

NATIONAL POLICY ON THE UTILIZATION OF DEVIL'S CLAW (HARPAGOPHYTUM) PRODUCTS

2010



REPUBLIC OF NAMIBIA
MINISTRY OF ENVIRONMENT AND TOURISM



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FOREWORD

The harvesting of indigenous plants and the trade in natural products has increased significantly over the last decade. This is the result of the need for rural communities in developing countries to generate additional income, as well as an increase in the demand for plant products, primarily those with medicinal values, in developed countries. This bio-trade makes an important contribution to improved livelihoods of the primary producers.

Namibia has the second largest number of natural product primary producers in the southern African region, almost all in rural areas. Most of the producers are found in the northern communal areas, and the harvesting and processing of natural products is one of their livelihood strategies. Households seldom pursue harvesting as an exclusive livelihood strategy but rather as a buffer against crop failure and drought. As the north-central region of Namibia is characterised by rainfall that varies greatly in amount and timing, agricultural production cannot be fully relied upon and is highly risky. Indigenous natural products provide an important and vital safety net under these circumstances.

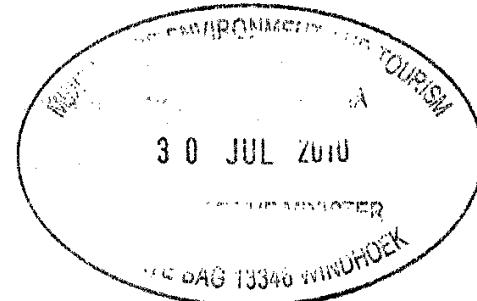
Dried Devil's Claw has been harvested and exported from Namibia for more than fifty years. The first large-scale export from Namibia took place during 1962, and by 1975 180 tons were being exported annually. There is a growing international demand for Devil's Claw because it contains compounds that combine analgesic and anti-inflammatory properties with minimal side-effects.

During the past fifteen years, Namibia supplied 90 per cent or more of the global demand for Devil's Claw. In the last ten years, annual exports from Namibia have ranged between 331 and 851 tons. Not only does Devil's Claw make an important contribution to harvesters' incomes, it also makes an important contribution to Namibia's economy. For example, in 2008 the value of Devil's Claw exported was estimated to be N\$ 21.5 million (from the export of 686 tons). The estimated value of the exports for 2009 is N\$ 12.2 million from the export of 378 tons. The decrease in amount exported in 2009 is a result of the global recession combined with an over-supply of Devil's Claw in 2008.

For the reasons stated above it is important to have an effective National Devil's Claw Policy in place. This policy outlines the means by which Devil's Claw resources in Namibia can be effectively managed and sustainably used. The implementation of this policy will ensure that Devil's Claw resources continue to contribute to the livelihoods of rural communities in Namibia.



Netumbo Nandi-Ndaitwah, MP
MINISTER



PREFACE

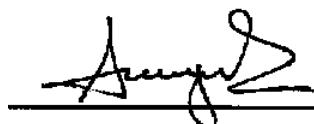
Most of the Devil's Claw material sourced from Namibia is harvested in communal areas by communal people, and is exported as dried, unprocessed slices. The Ministry of Environment and Tourism (MET) is tasked with management activities linked to its conservation, including sustainable use of the resource and optimising benefits to those who are involved in its harvesting and trade.

Efforts to control exploitation of Devil's Claw are implemented under Schedule 9 of the 'Nature Conservation Ordinance (4 of 1975)', and a permit system to control the gathering, purchase and export of plant material. In 1999, concerns about over-harvesting and unsustainable methods of harvesting led to a reassessment of the situation, and the drafting of a 'Policy on the harvesting and export of *Harpagophytum*'.

The draft policy has been in use for some ten years. This document contains a revision of the 1999 draft policy, which has been modified and points of clarification added. Although the draft policy mentions that traders and exporters must register with the Ministry of Environment and Tourism, this has not been implemented in practice. The revised policy provides details on how this must take place, which (it is hoped) will facilitate the implementation of the registration process.

This policy refines existing permit issuance processes to facilitate traceability of material. It stipulates a harvesting season and the requirements relating to the various activities involving *Harpagophytum* products. Traders and exporters will need to keep a record of all transactions and indicate where their material was obtained. This is to ensure traceability of the material, in order to facilitate management of the resource.

This policy has been developed through a series of consultations with stakeholders represented in the Devil's Claw Working Group, which is chaired by the MET. This process has been supported by the Millennium Challenge Account Namibia Indigenous Natural Products (MCA-N INP) Activity. The Ministry would therefore like to thank the partners and stakeholders who contributed to this process.



Dr. Kalumbi Shangula
Permanent Secretary



ABBREVIATIONS

CBO	Community-based organisation
DCWG	Devil's Claw Working Group
MAWF	Ministry of Agriculture, Water and Forestry
MET	Ministry of Environment and Tourism
NGO	Non-governmental organisation

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CHAPTER 1

INTRODUCTION

Devil's Claw (*Harpagophytum procumbens* and *H. zeyheri*) is found in Namibia, Botswana, Angola, Zambia, Zimbabwe, Mozambique and some northern parts of South Africa. A proportion of Namibian Devil's Claw is harvested in the commercial areas but most is sourced from communal areas and is harvested by communal people. Devil's Claw material is exported as dried, unprocessed slices and finished products in the form of capsules, tea and powder. The Ministry of Environment and Tourism (MET) is tasked with management activities linked to its conservation, including sustainable use of the resource and optimising benefits to those who are involved in its harvesting and trade.

The first large-scale export of dried *H. procumbens* from Namibia took place during 1962. Due to concerns over possible over-utilisation, *H. procumbens* (but not *H. zeyheri*) was later declared a protected plant and the introduction of a permit system to control the gathering, purchase and export of its material was initiated. While the permit system for exporting material worked relatively well, that for controlling harvesting proved extremely problematic. This resulted in permit requirements for harvesting, possession and transportation being suspended in 1986.

In 1999, renewed concerns about over-harvesting and unsustainable methods of harvesting led to a reassessment of the situation, and the issuing of an overarching draft 'Policy on the harvesting and export of *Harpagophytum* Products' by the MET.

The legislative basis for the control of harvesting and selling Devil's Claw products is the Nature Conservation Ordinance (Ordinance 4 of 1975). The 'Protected Plants' schedule has been amended so that *H. zeyheri* is now listed alongside *H.*

procumbens as a protected species, in order to strengthen the administrative, legal and procedural framework for the management of Devil's Claw resources.

CHAPTER 2

POLICY FRAMEWORK

The policy of the Government of Namibia is to manage the harvesting and sale of Devil's Claw products in a way that recognizes the rights and development needs of local communities while also recognizing the need to promote biodiversity conservation. In order to achieve this, Government has created a policy framework which will enable harvesters to benefit from these plant resources as well as encouraging and supporting responsible management of the resource.

2.1 Aim

The aim of managing Devil's Claw resources, processes and products is to provide a framework for addressing sustainable management of the resource as well as effectively promoting both biodiversity conservation and human development.

2.2 Objective

The objective of this Policy is to outline a control mechanism that will allow the Ministry of Environment and Tourism (MET):

- 2.2.1 To closely monitor the utilisation of Devil's Claw;
- 2.2.2 To ensure that sustainable harvesting methods are used;
- 2.2.3 To collect information to facilitate management of, and appropriate trade in, Devil's Claw resources; and
- 2.2.4 To promote value addition in Namibia.

2.3 Principles

The ‘National Policy on the Utilization of Devil’s Claw (*Harpagophytum*) Products’ is based on a number of fundamental principles:

- 2.3.1 Devil’s Claw resources are part of the natural environment that people depend on and based on Article 95 (1) of the Constitution, must be maintained throughout the country as part of the development that the Government of Namibia is committed to pursue.
- 2.3.2 The needs of the people and the aims of biodiversity conservation must be balanced.
- 2.3.3 Wild harvesting of both species of *Harpagophytum* is allowed provided sustainable harvesting methods are used and harvesting and trade are done with the appropriate permits.
- 2.3.4 It is the responsibility of all citizens, organisations and State agencies to manage or support the management of Devil’s Claw resources in the areas in which they occur.
- 2.3.5 The Government will ensure that information regarding the Policy and regulations relating to Devil’s Claw resources are accessible to all citizens.
- 2.3.6 The Government will support the sustainable management of Devil’s Claw resources by providing technical support to individuals, organisations and State agencies to develop appropriate management plans.
- 2.3.7 The Government will support endeavours relating to research and cultivation of Devil’s Claw for commercial purposes.

2.3.8 The Government will support and encourage endeavours within Namibia to add value to Devil’s Claw materials and products.

2.4 Strategies

The trade in Devil’s Claw products involves various groups of stakeholders at different stages in the process.

- The primary producers are the **harvesters**. Most of the harvesting takes place in communal areas. Wild harvested material is collected and processed by residents of the communal areas.
- The dried material is purchased from the harvesters by a **trader** or buyer. The trader buys the material from the communal area residents and transports it to a more accessible point.
- The trader then sells the dried material to an **exporter** who will arrange for the export of the material from Namibia to the country of destination.

In order to address the key issues with each of these groups of stakeholders, the Government has developed the following strategies:

2.4.1 Registration

Any Namibian citizen is allowed to harvest, trade or export Devil’s Claw provided this is done within the framework of the Policy. This involves obtaining the required permits. There are conditions linked to obtaining permits and these need to be met before the application for a permit is submitted to the MET. The first requirement is that all individuals or organisations wanting to trade or export Devil’s Claw need to be registered with the MET.

The specific objective of this strategy is:

To ensure that all traders and exporters of Devil's Claw are familiar with the requirements of the Policy, and that their activities will support the sustainable management of the resource.

Strategic approach

Individuals or organisations dealing in Devil's Claw (trading and exporting) will need to register with the MET before applying for a permit.

The registration process will include a test to verify that the applicant knows and understands the Policy and regulations associated with the trade and export of Devil's Claw in Namibia.

The MET will provide information about the Policy and the requirements that need to be met by individuals and organisations who intend to apply for a permit to purchase, sell or export Devil's Claw. Applicants will be given an opportunity to familiarise themselves with the contents of the Policy before undertaking the test.

Proof of registration will need to be submitted to the MET along with the permit application form. Registration will be valid for a period of three years.

2.4.2 Traceability

Upon application for a harvesting permit, the applicant is required to provide detailed personal information as well as the location in which the harvesting will take place and permission from the landowner (or in the case of communal areas this may be the traditional authority, or the representative of the regional or local government). This information will not only provide traceability of the harvested material but will also facilitate the MET's role in monitoring that sustainable harvesting methods are used.

For harvesting of Devil's Claw plants to be sustainable, harvesting should only take place once the plant has finished flowering and has started producing seed. Older plants should be harvested rather than young plants. Only side tubers should be harvested (not the taproot) and this should be done in a way that does not damage or disturb the taproot. Only half of the side tubers of a plant should be harvested in one season. Once the side tubers have been removed, the hole should be filled in and the soil firmly pressed down around the taproot.

An important condition linked to harvesting permits is the 'report back', which provides information on the amount of material harvested, the locality of harvesting, and the trader to whom the material was sold.

The harvest season is defined as being from 1st March to 31st October each year. Most of the harvesting activity will take place in the first part of the harvest season, while the processing and selling of the material could take place until the end of October. The report back must be submitted to the MET within one month of the close of the harvest season, i.e., before the end of November.

The specific objective of this strategy is:

To ensure that harvesters are harvesting the Devil's Claw resources using sustainable harvesting methods during the designated harvest season in an area where they have a responsibility for the management of the resource.

Strategic approach

Harvesting will be subject to a permit that:

- Will be valid for the whole harvesting season;
- Will not be transferable;

- Will require the prior permission of the landowner (in the case of communal areas this may be the traditional authority, or the representative of the regional or local government);
- May be issued to an individual, or a group, but the number and names of persons who will harvest must be specified on the application, and stamped copies of the permit will be provided for each harvester;
- Will be valid for a particular locality only;
- May be subject to a quota (the MET reserves the option to set a quota on any particular permit issued);
- Must be carried by each person harvesting (or a valid copy thereof);
- Will stipulate that sustainable harvesting methods be used;
- Will require a report back to be submitted (by the end of November of each year) on the total weight (kg) harvested, the locality from which the material was harvested, to whom such amounts were sold, and on which dates;
- Will only be re-issued on receipt of the report back from the previous permit, and confirmation that sustainable harvesting techniques were complied with.

2.4.3 Trading Permit

Upon application for a trading permit, the applicant is required to provide detailed personal information, proof of registration with the MET, as well as the location from which the Devil's Claw will be purchased.

This information will not only provide traceability of the traded material but will also facilitate the MET's role in

monitoring that sustainable harvesting methods are used.

An important condition linked to trading permits is the 'report back', which provides information on the amount of material traded, the locality from which it was sourced, and the harvester from whom the material was bought.

The harvest season is defined as being from 1st March to 31st October each year. While most of the harvesting activity will take place in the first part of the harvest season, the processing and trading of the material could take place until the end of October. The report back must be submitted to the MET within one month of the close of the harvest season, i.e., before the end of November.

The specific objective of this strategy is:

To ensure that buying and selling activities support the sustainable utilisation of the resource and that the MET is supplied with appropriate information to allow for effective monitoring of harvesting and trading of the Devil's Claw material.

Strategic approach

Individuals or organisations applying for a permit to trade in Devil's Claw will need to register with the MET before submitting a permit application. Proof of valid registration must be submitted with the application for a permit.

Individuals or organisations wanting to trade (buy and sell) Devil's Claw will be required to indicate on their permit application form from which area they intend to purchase material.

Traders purchasing Devil's Claw will be required to keep a record of all transactions, including permit numbers and names of persons from whom material was bought, the quantity of material purchased with each transaction, and where the material was harvested.

A trader will be required to complete the details of transactions with harvesters on the harvesters' report back forms, and to sign accordingly.

A trader is required to submit the report back to the MET within one month of the close of the harvest season, i.e., before the end of November.

2.4.4 Export Permit

Exporters must submit proof of registration with the MET and a company registration certificate from the Ministry of Trade and Industry. They must also have a valid permit for export activities. In some cases, the exporters are also involved in trading in Devil's Claw. These individuals or organisations will need two permits: a permit to trade as well as a permit to export.

The specific objective of this strategy is:

To ensure that individuals or organisations exporting Devil's Claw products from Namibia have acquired the products from legal sources and that the material has been harvested and traded using appropriate processes.

Strategic approach

Individuals or organisations applying for a permit to export Devil's Claw will need to register with the MET before submitting a permit application. Proof of valid registration must be submitted with the application for a permit.

Permits issued by the MET will be required for the export of Devil's Claw and applications for export must be accompanied by copies of a register showing clearly where the material originated.

Phytosanitary certificates will be required from the Ministry of Agriculture, Water and Forestry (MAWF) for export of Devil's Claw. These certificates will only be issued upon production of a valid MET export permit.

2.4.5 Cultivation and Research Permit

Cultivation and research will be supported and encouraged to support the commercial development of Devil's Claw. The permits issued by the MET for these purposes will have the condition that all reports are submitted to the MET on an annual basis.

The specific objective of this strategy is:

To ensure that the MET is informed about the cultivation and research activities relating to Devil's Claw in order to ascertain that these activities and their outcomes are in accordance with the aims and objectives of this Policy, as well as other policies pertaining to this resource.

Strategic approach

Permits will be required for cultivation in, or research on, Devil's Claw. In this case, cultivation will be defined as the cultivation of Devil's Claw for commercial purposes.

Feasibility studies into cultivation will be regarded as research, and applications must therefore be submitted for such. Application forms can be obtained from the Permit Office, Directorate of Scientific Services, Windhoek.

Outcomes of all research must be reported to the MET. Renewal of a research permit is subject to compliance with this requirement.

2.4.6 Transport Permit

Registered traders and exporters do not need a transport permit provided that their trading or export permit is valid. However, if an individual or organisation intends to transport Devil's Claw material or products and is not already in possession of a Devil's Claw permit, then an application for a transport permit should be made. Transporters are not required to register with the MET.

CHAPTER 3

INSTITUTIONAL FRAMEWORK FOR POLICY IMPLEMENTATION

- 3.1 The MET will play the coordinating and leading role in the implementation of this Policy.
- 3.2 The MET will ensure that information pertaining to this Policy is accessible to all citizens and State agencies.
- 3.3 Where relevant, NGOs and the private sector will be invited to become involved in the provision of planning, training, extension services, material inputs and logistical support.
- 3.4 The MET should provide proper guidance to the public on the best practices for harvesting and processing Devil's Claw resources.
- 3.5 The MET should ensure that CBOs such as communal area conservancies, community forests, residents' trusts and co-operatives are committed to the sustainable utilisation of natural resources and should integrate the management of Devil's Claw resources into their management activities and ensure the sustainable harvesting of Devil's Claw.

consultation with other stakeholders. This will include an annual synthesis and review of permit data as well as monitoring and evaluation of resources in identified harvesting areas.

- 4.3 Data collected by the regional offices of the MET and the Windhoek Permit Office will contribute to monitoring and evaluation of both the effectiveness of the process of implementation and the compliance of the stakeholders.
- 4.4 Data will be obtained from three points in the permit issuance process: at the point of registration, at the point of application for a permit, and at the point of report back. Evaluation of this data will facilitate the MET's assessment of the effectiveness of the control mechanisms of this Policy and its related permit issuance system.
- 4.5 The effectiveness of the process of implementation of the Policy will be monitored using several approaches, the most important of which will be the evaluation of the status of the resource. Monitoring and evaluation will focus on key harvesting areas and will be repeated at regular intervals.

CHAPTER 4

MONITORING AND EVALUATION FOR POLICY IMPLEMENTATION

- 4.1 The effective implementation of this Policy and the progress and constraints of the implementation process will be monitored and evaluated by the MET.
- 4.2 The impact of the implementation of this Policy will be periodically assessed by the MET in

4.6 The extent of compliance of the stakeholders will be monitored using several approaches, the most important of which will focus on the feedback process. Data from the feedback forms from harvesters, traders and exporters will be analysed and evaluated. This data should allow for traceability of all exported material and should also allow for the identification of problematic areas or issues of non-compliance.

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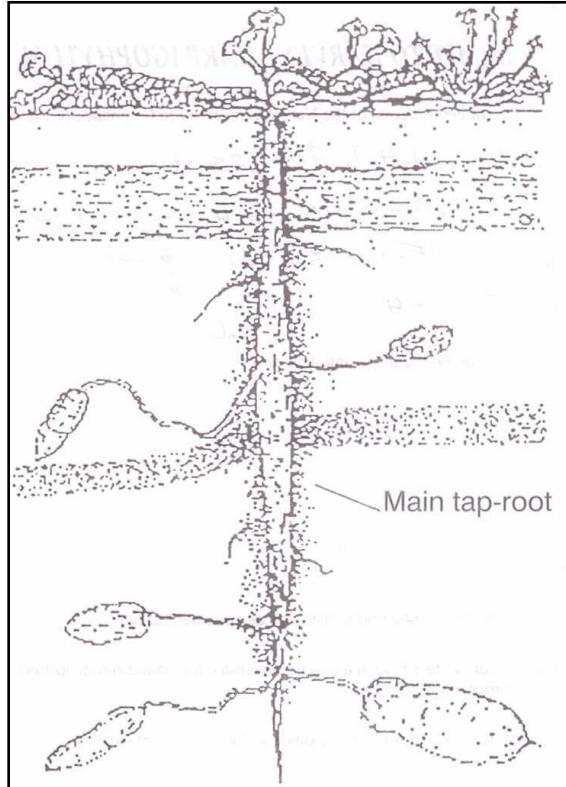
GLOSSARY

Community forest	A community-based organisation gazetted in terms of Section 32(1) of the Forest Act of 2002.
Conservancy	Communal area conservancy gazetted in terms of the Nature Conservation Amendment Act (No. 5 of 1996).
Devil's Claw	Both <i>Harpagophytum procumbens</i> and <i>H. zeyheri</i> plants or products.
Export	The sale of a product to a buyer outside the country of origin.
Government	Government of the Republic of Namibia.
Harvester	A person collecting material from wild-growing populations of plants.
Stakeholder	Any individual, group of individuals, organisation or Government department or agency that is involved in the management, harvest or trade in Devil's Claw.
State	The Republic of Namibia.
Trader	A person buying or selling a product.

ANNEX 1: SUSTAINABLE DEVIL'S CLAW HARVESTING TECHNIQUES

Harvesting techniques:

1. Devil's Claw may only be harvested between 1st March and 31st October each year. Devil's Claw is a protected plant so all harvesters need to get a permit (individual or group) from the MET before starting to harvest.
2. Harvesters must have permission to harvest from either the private landowner or from the traditional authority, regional or local government, or the conservancy or community forest in the case of communal area harvesting.
3. Harvesters should choose the older plants to harvest; these usually have longer stems and leaves. Young plants should not be harvested, nor should plants that still have flowers – it is best to wait until the plant has seeds.
4. The harvester should use a sharpened stick or flattened crowbar to dig with. The hole should be about 20cm away from the plant and should just be on one side of the plant so that only the tubers on one side of the plant (see diagram) are harvested – the other half of the tubers are left to help the plant to keep growing. The taproot must not be harvested.
5. When the side tubers have been harvested, all the sand should be put back into the hole and stamped down by the harvester. (If the hole is not filled in, the Devil's Claw plant will die. Leaving an open hole is dangerous for wild animals, cattle and even for people.)
6. Devil's Claw plants need three years to recover after they have been harvested. This means that in any one year, only one quarter of all the plants in an area should be harvested.



Processing:

1. Dried Devil's Claw should be packed into new bags that are clean and dry. Bags should be stored in a clean, dry place and if possible on a shelf or rack.
2. Devil's Claw should only be sold to a trader who has a permit for buying Devil's Claw from the area in which it was harvested. The trader should fill in his/her name, Registration Number, the date, the number of bags, the weight of the Devil's Claw bought, the trader's permit number and his/her signature on the harvester's 'Report Back' form.
3. Within a month of the end of the harvest season, the harvester's 'Report Back' form should be submitted to the MET.



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