibia had lost an average of 72,900 hectares of forest (woodland) per year between 1990 and 2000, amounting to between 700,000 and 800,000 of woodland loss over the 10 years. The loss escalated after that, for in the space of five years, between 2000 and 2005, Namibia had lost over 1.1 million hectares of forest cover. In short, over the 15-year period Namibia had lost a sizable percentage of its forest and woodland assets.

Oddly, after banning the logging and transportation of timber in November 2018, the MAWF announced in February 2019 that the moratorium on transporting and exporting harvested timber had been lifted, and in so doing, opened the floodgates for applications. The MAWF said it had done so to allow for timber exports to China. The moratorium was again in place on 1 April 2019.

In March 2019, environment minister, Pohamba Shifeta, accused officials in the Ministry of Agriculture, Water and Forestry (MAWF) of enabling “looting” of endangered trees by issuing permits without first obtaining environmental clearance certificates from his ministry. His accusation followed media reports that parliamentarians, councillors, police officials, traditional and church leaders, and other high-ranking individuals had submitted over 230 applications to the MAWF to cut down approximately 200,000 rare trees in the Kavango regions.³⁴

Shifeta called the exercise “looting” because timber harvesting was not conducted in a sustainable manner and he announced that 68,000 rare trees had already been felled in Kavango East without environmental clearance.³⁵

In April 2019, the environment minister made it clear that Namibian law prohibited the export of unprocessed or semi-processed Namibian timber, except for educational purposes. Shifeta quoted the Forest Act of 2001, which states that “a person may not export forest produce, including semi-processed planks, unless authorised by the director for special purposes, such as research, education, cultural and disease identification”.³⁶

Shifeta also said that timber traders and government officials had broken the law by ignoring the Forest Act of 2001. The law states that the commercial harvesting of timber in Namibia may not be conducted without an environmental impact assessment (EIA) and, according to Shifeta, the officials who had permitted such activities deserved to be charged with “administrative misconduct”.

33 <https://neweralive.na/posts/logging-of-protected-trees-continues>

34 <https://neweralive.na/posts/shifeta-warns-illegal-timber-traders>

35 <https://www.namibian.com.na/186610/archive-read/68-000-rare-trees-cut-in-Kavango-East-%E2%80%93>

36 <https://www.namibian.com.na/187453/archive-read/Raw-timber-exports-illegal>



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That same month, the chief executive of the Namibian Chamber of Environment (NCE), Chris Brown, labelled MAWF minister Alpheus !Naruseb as “useless” over his handling of the out-of-control and illegal logging situation in the country.³⁷

Also in April 2019, then finance minister, Calle Schlettwein, revealed that Namibia did not impose levies (taxes) on timber exports, but that he had proposed hefty export taxes.³⁸

In May 2019, a joint report of the environment ministry and the MAWF revealed that 10,000 blocks of hardwood from northern Namibia had been exported to China and Vietnam since November 2018. The report revealed the impact of illegal logging in the affected regions, including providing cover for the smuggling of wildlife products to China, the possible extinction of some tree species, and the disruption and destruction of wildlife habitats. The report also found that aside from issuing permits, the MAWF conducted few inspections and monitoring was close to non-existent. Again it was pointed out that the MAWF lacked the capacity and resources, especially vehicles, to properly monitor logging activities. In addition, it was stated that from 22 trucks in 2015, timber exports had jumped to 208 truckloads in just the two-month period of January-February 2019, despite a ban on timber harvesting in place since the previous November. The report also recommended that the moratorium on commercial timber harvesting “should be continued, indefinitely”. It was estimated that by then Namibia had lost around N\$24 million in cheap timber exports per year.³⁹

In June 2019, the MAWF minister Alpheus !Naruseb admitted that he did not know how much timber could sustainably be harvested in Namibia.⁴⁰ He also admitted that all timber harvesting before November 2018 had been done without environmental clearance certificates and he conceded that his ministry had made mistakes by not consulting the Environmental Management Act of 2007⁴¹ which stipulated that a clearance certificate was required before harvesting could take place. The minister also said that there was “some confusion” between MAWF and the Ministry of Environment and Tourism as to which authorisation should be issued first: an environmental clearance certificate or a harvesting license. The confusion has supposedly contributed to farmers harvesting timber in the two Kavango regions and the Zambezi Region without environmental clearance certificates.

Also in June 2019, it was reported by the MAWF that approximately 75,000 tonnes of timber, worth approximately N\$94 million had been exported in January and February 2019.⁴² The ministry also conceded that there was no woodland replenishing programme in place, which would compel timber harvesters to plant trees and replace what they had harvested. This again brought into focus the long-term sustainability of Namibia’s forests and woodlands and the activities of the local timber industry and government oversight weaknesses. In the same announcement, the MAWF acknowledged that uncontrolled logging had negative long-term effects on the environment, and that effort was being made to reduce and stop timber harvesting in Namibia altogether.

In October 2019, farmers in the two Kavango regions complained about the regulations around timber harvesting, in particular the stipulation that no unprocessed timber may be exported from Namibia, except for educational and research purposes, stating that this had a negative impact on their incomes.⁴³ The farmers feared their stockpiles of timber would lose value because they had been informed that they were only allowed to transport timber to factories within Namibia and many of them did not have customers to purchase their timber locally. One farmer complained that there were currently “tonnes of wood” lying around on farms in the region and tonnes more had been impounded at Walvis Bay since the moratorium on logging, transporting and exporting of trees was imposed.

Once again, in addition to not properly monitoring Namibia’s woodlands and community forests, it also appeared that the Ministry of Agriculture, Water and Forestry (MAWF) had not done due diligence with regard to creating downstream markets to support the farmers in the northern regions who had harvested timber with permits issued by MAWF.

37 <https://www.namibian.com.na/187554/archive-read/Naruseb&39s-efforts-on-timber>

38 <https://www.namibian.com.na/187910/archive-read/Timber-export-tax-proposed-FINANCE-minister>

39 [https://www.namibian.com.na/188472/archive-read/N\\$24m-lost-in-timber-exports](https://www.namibian.com.na/188472/archive-read/N$24m-lost-in-timber-exports)

40 <https://www.namibian.com.na/189992/archive-read/Govt-accepts-blunder-on-timber-harvest>

41 <https://laws.parliament.na/annotated-laws-regulations/law-regulation.php?id=427>

42 <https://neweralive.na/posts/n94m-worth-of-timber-exported-in-first-two-months-of-2019-no-policy-for-timber-harvesters-to-plant-trees>

43 <https://neweralive.na/posts/timber-harvesters-unhappy-with-conditions-of-transportation>



Following the complaints from the farmers, in December 2019 the MAWF lifted the ban on transporting and exporting timber, while keeping the ban on harvesting in place in order to allow for already harvested timber to be sold locally and on export markets so as not to allow the stockpile to waste away on farms.

In late January 2020 it was reported⁴⁴ that following an investigation it had been determined that there were about 120,000 harvested logs, equalling over 60,000 tonnes, lying on farms across the affected northern regions. The bulk of this stockpile was earmarked for export to China and Vietnam, according to MAWF officials tasked with monitoring the removal of the logs to factories in Namibia and to the Walvis Bay port. According to estimates, removing the harvested logs from the farms across the affected areas would amount to over 1,700 truckloads.

These events and figures paint a picture of Namibia's scarce and dwindling forest resources being under constant existential threat as a result of government officials not enforcing laws and regulations created to safeguard the specific resource.

By mid to late 2020 it was still too early to tell whether the shifting of the forest management mandate to the Ministry of Environment and Tourism with the new financial year, which started in April 2020, has delivered early improvements in government's management of forest resources and handling of illegal logging and unregulated forest harvesting in Namibia.

5.2 Key observations:

- Long-term abdication of its regulatory role made the Directorate of Forestry in the former Ministry of Agriculture, Water and Forestry a key contributor to the illegal logging and timber harvesting that has been contributing to deforesting Namibia;
- Over the last few decades Namibia has lost millions of hectares of forest cover due in large part to slack enforcement of regulations or unregulated logging and harvesting;
- Forestry officials have consistently disregarded the stipulations of the Environmental Management Act of 2007 in the awarding of timber harvesting permits;
- A lax approach to enforcing the provisions of the Forest Act of 2001 has also contributed to Namibia becoming a conduit in the illicit, cross-border trade in African timber;
- Deficient or the absence of regulatory coordination and communication among various Namibian government departments has been illustrated to have been a major contributor to governance failure in forest management.

6. SAND-MINING SAGA

Sand-mining, whether legal or illegal, has become a prominent environmental concern in Namibia since 2015.

Unregulated and illegal sand-mining has especially become a headache for the Ministry of Environment and Tourism (MET), primarily because of the severe destruction to the natural environment and the dangers that illegal and unrehabilitated sand-mining pits pose for humans, livestock and wildlife.

Sand and gravel are not renewable resources, and are indispensable to construction industries worldwide. Sand-mining had become a lucrative economic activity as the Namibian construction sector experienced a period of relative boom for most of the last two decades.

In July 2016, in an interview⁴⁵, then environmental commissioner in the Ministry of Environment and Tourism (MET), Theofilus Nghitila, flagged the practice and cautioned sand-mining operators about the legality of their operations.

⁴⁴ <https://www.namibian.com.na/197573/archive-read/Namibia-to-export-120-000-logs-of-timber>

⁴⁵ <http://www.met.gov.na/news/157/Illegal-sand-miners-to-face-music/>



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"When you drive in the north, all you see are massive excavations – these pits. People are just indiscriminately mining sand for businesses such as brick-making and construction. We've warned them. I was even on Oshiwambo radio at the beginning of this year. We informed traditional and local authorities on the enforcement of the Environmental Management Act," Nghitila said.

However, it seems the MET's threats were not heeded, and in May 2018, the ministry ordered all illegal sand-mining activities in Namibia to cease immediately. Despite its visible destructiveness, sand-mining operators and contractors had been operating with impunity for a long time, even though they did not have environmental clearances to mine sand.

The MET took the decision after several complaints from rural communities in northern Namibia, notably in the Uukwambi Traditional Authority areas of the Oshana Region, had alerted authorities to illegal sand-mining operations in various areas.⁴⁶ The MET threatened legal action against illegal sand-miners and asked traditional authorities to inform prospective sand-miners of the regulatory stipulations on compliance with the Environmental Management Act 7 of 2007.

In November 2018, the MET became aware of more large-scale illegal sand-mining operations in northern Namibia.

Environmental commissioner Theofilus Nghitila instructed the police to charge the mayor of Ondangwa, Paavo Amwele, and local businessman Otto Niimboto Shikomba with mining sand illegally in an area 10 hectares in size at Ondando village in the Oniipa constituency of the Oshana Region. The men were charged through their companies, Huhu City (Amwele) and Niimboto Trading (Shikomba).

Nghitila also recommended the police impound the sand the mayor and the businessman had stockpiled. A media report⁴⁷ on the effects of Amwele and Shikomba's illegal sand-mining operation at Ondando village showed homesteads on the verge of falling into deep pits caused by uncontrolled sand-mining, the destruction of roads, the limiting of movement of local inhabitants who feared serious injury from falling into the sand-pits.

Amwele admitted that he had mined sand in the area without an environmental clearance certificate, but denied the mining had been done illegally, claiming he had been authorised to do so after having been granted permission by the relevant traditional authorities. He also claimed that he had bought the land he was in the process of mining for sand from the community for just over N\$500,000. In addition, Amwele accused the MET of not "getting back" to him when he had applied for an environmental clearance certificate the previous year. However, a letter addressed to Amwele from the MET clearly stated that his application for an environmental clearance certificate had been turned down because his chosen site of extraction was not deemed suitable for sand-mining due to its proximity to settlements.

The Environmental Management Act of 2007 is clear in its stipulations that sand-mining may not be conducted without an environmental clearance certificate, issued after an environmental impact assessment (EIA) had been completed. In addition, for an environmental clearance certificate to be issued the local community must approve of sand-mining in their immediate vicinity or communal area. If found guilty of illegal sand-mining, Amwele and Shikomba faced 25 years' imprisonment or a N\$500,000 fine, or both.

In the wake of such incidents, the environment ministry has expressed concern that rural Namibian communities appeared not to understand the legal requirement that an environmental impact assessment (EIA) must be conducted prior to the issuing of an environmental clearance certificate in order for sand-mining operations to commence, because most of the complaints about illegal sand-mining lodged with the ministry originated from rural areas.⁴⁸

⁴⁶ <http://www.africanreview.com/construction-a-mining/namibian-government-asks-uukwambi-authority-to-stop-illegal-sand-mining>

⁴⁷ <https://www.namibian.com.na/182950/archive-read/Mayor-faces-illegal-sand-mining-charges>

⁴⁸ <https://neweralive.na/posts/sand-mining-a-serious-destruction-to-environment-met>



The ministry subsequently held a public workshop at Ondangwa in November 2018 to raise awareness among communities and sand mining operators of the requirements of the law and the impacts of sand-mining on the environment.

The MET also explained at the public workshop that contractors (sand-miners), regional councils, local authorities and traditional authorities were responsible for rehabilitating open and abandoned sand-pits. The spokesperson of the environment ministry said that the ministry and the Namibian police were “tracing known contractors who failed to rehabilitate pits and ensure compliance”. He also encouraged community members to report those authorities that permitted sand-mining, but did not rehabilitate abandoned pits, to the ministry for non-compliance.

In December 2018, local media reported⁴⁹ illegal sand-mining was happening as far as in the Kavango West Region where sand from the Okavango River was openly mined and sold cheaply next to the river. The residents in the affected area had complained of environmental destruction by illegal sand-miners, despite the environment ministry's standing directive that all illegal sand-mining activities be halted until compliance with regulations was achieved. When asked to comment on the situation, the spokesperson of the environment ministry pointed the finger at traditional authorities in whose “jurisdiction” illegal sand-mining was taking place.

Also in December 2018, three girls, aged 11, 13 and 15, “drowned” in sand-pits left behind by illegal sand miners, after fetching water⁵⁰, at Omusheshe village. Illegal sand-mining took place in and around a small graveyard, and threatened the gravesites. The villagers of Omusheshe had reportedly at first welcomed sand-mining because their settlement did not have running water or electricity and they had hoped for employment opportunities and development. The sand-miners were endorsed by the village headman. One of the villagers went on record to say that they were caught in a situation in which they were forced to sell sand just to make ends meet. Even though the pits were dangerous and the environment damaged, locals said their only income was still the sand they had to sell. It was apparent that the MET's directive to halt all illegal sand-mining activities, issued in May 2018, had not reached impoverished rural communities, such as Omusheshe village, where destruction to the environment had become so severe that the area was becoming uninhabitable.

By January 2019 illegal sand-mining continued to take place in northern Namibia and the consequent destruction to the environment and impact on surrounding communities was staggering.

In April 2019, barely a month after the MET closed two illegal sand-mining pits at liheke yaNakale and Onanime in Oshana Region, the northern branch of the Namibia Chamber of Commerce and Industry (NCCI) received a petition signed by 60 local business people calling for the lifting of the ban on illegal sand-mining in the area.⁵¹ The business people demanded the sand-pits be reopened “with immediate effect” and added that contractors were adversely affected by their closure while they were busy with construction at government mass-housing projects. The petitioners claimed that the mass-housing construction projects had come to a standstill and that approximately 1,500 workers were unemployed as a result of the sand-mining ban. They also complained that they were “tired” of being called “illegal sand-miners”.

In early February 2020, during his year-opening speech, MET minister Pohamba Shifeta admitted that his ministry was struggling to get to grips with the sand-mining issue, as well as illegal timber harvesting. Shifeta stated: “We have all seen the illegal sand mining and timber harvesting that has been taking place We need to strengthen monitoring and enforcement of compliance with this Act and to work with the Namibian Police and Office of the Prosecutor General to ensure that offenders in terms of the Act are prosecuted. Furthermore, we need cooperation from all state organs to enforce compliance. All competent authorities should understand that MET doesn't prevent development of any sort but MET has a Constitutional mandate to prevent any violation of our environmental law in the whole Namibia.”⁵²

49 <https://www.namibiansun.com/news/illegal-sand-mining-continues2018-12-06>

50 <https://www.namibian.com.na/184592/archive-read/Mining-into-graves-for-sand>

51 <https://www.namibian.com.na/187559/archive-read/Northern-business-people-want-sand-mining-ban-lifted>

52 http://www.met.gov.na/files/downloads/6f1_2020%20met%20opening%20Speech.pdf



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Despite these strong words, indications were that sand-mining activities were restarted or going on in parts of the central north of the country as Namibia emerged from the COVID-19 state of emergency lockdown in early May 2020. At the time it was reported⁵³ that villagers in the Okatana constituency of the Oshana Region had complained about the destruction caused to their lands and environment by sand-miners operating in close proximity to their homesteads.

6.2 Key observations:

- Despite being on their radar for most of the last decade, environmental authorities have been slow and erratic in dealing decisively with the destructiveness of unregulated and illegal sand-mining operators;
- Illegal sand-mining has damaged communal areas, wildlife habitats and settlement areas across the northern parts of the country;
- On the one hand it appears the Ministry of Environment and Tourism is battling a combination of poverty, greed and ignorance in especially rural areas in trying to protect the natural environment, and on the other, the official approach has been one of lax and reactive enforcement of environmental regulations;
- This lax approach has undoubtedly contributed to sand-mining getting out of hand in some northern parts of the country as it seems to have emboldened sand-mining operators to disregard the stipulations of the Environmental Management Act of 2007 and to operate with impunity;
- Deficient or a lack of coordination and communication between various national and local level government authorities, including traditional authorities, has characterised the official response to illegal sand-mining.

⁵³ <https://www.namibian.com.na/200724/archive-read/Oshanas-pits-of-death>



7. CONCLUSION

Despite a constitutional obligation to protect Namibia's natural wealth, relevant and mandated Namibian government authorities have for the most part not lived up to this obligation and the country has over the years suffered enormous natural capital loss as a result.

In the wake of the unfolding Fishrot⁵⁴ fisheries corruption scandal which has been ongoing since November 2019, the way Namibian authorities have been managing the country's natural capital has enjoyed renewed critical focus.

What the discussion laid out in this paper is meant to show is that, while the Namibian government and political elite are fond of touting the country as an example of a nation state that lives by the rule of law, the fact is that the picture is much more complicated, as clearly many government authorities do not fully or optimally enforce or apply the laws they are mandated to in the broader public interest.

In the meantime, the country faces a myriad of man-made and environmental challenges, placing ever-growing pressure on a finite and gradually diminishing stock of natural wealth and assets to carry it through into the future.

As the World Bank notes: "Long-term development is a process of accumulation and sound management of a portfolio of assets—manufactured capital, natural capital, and human and social capital."⁵⁵

In Namibia's case, indications are, in 2020, that an enormous amount of all the country's types of capital is or has already been squandered, while the challenges are only deepening.

Namibia's rate of natural capital loss or depletion is not sustainable.

⁵⁴ <https://wikileaks.org/fishrot/>

⁵⁵ <https://www.worldbank.org/en/topic/natural-capital#1>



ABOUT THE AUTHOR

Frederico Links has been an IPPR Research Associate since 2009. He has focussed on democracy and elections, party political finance, empowerment policies, internet governance, cybersecurity and public procurement. He has previously worked as a journalist for a range of Namibian publications. He is the current Chairperson of the ACTION Coalition which campaigns for greater access to information in Namibia.

About the Hanns Seidel Foundation (HSF)

Present in more than 60 countries world-wide, the Hanns Seidel Foundation Namibia (HSF) is a German non-profit organisation promoting democracy, good governance and the rule of law across the African continent. Cooperating with its Namibian partners, such as IPPR, HSF also seeks to contribute to sustainable development by strengthening peace, human security and environmental protection.

Hanns Seidel Foundation Namibia

House of Democracy

70-72 Dr. Frans Indongo Street

PO Box 90912

Windhoek Namibia

info@hsf.org.na

<http://www.hss.de/namibia/en/home.html>

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Institute for Public Policy Research (IPPR)

House of Democracy

70-72 Frans Indongo Street

PO Box 6566

Windhoek

Namibia

info@ippr.org.na

Tel: +264 61 240514

www.ippr.org.na