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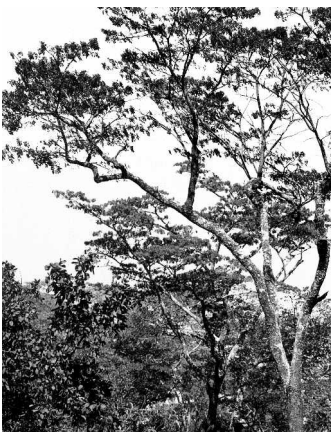
Occasional Paper Series

Summary Report: Lessons Learned and Best Practices For CBNRM Policy and Legislation in Botswana, Malawi, Mozambique, Namibia, Zambia and Zimbabwe

Brian T. B. Jones

**WWF - SARPO Occasional Paper
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1. Introduction

1.1 Background

This report was compiled as part of the WWF-SARPO Regional Project for Community Based Natural Resource Management (CBNRM) Capacity Building in Southern Africa funded by NORAD.

The overall goal of the project is:

Contributing to poverty alleviation and sustainable livelihoods at rural household level from management of natural resources by communities in southern Africa

The project purpose is:

CBNRM adopted as a mainstream strategy for rural development in southern Africa

The project has five main components:

- Regional Forum for sharing best practices, information and carrying out peer reviews made operational and establishment/strengthening of Peer Review Fora supported at country level
- Appropriate CBNRM training supported in formal and non-formal institutions
- Strategic institutional capacity-building of focal organisations involved in CBNRM in the public, private sectors, civil society and community levels implemented in the partners countries
- Policy and legislation support provided at country level to promote and improve implementation of CBNRM with linkage to regional sectoral policies and transboundary initiatives
- Strategic interventions implemented (HIV/AIDS, crosscutting, emerging issues, gender issues etc.)

This report forms part of Component IV, which aims, among other things, to review existing country CBNRM policies and to identify gaps/overlaps and areas that need improvement. Component IV also aims to raise awareness of existing SADC protocols, identify common policy priority issues, compare the strengths and weaknesses of regional CBNRM policy and legislation and carry out policy research and advocacy in support of CBNRM.

This report is the third of three reports that consider CBNRM policy and legislation in Botswana, Malawi, Mozambique, Namibia, Zambia and Zimbabwe. The first report considered the status of CBNRM policy and legislation in the region and the impacts of CBNRM implementation (Jones 2004a). The second report provided analysis of the links between CBNRM policy and legislation and regional sectoral policy and protocols and between CBNRM policy and

legislation and regional TFCA activities (Jones 2004b). This third report provides a summary of the best practices and lessons learned for CBNRM policy and legislation that were identified in the first two reports.

2. Best practices and lessons learned for CBNRM policy development

2.1 Policy formulation

Based on CBNRM's three main policy foundations, good CBNRM policy should ensure that:

- a) Economic and other *incentives* are in place to make investment in management of resources worthwhile. In this regard, policy should enable landholders to realise the value of wildlife and wild land. Policy should also seek to confer high economic values on wildlife and wild land through removing subsidies or taxation structures that favour other land uses, removing restrictions on the use and marketing of wildlife which do not apply to livestock. It should also encourage the wildlife and tourism industries with appropriate infrastructure and pricing structures.
- b) *Authority* over resources is *devolved* by the central government to resource users/land holders.
- c) *Proprietorship* (rights and tenure) over land and resources is vested in a defined group of people within a defined jurisdiction.
- d) Provision is made for the establishment of effective community *institutions* that can exercise devolved authority and for the definition of the relationships between these institutions and existing state institutions at different levels (e.g. central government, regional or district).

Good CBNRM policy and legislation should demonstrate the following characteristics:

- i. Policy and legislation should be enabling rather than restrictive. It should aim to promote positive actions rather than rely on punishments as a deterrent to "wrong" behaviour. It should provide incentives for appropriate actions by resource users rather than be coercive.
- ii. CBNRM policy and legislation needs to provide a broad framework within which landholders and resource users can take decisions themselves without always having to have decisions endorsed or sanctioned by government. If wildlife use entails excessive bureaucracy, ultimately land holders will turn to land uses where transaction costs are much lower.
- iii. Policy and legislation should be flexible not prescriptive. CBNRM policy needs to be flexible in order to take into account the diversity of cultures and of social organisation within each country. CBNRM policy and legislation should enable local communities to find the best way to order their own affairs within their own local contexts, rather than trying to

prescribe uniform approaches that government officials have then to enforce. Ultimately, the institutions developed for CBNRM need to be socially acceptable or they will not work. This implies some degree of compatibility with the traditions of rural society. CBNRM policy and legislation should also take into account the diversity of climatic regions and different resources found even within the same country. Uniform blueprints that prescribe the same approach for all regions, resources and communities should be avoided.

- iv. Policy should be dynamic not static. It is unlikely that policy and legislation will “get it right” the first time because when initiated CBNRM was a new and untried approach. Problems should be expected. Policy and legislation therefore need to be reviewed, based on lessons learned from monitoring and evaluation, and revised as appropriate.

It is therefore important to view policy formulation as an ongoing *process* which follows clear steps:

- Identifying the problem/challenge
- Defining the objectives
- Identifying policy options
- Choosing a policy option or plan and developing policy statements (and possibly targets)
- Developing implementation strategies (including formulating legislation if necessary)
- Monitoring and evaluating implementation
- Reviewing and revising policy based on lessons learned from the monitoring and evaluation
- Involving relevant stakeholders in all these steps

However, policy formulation does not always follow such a smooth path. It can be affected by political considerations. Compromises might have to be made between the ideal and the politically achievable and implementation might be affected by officials and others who might not agree with the policy approach. It is therefore important to consider the following when developing policy:

- a) There is a need to gain political support or legitimisation for the policy approach. This is particularly important where policy reform is part of an externally funded donor project. It is necessary to find a person or group of people internally who can ‘champion’ the policy reform. It is crucial that there are champions within government that can lead the process. Without government support, policy change will be impossible unless there is very strong public pressure for change.
- b) Linked to gaining legitimisation is the need to build a constituency of support for the policy reform. This constituency needs to provide active support for the policy change, and to carry out advocacy on behalf of change. Such a constituency will be broader than a group of government officials, and will include those likely to benefit from the policy reform.

- c) It is also important to ensure that there are sufficient resources available to implement the new policy approach. If the policy change is to make any real impact, then government needs to include funding for implementation in its budget.
- d) The impact of new policy can be considerably reduced if the reform is not accompanied by changes within implementing agencies. Bureaucracies are often slow to change or resist change and tend to hold on to power. Implementation will be hindered if there is a gap between the policy approach and the way that most officials believe things should be done. For example, new wildlife policies that favour community involvement and decision-making may be introduced, but may not be implemented if officials still believe that people are the problem and not part of the solution.
- e) It is also important to realise that policy reform creates winners and losers. Policy change is likely to result in a reallocation of access to rights, revenues and resources, thereby affecting existing power relations. Those likely to lose as a result of policy change are likely to resist change.

2.2 Influencing policy reform

A central conclusion of many reports on CBNRM is that policy and legislation in southern Africa do not go far enough in providing local communities with strong proprietorship and tenure over natural resources. In many cases CBNRM turns out to be co-managed and revenues shared, while there is little active management of resources by local people. So how can CBNRM practitioners influence policy reform? Experience in the region suggests the following:

- *A first step is to realise that CBNRM projects and activities need to have built in policy engagement strategies.* It is not enough to assume that policy change is an external factor that we have to live with. Proactive steps need to be taken to influence policy change.
- *The next step is to be aware of the policy processes that are taking place at any given time.* We need to know what policies are being developed and what legislation is being worked on that affects natural resource management and CBNRM in particular.
- *Simply going this far implies allocating some human and financial resources to policy analysis and tracking.*
- *Then, strategies need to be developed to find opportunities to influence the process.* These could include ensuring that practitioners and local community representatives take part in consultation meetings organised by government, developing policy briefs and information documents that argue

the technical case for change, and the use of formal procedures such as parliamentary standing committees.

- Lobbying and advocacy can be strengthened where there *are strong coalitions of organisations* (e.g. the National CBNRM Forum in Botswana or the Namibian Association of CBNRM Support Organisations - NACSO).
- It is also important to ensure that communities themselves are *aware of their rights*. Communities and other stakeholders should have the knowledge and skills to identify policy issues on which they should try to influence change through undertaking advocacy activities.
- Such a *rights-based* approach aims to build a strong and democratic civil society that can interact with government. Constituency building is crucial – national representative bodies for community institutions can represent a political constituency that government will listen to. Support to the development of such organisations should be an integral part of any strategy to influence the policy process.
- It is also important to build *awareness* of key issues among *politicians and officials*. This can be done in a number of ways:
 - ✓ Providing good *data on CBNRM* for policy makers (benefits to households, national economy, wildlife numbers etc.)
 - ✓ Regular *Policy Briefs* for decision-makers
 - ✓ Focused and targeted *exposure visits/seminars* for decision-makers
 - ✓ Focus on *key issues*, e.g. incentives-based approach that help build an understanding of CBNRM

KEY LESSON: There is a need to develop proactive strategies to improve the enabling environment for CBNRM. This strategy should be multi-faceted yet, at the same time, integrated and focused. It should include key people from different national level politicians and government officials, provincial/district level politicians and officials, local leaders, and community members.

KEY PRINCIPLE: The likelihood of such a strategy working is improved if the approach is rooted in developing strong civil society “voices” for advocacy so that the demand for policy change is from a credible local constituency and is not driven by donors and expatriates.

KEY ASSUMPTION: That there is a level of democracy and good governance that makes it possible to influence the way decisions are taken.

3. Best practices and lessons learned for CBNRM implementation

Although the conceptual foundations for CBNRM in the region have been fairly similar, policy development and implementation have taken different paths in each country. These differences reflect the political, economic, social and institutional contexts of each country. A comparative analysis of the form and content of the different policy and legislation shows the following:

3.1 Economic incentives and disincentives

CBNRM approaches in the region can be divided broadly between those that allow communities to keep 100% of the revenue from resource use and those that have instituted some form of revenue sharing between government (at different levels) and local communities.

3.2 Devolution

In terms of devolution there is a division between those countries that have taken a rights-based approach to giving up some of government's authority over resources to local institutions and those that have delegated responsibilities through some form of administrative decree. However, in all cases the use rights devolved or delegated are limited and often conditional.

3.3 Collective proprietorship

There is a division between those countries that allow communities to define themselves and those which define communities according to administrative boundaries.

Management rights are often weak with government retaining important decision-making control over when and how resources may be used. No government has allowed communities to set harvesting rates and quotas for wildlife entirely on their own.

Land is owned by the state and communities do not have secure tenure. A major exception in the region is Mozambique that enables communities to demarcate their land and gain a land certificate.

3.4 Institutions

Throughout all CBNRM approaches in the region, new institutions are created at local level. Nearly all are some form of elected committee that is expected to take decisions on behalf of its members or local residents. In some cases

government or the private sector are also included in these committees. None of the programmes in the region build on existing or customary institutions.

The following summarises key lessons and best practices for the implementation of CBNRM policy and legislation around the region with regard to proprietorship, benefits, implementation issues, monitoring, national development goals and underlying assumptions:

3.5 Proprietorship

- Community *proprietorship* over wildlife remains *weak* because devolution of authority and proprietorship have not been fully applied – governments prefer co-management.
- The rhetoric of all programmes in the region suggests that communities are involved in “management” of resources. However, in many cases management consists of enforcing government rules against poaching or against illegal harvesting of forest products in return for a share of income derived from some form of resource use. In many cases, communities are *managing the income* from wildlife rather than the wildlife. This is partly because the state retains considerable management authority itself or management responsibilities are being carried out by the private sector without necessarily reflecting community needs.

3.6 Benefits

- In most of southern Africa wildlife and tourism provide the opportunity to generate the highest financial benefits compared to other resources but this could change if *timber concessions* were allocated to communities in the same way as trophy hunting concessions.
- Currently in CBNRM the financial benefit to *households* remains *low*, although the relatively small amounts that do reach households have an impact, *particularly if timed well*, because cash incomes in most communities are extremely low. *Income to communities is reduced* where:
 - Governments collect income and then share it with communities
 - Policy frameworks allow only limited forms of utilisation, e.g. trophy hunting only
 - Full commercial rights to forests are not devolved by government

3.7 Implementation

- The potential impact of CBNRM policy and legislation is *diminished* by government officials *holding on to power* and by a *lack of capacity* in government departments to implement effectively or efficiently.
- NGO capacity in many countries is also *weak*. Progress appears to be improved where there are *strong coalitions or alliances* of organisations working towards a common goal, coordinating activities and able to lobby government.
- There is considerable *variability* in the performance of *community institutions*. Experience suggests that in order to be sustainable, these institutions need persistent *quality facilitation and support over time* with particular attention being paid to governance issues such as transparency and accountability.
- CBO Committees have often failed to develop *accountability downward* to residents. They mostly have been accountable upwards to government or NGOs and donors - partly because policy and legislation place emphasis on the formation of representative committees so this is where support agencies have focused their attention.
- *Participatory democracy* at locality level should be the foundation for representative democracy at area level. Policy and legislation need to take these important shifts in thinking into account.

3.8 Monitoring

- There is mixed performance on data collection. Data is needed to demonstrate the impacts of CBNRM. The instances of good data supporting claims of positive ecological impact provide a basis for believing that CBNRM can promote conservation. But if CBNRM is to continue to gain support from national politicians and external donors as a conservation tool, there is need to be much better at data collection and analysis.
- In general whether for conservation or socio-economic impact it is difficult to measure progress, because data has not been collected and/or analysed. A number of key data sets need to be developed across the region e.g.:
 - household income and community level income broken down by source
 - the value of benefits such as meat from hunting
 - jobs created by source
 - wages from tourism ventures and community enterprise
 - the value of forest products/fish that are sold or used
 - wildlife trends
 - the extent to which habitat is disappearing or being maintained

- maps that indicate the areas of communal areas that are zoned, formally or informally, for wildlife or community maintained forests or closed fishing areas
- the social, intangible benefits that CBNRM brings and the ways that they support national development goals.

3.9 CBNRM and national development goals

CBNRM can and does contribute to national development goals around the region and has considerable recognition in national development policies. However, there is a need to be clear about the limits to CBNRM's contribution to development and ensure that this contribution is framed in realistic ways e.g:

- ◆ contribution to local governance that CBNRM institutions can make
- ◆ intangible benefits derived from skills development, improved confidence etc.
- ◆ diversification of livelihoods and land uses
- ◆ funds that communities can use strategically at their own discretion, and
- ◆ funds to meet their own collective development goals

3.10 Assumptions

Three main assumptions underlie the implementation of CBNRM in the region. The first is the existence or development of democratic systems of good governance at a national level. Secondly, the existence of favourable macro economic conditions and, thirdly, the existence of favourable markets for CBNRM products.

CBNRM practitioners need to pay more attention to tracking these assumptions and the external factors that influence them. Adjustments need to be made if there are shifts in the state of these factors. Where possible, attempts need to be made to influence these factors, even if they are outside the practitioners' direct control.

KEY LESSONS:

- a) Where there is a relatively strong mix of economic incentives, devolution and proprietorship in policy and legislation, there is evidence of resource conservation taking place and of communities benefiting in a number of ways.
- b) Although rural communities have embraced CBNRM across the region with enthusiasm, this interest could wane if household income and benefit do not increase and proprietorship over wildlife is not strengthened.

- c) More attention needs to be given to the macro-level assumptions underlying CBNRM.

KEY PRINCIPLES:

- a) Policy and legislation need to enable communities themselves to take the key management decisions of who uses and benefits, how much of the resource should be used, when and how.
- b) Transparency and accountability are the foundations for building strong and effective community institutions.

4. CBNRM and Regional Sectoral Policies and Protocols

CBNRM has been increasingly recognised within SADC policies and protocols. Some lessons from the CBNRM experience with SADC are as follows:

1. In general regional sectoral policies and protocols are supportive of CBNRM in southern Africa. Community based approaches to natural resource management are important components of the policies and protocols in the wildlife and forestry sectors in particular.
2. The principles underlying CBNRM such as incentive driven conservation, devolution and proprietorship are reflected in these sector documents. It would appear therefore that SADC policies and protocols will facilitate and support the implementation of CBNRM in the region.
3. However: CBNRM appears to be recognised as a conservation approach in SADC documents, but not as a development approach.
4. Within the SADC Food, Agriculture and Natural Resources Sector, the main focus is on Agriculture. There is little focus on the need for diversification of land uses and non-agricultural income generation.
5. As a result CBNRM will remain sidelined as a sectoral approach to conservation, rather than a mainstream development approach.
6. There is a need to focus more attention on raising the profile of CBNRM within SADC in order to achieve this mainstreaming. The benefits of mainstreaming could be increased political support and increased allocation of resources to CBNRM by governments.

5. CBNRM and Transfrontier Conservation Activities

5.1 Transfrontier Conservation activities in the region

Transfrontier conservation has grown considerably in popularity in southern Africa over the past decade. There are now a large number of such initiatives within the region. However behind the overall rubric of “transfrontier conservation” lies a *wide range* of activities and approaches. A distinction can be made between two main types of activity:

- a) *Trans Frontier Conservation Areas (TFCAs)* that aim to link protected areas across national boundaries. TFCAs tend to have the following characteristics:
 - Biodiversity as their main objective, reflecting the agendas of state conservation agencies, NGOs and the private sector.
 - Planned and implemented with some degree of community consultation.
 - Community benefit comes through spin-offs from private sector ventures.
 - In some cases communities are being moved off their land.
 - Some communities in South Africa have protested at the agreements being made on their behalf between national governments.
- b) *Trans Boundary Natural Resource Management Areas (TBNRMAs)* that aim at sustainable resource management by a variety of stakeholders. TBNRMAs tend to:
 - provide for more community participation in implementation;
 - provide for more direct community benefit;
 - incorporate CBNRM institutions in their decision-making framework.

5.2 Transfrontier conservation and CBNRM

There are some major *differences* between CBNRM and TFCA approaches. CBNRM is aimed at giving rights and direct benefits to local communities within local units of proprietorship. TFCA approaches are driven by national and international agendas and communities are consulted rather than treated as partners with legal status. Despite these important differences, there are ways in which CBNRM *can support* TFCA approaches. Those implementing TFCAs need to *shift their perceptions* regarding communities in a number of ways:

1. *Broaden the conventional definition of protected areas as land set aside and managed by the state for a range of conservation objectives.* New perspectives suggest that protected areas may well exist outside state systems and be managed by private individuals or by communities. Community conserved areas can include areas zoned for specific forms of protection – wildlife habitat, forest zones, areas of special scenic beauty, or sites of particular

cultural or religious significance. CBNRM and state park systems (the core components of existing TFCA approaches) can be viewed as complementary strategies to achieving a general conservation objective.

2. *Address the unequal balance of power between local communities and state conservation agencies.* There is a need for the development of negotiated contractual agreements between parties with legal *persona*, holding rights to veto or withdrawal from discussions and negotiations. This would provide communities neighbouring protected areas with the same status, for example, of the private sector entities that have negotiated agreements with the Kruger National Park authorities in South Africa.
3. *Provide these collective entities with strong proprietorship over their land and resources.* The nature of the tenurial rights over land and resources enjoyed by local communities affects their relative power in negotiations around transfrontier conservation. Communities are at the mercy of the state which can appropriate their land for conservation areas or large development schemes often with no legal need to provide adequate compensation.
4. *Realign the objectives of protected areas to better serve society by ensuring that they are managed for jobs and economic growth,* rather than for the intangible values such as wilderness, recreation and research that reflect developed country agendas for park management. At the same time clear biodiversity thresholds also need to be established which can set the bounds for maximising economic value.
5. *Give particular attention to the needs of society at park locality level* because this concentrates the impact of benefits on those having a disproportionate relationship with the park and those suffering the most costs from this relationship. As part of this process, protected areas should be treated as engines of economic growth and as core areas for landscape conservation based on the sustainable use of biodiversity, especially wildlife.
6. *Make park managers accountable to a broader societal constituency.* Park managers should be managing according to the goals set by society and they must be able to demonstrate progress.

These arguments are just as valid for TFCA approaches as they are for state-run protected area systems within individual countries.

5.3 Lessons from CBNRM

There are a number of *policy and institutional lessons* for TFCA activities that can be learned from CBNRM. Implementation of CBNRM has demonstrated that local communities, given the appropriate incentives, can manage their land and natural resources sustainably. The implication for TFCA approaches is that local communities need to be provided with the appropriate *enabling environment* for them to become important partners in creating large landscape conservation areas. The concept of a *large landscape conservation area* that

incorporates land under different forms of tenure could work if the TFCA approach:

- a) included provision for local communities to gain *proprietorship* over their land and resources so they could be involved as partners with equal legal standing;
- b) *realigned park objectives* so that they reflect the needs of developing societies in general and local societies in particular;
- c) developed systems of *accountability* to these national and local constituencies including establishing the mechanisms by which local communities are involved in the planning and design of TFCA activities and are involved in the decision-making;
- d) developed a “*support*” zone approach rather than a “buffer” zone approach in which local communities were given the appropriate incentives to develop compatible forms of land use on land neighbouring or between protected areas;
- e) managed the parks as *centres of economic growth* and development that were integrated with neighbouring community support zones;
- f) worked pro-actively to develop the *skills and knowledge* of local communities to engage with government and private sector at different levels;
- g) speeded up *institutional reform* of the government agencies tasked with implementing TFCA approaches so that the actions of officials can be aligned with the new policies and approaches that are required.

KEY LESSONS:

- a) All TFCA initiatives in southern Africa are affected by or affect local communities, but these communities have often been left out of important negotiations and decisions.
- b) There is an imbalance of power between communities and other stakeholders in the TFCA process, resulting in stakeholders dominating these communities.
- c) CBNRM shows that community conserved areas can be complementary to the TFCA process.

KEY PRINCIPLES:

- a) Apply the main elements of CBNRM in TFCA activities to ensure equitable and meaningful involvement of local communities – devolution of authority over resources and the establishment of local units of collective proprietorship.
- b) Realign the objectives of protected areas and TFCAs to reflect the interests of a broader constituency to which managers and planners are accountable.

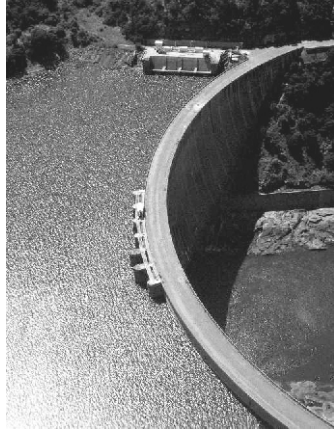
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