



**ASSESSING SUCCESSFUL LAND CLAIMS AND THE PURSUIT OF CO-MANAGEMENT IN PROTECTED AREAS: A CASE OF TALA PRIVATE GAME RESERVE**

by

**Zikho Qwatekana**

BTech: (Tourism), Durban University of Technology, 2011  
(20821405)

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APPROVED FOR FINAL SUBMISSION

\_\_\_\_\_  
Sibiya, Nozipho P., Masters in  
Recreation & Tourism)  
Supervisor

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

\_\_\_\_\_  
Mnguni, Erasmus. D. Tech (Tourism  
& Hospitality)  
Co-supervisor

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

## **Abstract**

The government of South Africa has justifiable aims to address the injustices of the past, by calling on people who were dispossessed of their land rights through racially discriminatory laws since June 1913 to reclaim their land. Consequently, the Land Claims Commission has reported 150 claims in protected areas of South Africa. This has led to an agreement between the Ministers of Environmental Affairs and Land Affairs to facilitate a national approach for settlement of all claims within protected areas: co-management.

This study sought to explore land claims in South Africa's protected areas by assessing the co-management model used by the government to resolve these claims. This qualitative study was conducted to assess the appropriateness of co-management as the only strategy for resolving land claims within protected areas. The research was guided by four research objectives: (1) To explore the tourism potential of game reserves to derive economic benefits for claimant communities; (2) To determine community attitudes towards co-management agreements employed at reserves; (3) To ascertain the level of co-operation amongst stakeholders to ensure that the co-management agreements employed at reserves remains successful; (4) To establish the extent to which co-management agreements address and protect community land rights.

The study employed a case-study approach, using a resolved land Claim at Tala Private Game Reserve. The game reserve is owned by the Nkumbuleni Community Trust, which represents the 211 household removed from this land in the 1970s. Following the success of their claim in 2011 a co-management agreement was signed giving the community 70 percent ownership of the game reserve. A purposive sample was selected from the claimant community and a saturation sample from the game reserve's management. Semi-structured interviews were conducted to provide in-depth understanding of the phenomenon under study.

The findings reflect that co-management may be a logical approach to involving local communities in protected area management. It remains inconsistent and flawed, however, as a model to address land claims through reconciling the needs of conservation for tourism with land rights. This study argued that co-management may be a logical approach to involving the Nkumbuleni community in the administration of the game reserve.

Recommendations arising from the study include but are not limited to the following:

- Processes aimed at redressing past injustice in disputes over conservation land, regardless of the approach adopted, must bring with them a strong commitment to building institutional and leadership capacities within communities, and pay serious attention to the ways in which equity and social justice can be fostered after the settlement of a land claim.
- Government must recognize that sufficient time and resources are fundamental to the success of co-management projects, and ensure that commitment to and funding for such projects are in place, including adequate support structures and training facilities;
- Where the feasibility of the settlement option chosen is in doubt, there should be an option for a review of this option after a stipulated period;
- Government must support all available settlement options, since in some cases alternatives, like lease-back or financial compensation, could provide better alternatives for communities; and
- The community must be advised that co-management does not provide immediate benefits but involves risk-taking and benefit-sharing for all parties involved.

Declaration

I, Zikho Qwatekana, do hereby declare that this research project is the result of my own investigation and findings, except where otherwise stated. It has not been submitted in part or in full for any other qualification at any other institution of higher learning.



Qwatekana Z

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Date

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Sibiya N. P

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Date

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Mnguni E. M

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Date

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## **Dedication**

I dedicate this thesis to Beatrice Nomaciko Qwatekana, my mother, for whom the pursuit of academic achievement required so much sacrifice. You have a special place in my heart and all your hard work in raising me and slaving so that my life could be easier, all that does not go unnoticed. Well done, Mamche.

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## **List of acronyms**

<b>DEAT:</b>	Department of Environmental Affairs and Tourism
<b>DRDLR:</b>	Department of Rural Development and Land Reform
<b>MOA :</b>	Memorandum of Agreement
<b>RLCC:</b>	Regional Land Claims Commission
<b>TPGR:</b>	Tala Private Game Reserve

# Chapter One

## Introduction and Background

### 1.1 Introduction

*All it took was the stroke of a pen. The day after the 1913 Land Act was passed, thousands of black families were made landless in the country of their birth. More than a century later, South Africa is still dealing with its effects. ... Those who argue that the past should be buried should look at the present situation to realise the damage that the Land Act did to this country's landless majority. It is important to reflect on our sad history so as not to repeat the mistakes of the past* (The Times 2014 cited by Walker 2014: 655).

The writing reflects several recurring themes that have been particularly prominent in popular accounts of the Natives Land Act in 2013/14. These themes contain the prime importance of the act in shaping South Africa's persistent, race-inscribed spatial inequalities and socio-economic issues, and landlessness as a burning contemporary social issue. From these points, we can sense the urgency of the still largely unmet need for redress for the land injustices of the past (Walker 2014: 655). This study focuses on government aims to address these injustices through the opening of land claims for all South Africans deprived of their land. The primary focus is on the model government uses to address all claims lodged within protected areas.

An in-depth understanding of this research study is provided by giving a rationale and problem statement, along with its main objectives, and the research questions used. This chapter also presents the limitations of the study and a summary of what each chapter entails.

## **1.2 Rationale**

Approximately 150 land claims have been lodged within protected areas in South Africa, of which 21 are in the Kwa-Zulu Natal province (Parliamentary Monitoring Group 2013: 2). The success of these protected areas depends on the appropriate settlement of these claims. Co-management is the only strategy used to settle land claims in Protected Areas in South Africa (Department of Environmental Affairs and Tourism 2007: 4). The co-management framework suggests that a protected area must be managed in such a way that it provides a sustainable flow of resources to meet the needs of claimants, while ensuring that conservation for nature-based tourism opportunities is practiced (De Koning 2009: 6). However, the model seems to pose challenges, as it requires managers to address the needs of claimant communities, while still conserving the country's biodiversity (Walker 2010: 1476). The Tala Game Reserve claim comprises 211 households that have been awarded rights to the land (National Empowerment Fund 2013: 147). According to the co-management model, the 2092-ha reserve must provide tangible economic benefits to these households without compromising its primary mandate of conserving the country's biodiversity.

## **1.3 Problem statement**

Successful claims on protected areas in South Africa result in co-management agreements. These agreements are based on the promise of economic benefits through tourism. Economic benefits are said to be the major factor that influences claimant communities in agreeing to this settlement option (Cundill *et al.* 2013: 174). Nevertheless, research reflects that co-management tends to fulfill the mandate of conservation without delivering on economic benefits (Cundill *et al.* 2013: 176; De Koning 2010: 5, and Kepe 2008: 315).

The authors are supported by the findings on the Progress Report on Land Claims in Protected Areas, which reported that tangible benefits for land claimants are still a major challenge facing co-management in protected areas (Parliamentary Monitoring Group 2013).

Following the success of their claim, the community at Tala had expectations of returning to the game reserve, while receiving the same benefits (cars, houses, equipment, and so on) as the previous owners (Konrad-Adenauer-Stiftung 2009: 109). These expectations were replaced, however, by a co-management agreement. With the challenges facing this strategy, the future of protected areas is still ill-defined. This study aims to assess the appropriateness of co-management in reconciling community land rights through ensuing economic benefits for the claimants, with the goal of ensuring that conservation also takes place for tourism reasons.

#### **1.4 Aims and objectives**

The main purpose for conducting this study was to critically assess the appropriateness of the co-management agreement employed at Tala Private Game reserve in reconciling community land rights issues, by providing economic benefits to the Nkumbuleni claimants with the goal of ensuring conservation for tourism. This research project was significant, as it attempted to identify opportunities and weaknesses in this management model. The findings can further guide the settlement of future land claims within the context of protected areas.

The aim of the study was accomplished through the establishment of the following objectives:

- To explore the tourism potential of Tala game reserve to derive economic benefits for Nkumbuleni claimant community;

- To determine the Nkumbuleni community attitudes towards co-management agreements employed at game reserve;
- To ascertain the level of co-operation amongst stakeholders; Nkumbuleni community, Trustees, RLCC and Management Company and to ensure that the co-management agreements employed at reserve remains successful;
- To establish the extent to which the co-management agreement address and protect Nkumbuleni community land rights.

### **1.5 Research methodology**

This section of the chapter describes the research tools and framework used to conduct the study. This study employed a qualitative research methodology, as this approach was found to be most appropriate, allowing an in-depth understanding of co-management principles and origins. Moreover, it allowed community and management attitudes to be assessed towards the preferred model. Within the framework of the qualitative approach, a case study design was found to be most suitable as an ideal design for understanding and interpreting the phenomena under study (Welman, Kruger, and Mitchell 2005: 193). A purposive, or judgmental, sample of 30 families was selected from the population of the claimant community. This is a method typical in case-study methodology (Silverman 2013: 218).

A census, or saturation sample, was drawn from the population of conservation managers and the Regional Land Claims Commission. Semi-structured face-to-face interviews were selected as the primary method of data collection for this study. This was based on their potential to provide rich descriptions and an opportunity to probe for additional information (Harding 2013: 31). Analysis followed the “framework approach”, with the researcher familiarising herself with the data by taking note of recurring themes, which then assisted in identifying a thematic framework in preparation for further exploration (Simons 2009: 117-126). Member validation and the use of direct quotations from the original data

are included, in order to reflect how the researcher interpreted the data; this was also done to ensure the validity of the findings (Bless, Higson-Smith, and Sithole 2013: 239).

### **1.6 Limitations of the study**

The study contains some limiting factors that relate to the methodology adopted. Qualitative case studies are known to use more than one method of data collection, which aids in adding depth and rigor to the study. It is recommended that interviews be paired with long-term participant observations (Bloomberg, and Volpe 2012:107). Due to the time-frame and budget allocated to the study, such was not possible in the Nkumbuleni case. Recognizing this limiting factor, the study used documentary analysis and short term observations were used as secondary data collection instruments.

### **1.7 Overview of the study**

Chapter one is the introduction to the study and covers key areas, such as the problem statement, the objectives of the study, and its delimitation and rationale.

Chapter two comprises the literature review and deals with the theory related to land claims and protected areas. This chapter explores various authors' ideas and relates them to the topic of the study. Findings of other studies are used as a reasonable basis for interpretation thus including a wide spectrum of research.

Chapter three describes the study's research design and methodology and discusses the methods, techniques and instrumentation used in conducting the study.

Chapter four provides the analyses and interpretation of data. In this chapter, all analytical procedures are presented. The findings of the study are documented and meaning attached.

Chapter five presents the study's conclusions and recommendations for the Protected Area, Beneficiaries and the Regional Land Claims Commission, while also highlighting areas for further research in the field.

## **1.8 Summary**

A clear overview of the research background for the study, its rationale and problem statement were given in this chapter. Also presented were the study's research aims and objectives, and its limitations. A summary of all five chapters was also clearly presented. The following chapter covers the study's literature review, with the aim of giving an in-depth understanding of what co-management, and its relationship to land claims in South Africa, entails.



## **Chapter Two**

### **Literature review**

#### **2.1 Introduction**

The purpose of this study is to assess the state of land claims on protected areas in South Africa. Specifically, the research seeks to understand the co-management model used to settle all claims lodged within protected areas. To carry out this study, it was necessary to complete a critical review of current literature. This review was ongoing throughout the data collection, analysis and synthesis phases of the study, with the relative aspects of land claims in protected areas explored in the South African context. Considering this, land restitution, being one of the pillars of land reform in South Africa, was identified as a critical area of literature. Consequently, the concept of co-management is investigated, along with its background and types, its challenges and opportunities, and most importantly, its appropriateness in addressing land reform issues.

It is only fitting that protected areas and their relationship with tourism and local communities are also examined to provide a holistic overview of the complex relationship that already exists between them. The challenges that face protected areas are also highlighted, as they influence co-management.

To conduct this literature review, multiple sources of information, including books, dissertations, and Internet sources, as well as newspaper articles and professional journals, were selected and employed. These sources were accessed through accredited journal databases.

Throughout the review, an attempt is made to point out gaps segments of literature, as and when they become apparent. In addition, contested issues relevant to the study are identified and discussed.

## **2.2 Land claims on protected areas in South Africa**

The 1913 Land Act, No. 27, and the 1936 Trust Act, were the main laws that propagated discrimination in South Africa. These acts successfully reserved 87 percent of the country's land for White, Coloured and Indian members of the populace. Black South Africans, who constituted approximately three quarters (75%) of the population, were crowded onto the remaining 13 percent of land. These rules were not the only ones that institutionalised land segregation. The South African Development Trust imposed further restrictive conditions, including the requirement that Black South Africans seek permits before occupying land. All Black people who owned freehold titles outside the 13 percent of land designated to them were dispossessed thereof (Walker 2014: 655). Many protected areas were established in South Africa through these removals and dispossessions during the apartheid era. Therefore, after the Land Reform Programme of 1994 (Blore, Cundill, and Mkhulisi 2013: 445), land claims have affected much of the land set aside for conservation in the country.

Land restitution, one of the pillars of land reform in South Africa, seeks redress for the injustices caused by this policy of forced removals. The primary aim of the process is to restore land rights to South Africans who have been dispossessed by discriminatory legislation since 1913 (South African Parliament 1994: 6). The procedures for restitution are laid down in the Land Rights Restitution Act 22, signed into law by former President Mandela on 17 November 1994.

The restitution process is informed by three classifications, based on the effects of land dispossession, namely: dispossession leading to landlessness; inadequate compensation for the value of property; and hardships that cannot be measured in financial or material terms. The act provides for the establishment of the Commission on Restitution of Land Rights, a structure responsible for receiving, investigating and mediating on land claims (South African Parliament 1994: 6-7).

The Restitution of Land Rights Commission facilitates all claims lodged against protected areas in South Africa. Claims lodged for protected areas are likely to result in co-management agreements being signed between the relevant parties.

These claims are guided by a process that involves the following steps: Lodgment, Validation, Gazetting, Facilitation, Settlement and Post-Settlement.

- *Lodgment* involves a group or persons that were forcefully removed from their land because of racially discriminatory legislation; the process involves an investigation into whether claims are in line with the Restitution of Land Rights Act of 1994 and is facilitated by the Regional Land Claims Commission.
- *Validation* follows, with research performed on the area that is being claimed, to identify which people, have rights over that land. It is also expected, at this stage, that the claimants form a trust to facilitate interaction with the commission.
- *Gazetting* is when a report is compiled by the commission, after which a notice of the claim is sent to the government printers. Affected parties are informed and granted a 30-day period to question the report.
- *Facilitation* continues the process, with final verification of claimants, and legal representation being introduced to claimants. A briefing on the

process facilitated by the commission is conducted to ensure the claimants are aware of their options, and to ensure an informed decision is reached by the claimants. Should the claimants opt for land restoration, they can then choose between a lease and a co-management agreement with the management authority.

- *Settlement* occurs when the authority accepts the claim, and it is currently that transferal of title deeds takes place.
- *Post-settlement* is the final process and is driven by the land-owner. The land is released to the claimants, with restrictions agreed in accordance to the Memorandum of Agreement between the Department of Land Affairs and the Department of Environmental Affairs and Tourism (De Koning 2009: 70 and 7).

Table (2.1), below is adapted from a progress report of land claims in South Africa, it paints a picture of the mammoth task the land claims commission has and the urgent need to develop an appropriate model for address community lands rights without compromising the need for conservation

**Table 2.1: Breakdown of claims lodged in protected areas, SA**

Provinces	No. of claims	Research	Gazetted	verification	negotiation	settlement	settled	Dismissed	Court cases
Eastern Cape	18	2	0	1	4	1	7	1	2
Free state	6	1	0	0	2	0	1	2	0
Gauteng & North West	13	0	0	0	2	0	11	0	0
KwaZulu-Natal	21	2	2	0	0	1	16	0	0
Limpopo	28	0	5	0	12	0	9	0	2
Mpumalanga	58	36	6	3	4	7	2	0	0
Northern Cape	3	0	0	0	3	0	0	0	0
Western Cape	3	3	0	0	0	0	0	0	0
<b>Total</b>	<b>150</b>	<b>44</b>	<b>13</b>	<b>4</b>	<b>27</b>	<b>9</b>	<b>46</b>	<b>3</b>	<b>4</b>

Source: Parliamentary Monitoring Group (2013).

In KwaZulu-Natal, 16 of the 21 claims lodged in protected areas have been settled, and with the introduction of the Restitution of Land Rights Amendment Bill in 2013 this number is likely to increase. The Bill extends the cut-off date for the submission of claims from 1998 to December 2018. An increase in the number of claims is likely to occur, however, thus creating more capacity problems for the commission (Restitution of Land Rights Amendment Bill 2013: 2).

### **2.3 Co-management**

There is no single, universally-accepted definition of co-management but many (Berkes 2009: 1963).

According to Blore, 2013: 445), co-management is a participatory approach put forward to effectively manage natural resources. It can also be understood as a partnership between the state and local resource users, who share rights and responsibilities over decisions made in natural resource management. Castro and Nielson (2011: 230) similarly describe co-management as an approach in which two or more social actors negotiate and define amongst themselves an equitable sharing of management functions, responsibility, and power over a set of natural resources.

In co-management, resource users are involved in all programmes of the protected area, and involvement is on equal terms. Co-operation and participation between resource users is addressed for effective functioning (Nursery-Bray and Rist 2009: 119).

Cundill *et al.* (2013: 172) describe co-management as an arrangement of joint decision-making between the state and local communities, where the entitlement and responsibility of each party is defined. It differs from other forms of participatory, natural resource management, as it addresses issues of power-sharing and partnerships. Berkes (2009: 1694) concludes that co-management is not the end point, but rather a process or a means to an end that involves ongoing problem solving, institutional building, trust building, generation of knowledge and social learning.

Similarities in the various definitions and understandings of the term “co-management” are evident, and Centre mostly on a pluralistic approach to the management of natural resources that recognises and incorporates different stakeholders with different stakes, but who have a similar view of achieving conservation goals.

Common to all the definitions and understandings of the co-management concept is that it involves more than one management body (stakeholder) agreeing to form a partnership in the management of natural resources. De Koning (2009: 7) explains that, in co-management, a protected area is managed in such a way that it allows for a flow of resources to meet local needs, while ensuring that there is provision for nature-based tourism opportunities.

The author also indicates that protected areas are becoming less government-subsidized, which raises concerns as to whether these protected areas are able to generate enough income to support both community and conservation needs (De Koning 2010: 3). One of the objectives of this study is therefore to explore the potential of tourism in protected areas to provide economic benefits for claimants; this objective is derived from the above concern.

### **2.3.1 Co-management: reconciling land rights and conservation for tourism**

In 2007, the erstwhile Minister of Rural Development and Land Reform (DRD and LR), and the erstwhile Minister of Environmental Affairs (DEA) concluded a memorandum of agreement (MOA) aimed at bridging the ostensible divide between conservation and land reform. The objectives of the MOA were to facilitate a co-operative national approach in the resolution of land claims in protected areas. The MOA acknowledges the notion of community participation without compromising the conservation of biodiversity (DEAT: 2007).

Following this agreement, a co-management framework was launched in August 2010, during The Fourth People and Parks Conference. The framework was intended to provide guidance for effective management of protected areas that have been restored to dispossessed communities (Department of Environmental Affairs and Tourism 2010: 1).

The co-management framework presents the following models of co-management:

*Full co-management:* Where the compensation for no physical occupation of land takes the form of socio-economic benefaction and participation in co-management. This should be applied in areas where benefaction is possible. This model allows for access to land and use of resources; it does not, however, provide immediate benefits to the land-owners.

*Lease:* Where the state leases the land from the land claimants. This is applicable where few socio-economic opportunities exist and would result in inadequate compensation for loss of occupation. Although this model provides a guaranteed immediate and stable income for communities, it fails to address the issue of the rights to their decision making regarding the use of the land.

*Part-co-management/Part-lease:* Where a combination of co-management and lease agreements is applied based on available socio-economic opportunities. This is the most widely-used model, allowing the community participation in management of land and resources, and access to revenue sharing derived from these. Guaranteed income and security are, however, limited (Department of Environmental Affairs and Tourism 2010: 5-6).



The framework nonetheless acknowledges that there is no blanket approach in the application of these co-management models, since their viability is determined by a number of factors, such as: the allocation of the protected area; the value of biodiversity inside the protected area; the size of the protected area; and the viability of eco-tourism initiatives inside the protected area (Department of Environmental Affairs and Tourism: 2010).

Some authors argue that unless the conservation of biodiversity includes programmes for poverty alleviation that such alleviation is almost impossible to achieve (Nursery-Bray and Rist 2009: 118). These authors further state that the intersection of co-management within a protected area having its own management criteria may pose challenges (Nursery-Bray and Rist 2009: 120). Carlsson (2005: 74) disagrees that co-management is a logical approach to solving resource-management problems through building partnerships.

The content of co-management agreements must be consistent with the provisions of the Protected Areas Act and may provide for the following:

- Entrustment of powers between parties;
- Benefit sharing between parties;
- Access to the protected area;
- Rules regarding occupation of a protected area;
- Improvement of local management capacity; and
- Financial support to ensure effective management.

(National Environmental Management Act 2009: 27)

Following successful land claims on protected areas in South Africa, co-management arrangements have been created between tourism authorities and claimant communities, who are then legally awarded the rights to their land. Kepe, (2008: 311) and Blore *et al*, (2013: 445).

There is, however, evidence that these partnerships do not constitute success for the land claimants and the protected areas. A profound argument can be made for these using examples that show where co-management was not beneficial for claimant communities.

This statement is also acknowledged by Cundill *et al.* (2013: 176) in a multi-case study conducted on four protected areas which concluded that the only mandate co-management fulfils is that of conservation. These insightful claims raise concerns about the appropriateness of supporting this strategy, considering that these benefits are a major factor that initially influences communities to agree to this method of settlement.

It is, moreover, worth noting that co-management does provide residents with opportunities to participate in conservation and share the responsibility for managing resources; which is also in line with the Protected Areas Act, in which involvement of people living adjacent to protected areas is called for. Education, communication and co-operation are further held as key to the effectiveness of this strategy (Nursery-Bray, and Rist 2009: 122).

The Memorandum of Agreement (MOA) between the Department of Land Affairs (DLA) and the Department of Environmental Affairs (DEAT) currently guides the settlement of all claims within protected areas. This is to ensure that these areas remain used for conservation and tourism, with claimant communities continuing to receive tangible benefits. This, however, is contested by literature in cases of “successful claims”, since this reflects that the issue of tangible benefits seen by communities is still a major issue facing the co-management strategy (Kepe 2008, Cundill 2014, and De Koning 2009)).

The Progress Report on Land Claims in Protected Areas acknowledges that an inability to secure funding and sponsorship for the development of tourism in protected areas is one of the setbacks to co-management (Parliamentary Monitoring Group 2013:15). Consequent to the challenges facing co-management, equitable redress has been suggested to settle all remaining claims at the Kruger National Park (Paterson 2009: 28). The question then arises as to why this unsuccessful model is still recommended for other protected areas.

Integrating land reform and biodiversity conservation is a complex task, especially in developing countries where the impressions of historical injustice exist alongside some of the richest protected areas in the world. It is particularly challenging to realise such integration when a lack of understanding between “sectors dealing with conservation and those dealing with local and land rights” exists (Kepe, Wynberg, and Ellis 2005: 3). Such a lack of understanding leads to mistrust which, in turn, prevents the development of innovative strategies that could balance the goals of land reform and biodiversity conservation for these incredibly rich biodiversity endowments.

### **2.3.2 Co-management: deriving economic benefits through tourism**

Tourism is viewed as a promising source of income in protected areas (Imran, Alam, and Beaumont 2014: 291). Commonly known as eco-tourism, tourism to areas of natural beauty is rapidly growing in South Africa, and plays a significant role in improving the local economies of most developing countries. Protected areas have, therefore, become crucial in attracting visitors to the country, and when managed effectively are said to be the best tool to achieve conservation while also improving the livelihoods of local communities (Imran *et al.* 2014: 291).

Should eco-tourism in protected areas fail to generate revenue that can be distributed throughout the community, there is likely to be pressure for direct access to the land by such communities (De Koning 2009: 11). Chowdhury *et al.* (2014: 1237) confirm this when they state that local people are interested in conservation when there are perceived benefits from it in the protected area. Tessema *et al.* (2010: 490) reiterate this by stating that the sharing of revenue generated from tourism, infrastructure development, and employment opportunities is crucial in gaining local community support for the conservation of protected areas.

The issues of access to natural resources, and what benefits should go to communities need to be dealt with prior to the signing of agreements. This is to avoid post-settlement conflicts that often arise over access to natural resources and sharing of benefits between the community members and the stakeholders concerned, (Mapoma 2014: 67).

#### **2.4 Protected Areas**

According to Eagles (2009: 232), a major focus on conservation of biodiversity occurs in protected areas because the world's protected areas contain the most important ecosystems and habitats. The author further stresses that having a sufficient number of protected areas is not an important requirement, but effective management of these areas is essential to ensure that the required outcomes are achieved.

The purposes of a protected area, according to the National Environmental Management Act (15), are: to Conserve biodiversity and ensure protection of threatened or rare species; to create destinations for nature-based tourism; and to contribute to human, social and economic development (Restitution of Land Rights Act 2004: 15).

Protected areas aim to:

- *conserve the composition, structure, function and evolutionary potential of biodiversity;*
- *contribute to regional conservation strategies and maintain diversity of the landscape or habitat, and of associated species and ecosystems;*
- *be of sufficient size to ensure the integrity and long-term maintenance of the specified conservation targets, or be capable of being increased to achieve this end;*
- *maintain the values for which they were assigned in perpetuity.*
- *operate under the guidance of management plans and monitoring and evaluation programmes that support adaptive management;*
- *possess clear and equitable governance systems.*

(Dudley 2008: 13).

#### **2.4.1 Categories of protected areas**

According to Dudley (IUCN) (2008: 12) protected areas belong in four broad categories, chosen to maximise the chances of addressing threats to conservation, with each category indicating a level of conservation or naturalness. The categories are as follows:

##### *Special nature reserves*

- *These reserves are used for the protection of highly-sensitive or outstanding ecosystems, species or geological or physical features in the area;*
- *They are utilised for scientific research or environmental monitoring.*

### *National parks*

- *For the area to be protected, it should be of national or international biodiversity importance, or be a good representative sample of South Africa's natural systems, scenic areas or cultural heritage sites;*
- *These reserves should safeguard the ecological integrity of one or more ecosystems in the area;*
- *They should prevent exploitation or occupation inconsistent with the protection of the ecological integrity of the area;*
- *They should provide spiritual, scientific, educational, recreational and tourism opportunities that are environmentally compatible, or, where feasible, contribute to economic development.*

### *Nature reserves*

- *These reserves supplement the system of national parks in South Africa;*
- *This designation protects areas that have significant natural features or biodiversity, are of scientific, cultural, historical, or archaeological interest, or need long-term protection for the maintenance of their biodiversity, or for the provision of environmental goods and services;*
- *Such reserves should provide for a sustainable flow of natural products and services to meet the needs of local communities;*
- *They should also make nature-based recreation and tourism opportunities available.*

### *Protected environments*

- *Protected environments are regulated as buffer zones for the protection of special nature reserves, national parks, world heritage sites or nature reserves;*
- *This designation enables landowners to take collective action to conserve biodiversity on their land, and, when the area is sensitive to development due to its biological diversity, natural characteristics, scientific, cultural, historical, archaeological, or geological value, seek legal recognition in protecting it;*
- *Such areas have scenic and landscape value, or are enabled for the provision of environmental goods and services;*
- *They safeguard specific ecosystems outside of special nature reserves, national parks, world heritage sites or nature reserves;*
- *The designation also ensures that the use of natural resources is sustainable for sustaining conservation and imposes controls over changes in land-usage in such areas.*

Protected areas are defined (Dudley 2008: 1) as areas of land or sea dedicated to the protection of biodiversity, and other natural or cultural resources. The definition indicates that the primary mandate of protected areas is conservation and explains the findings from the literature researched which report that co-management in protected areas prioritises the role of conservation over the provision of benefits to claimant communities (Cundill et al. 2013: 170; Kepe 2008: 311). More recent literature, however, shows that a relationship has been established between protected areas and local communities.

Bushell and Eagles (2007: 76) state that nature-based tourism in protected areas has the potential to generate economic benefits and improve the livelihoods of local communities; this statement is confirmed by De Koning (2010: 35). It is worth noting that the potential for tourism in protected areas to benefit local people does not necessarily reflect their ability to do so.

Paterson (2009: 5) explains that protected areas have been used for conserving the country's natural and cultural heritage, with only an approximate six percent of the country's terrestrial environment being used for conservation. Thus, the flaws in the legal framework that provide for the management of these areas are unsettling, as they leave a significant part of the country's land at risk.

The challenges that protected areas in South Africa face include, but are not limited to:

- Poor conservation-planning, due to these areas being too small for meaningful conservation to take place;
- An exclusionary approach to conservation which regards conservation as a concern of the elite, and is influenced by the exclusion approach adopted historically;
- Non-co-operative governance;
- Inconsistent declaration and protection procedures;
- Management problems; and
- Resource constraints.

(Paterson 2009: 10)

In establishing these challenges, it can be ascertained that protected areas are already overstretched, and that the introduction of a new management model will present new ones.



It can also, however, be argued that co-management addresses some of these challenges, since the authors referenced posit that it allows for the involvement of local communities, thereby addressing the problem of the exclusionary approach that confronts such areas (Tessema et al. 2010: 490; Nursery-Bray, and Rist 2009: 122).

#### **2.4.2 Protected areas, tourism and local communities: the complex relationship**

The relationship between people and parks has recently expanded to include tourism. This is due to the current high demand from visitors wishing to experience protected areas. The emergence of tourism in protected areas is said to have assisted in enabling local populations to co-exist with these areas. Although, historically, tourism was viewed to have a distinct economic focus, as opposed to the focus on conservation in protected areas, a sustainable approach to tourism now has been widely accepted (Whitelaw, King, and Tolkach 2014: 585).

It has been established that when tourism is managed effectively it is the best tool to achieve conservation and the alleviation of poverty (Plumber and Fennel 2008: 149). This is acknowledged by Sandbrook and Adams (2012: 916) when they articulate the ability nature-based tourism must raise funds for conservation and deliver benefits, such as improved infrastructure and employment opportunities for local people. Tourism is widely recognised as a promising source for generating finance in protected areas, since incomes associated with tourism in such areas can change local communities' perception of biodiversity conservation and increase their commitment to these efforts. On the contrary, restricted rights to resources often result in people developing negative attitudes that can negatively affect such conservation (Imran *et al.* 2014: 291).

Two management models that can be employed to involve tourism in protected areas have been identified by Whitelaw *et al.* (2014: 589): The Money Generating Model (MGM) and the Tourism Impact Model (TIM).

The MGM looks at expenditures by tourists, park authorities and regional multipliers, and estimates the economic benefits for the area, including employment generated by tourism activities, using the regional tourism multiplier effect.

The TIM calculates impacts attributable to park tourism, such as visitor numbers, tourist expenditures, populations and employment, as well as economic and budgetary considerations. Protected areas generate income from three sources: societal taxes, user fees, and charges and donations.

These models can assist protected area managers in attracting greater investment, thus ensuring that the areas are developed to generate income substantial enough to maintain the relationship between people and parks.

The notion of engaging local people in protected area management has received much attention. This comes as result of the realisation that management is a social process, while policy makers must also take note of the broader context in which they work. Multi-stakeholder conflicts in protected areas date back to the late 1970s and have resulted in managers looking for alternative approaches to managing protected areas (Plumber and Fennel 2008: 149). The authors allege that at the root of the conflict between people and authorities is power. There is a view amongst the people that the authorities/government hold all the power, with few benefits being provided for local communities (Plumber and Fennel 2008: 150).

Jamal and Stronza (2009: 174) maintain that the protected areas environment is complex and dynamic, having many interdependencies and consisting of multiple stakeholders, often with varied views and different values, which results in conflict. Co-management is proposed as a vehicle to democratise decision-making, foster conflict resolution and encourage participation (Fall 2013). After all, the management of a protected area, whether effective or not, produces results that affect various people or groups in a society. The main groups affected by the management of protected areas are those living adjacent to such areas (Anongura 2006: 13).

It is held by Carlsson and Berkes (2005: 74) that should local inhabitants be made partners in conservation, they should logically benefit from such partnerships. The author, however, overlooks the importance of the economic viability of protected areas for these benefits to be felt by local communities. Anongura (2006: 5) succinctly addresses these issues by proposing that protected areas only make meaningful returns when their size is greater than 5000 hectares. From this claim, it can be ascertained that protected areas greater than 5000 Ha have the potential to benefit locals should a co-management agreement be in place.

The claim is essential to this study, as it anticipates the need to establish whether tourism at Tala Private Game Reserve has the potential to deliver tangible benefits to the claimant community, bearing in mind that the game reserve is approximately 3000 hectares, which is much less than the size suggested by Anongura.

The claim does raise reservations, as De Koning (2009: 11) warns that, should protected areas fail to generate benefits that are distributed throughout the community, it is highly likely that pressure for direct access to the land will arise.

The author further asserts that the success of co-management depends on the ability of protected areas to generate net profit in tourism dividends. Mapoma (2014: 70) recommends that, in the future, settlement of land claims should be considered in accordance with the lands, the biodiversity and the tourism value of protected areas in conjunction with the needs of communities affected.

Community-based natural resource management stipulates that the benefits derived by local communities need to exceed the costs incurred for them to feel obligated to conserve biodiversity (Mbaiwa and Stronza 2011: 1957). The authors also state that a sense of ownership and involvement are important in determining community attitudes (Mbaiwa and Stronza 2011: 1958). Imran *et al.* (2014: 292) concur that a lack of involvement, a lack of perceived benefits, and inadequate interaction between locals and conservation administrators, can result in negative attitudes from communities that could threaten the success of protected areas.

#### **2.4.3 Stakeholder relationships in protected area co-management**

Stakeholders are defined as people who have direct or indirect interests or rights in protected areas. Local communities, non-governmental organizations, special interest groups, business partners and private land owners, as well as local government representatives, are among the most common stakeholders involved in protected area management (SANPARKS 2011: 5).

Anongura (2006: 14) identifies stakeholders and their roles as government agencies presiding over different natural resources (forestry, fisheries and agriculture), in addition to administrative authorities, such as local governments and municipalities, that deal with such resources within their broad areas and mandates. Both are stakeholders involved in managing protected areas.

Other groups affected by the status of natural resources include tourism operators, research institutions and non-governmental organisations (NGOs) devoted to development and conservation objectives. It is, however, maintained that the question of the extent of stakeholder involvement, particularly that of communities, remains problematic. Contrarily, SANPARKS clarifies the role of local communities by stating that protected areas belong to the people of South Africa as custodians of these national assets. In addition, they outline that incorporating local communities into the management and conservation of resources strengthens community-park relations (SANPARKS 2011: 2).

Section 39 of the National Environmental Management: Protected Areas Act No. 57 of 2003 states that all persons who may be interested in, or affected by, the management of protected areas are to be given the opportunity to comment on any management plans formulated for them. Section 41 requires that such plans must contain procedures for public participation by any local communities or other affected parties (Protected Areas Amendment Act 2009: 2-3).

When developing a hands-on approach, it is essential to recognise who is, or could be, affected by the decisions and actions taken by all stakeholders, and that those affected should then have the opportunity to influence the outcome (Marega, and Urataric 2011: 8). The authors further propound that recognising all relevant stakeholders through analysis is essential in order to differentiate between different groups of stakeholders, and to examine the relationships between protected areas and stakeholders.

Stakeholder analysis enables the prioritisation of stakeholders according to their interests and potential influence on the planning process (Marega and Urataric 2011: 9).

The analysis and understanding of stakeholders and their roles is important to the study to reflect the groups that should be involved in the study, and to anticipate the kinds of information they are likely to provide. Moreover, the success of relationships between stakeholders is an important prerequisite for co-management to be a success.

Community ownership and management of land are rapidly developing as management approaches, although these are still in experimental phases in developing countries. The logic behind adopting this model is to prevent communities from developing negative attitudes by alleviating poverty, and, more recently, to resolve conflicts in communities that were displaced for the creation of protected areas to occur. There is, however, criticism against the model, with issues related to it having a weak strategic vision and poor consultation (Eagles 2009: 242).

Economic incentives are said to motivate local communities in committing resources to conservation in protected areas, with tourism seen as a promising source of economic development. Research suggests that local people show an interest in protected areas only when they feel they will be benefiting from them (Imran *et al.* 2014: 291). Simulated community ownership and management of land is rapidly developing as a management approach, though this is still experimental in developing countries.

In adopting this model, negative attitudes from local communities are avoided, poverty is alleviated, and, more recently, conflicts in local communities displaced by the creation of protected areas are being resolved. Criticisms against the model are concerned with it having issues relating to weak strategic vision and poor consultation (Eagles 2009: 242).

Lack of understanding leads to distrust which, in turn, hinders the development of new strategies that could balance the goals of land reform and biodiversity conservation. Perhaps one of the most pressing challenges, especially in developing countries, is that partnership is hindered by the fact that these nations are governed by small groups of well-organized dominant elites than developed countries (Imran *et al.* 2014: 291).

Community participation is thus limited by the centralisation of decision-making on tourism, along with deficiencies in coordination, information, expertise, an appropriate legal system, a trained work force, and financial resources. Other constraints include domination by the elite, the high cost of community participation, the limited capacity of the poor, and apathy in local communities (Plummer and Fennel 2009: 151). Chowdhury *et al.* (2014: 1236) also warns that the long-term survival of protected areas in developing nations is jeopardised when the needs, aspirations and attitudes of local people are not accounted for.

### **2.5 Local community attitudes towards protected areas, conservation and co-management**

According to Chowdhury *et al.* (2014: 1237) community attitudes and perceptions need to be studied if management is to be improved in protected areas. This is done in order to recognise problems and identify possible solutions (Chowdhury *et al.* 2014: 1237). The authors point out that local community attitudes and perceptions need to be explored during planning and implementation of conservation initiatives, keeping in mind that local people's perceptions are influenced by perceived benefits and costs from protected areas (Chowdhury *et al.* 2014: 1237).

In a study of community attitudes towards protected areas, Tessema (2010: 490) points to the sharing of revenues generated from tourism, infrastructure development, and the creation of employment and business opportunities as critical factors in gaining community support in conservation.

These recommendations validate the need for local communities to derive benefits from protected areas due to the strong influence such benefits can have on community attitudes. Mbaiwa and Stronza (2011: 1957) acknowledge that economic benefits not only improve the livelihood of the community, but also assist in improving conservation goals. The authors note, however, that benefits are not the only factor that contributes to positive community attitudes, and that involvement also plays a major role.

Community attitudes towards protected areas were influenced by conservation efforts from the early 1900s that restricted access to resources (Synman 2014: 1). Tessema (2010: 490) reports that African policies restricted access to, and the use of, resources in protected areas until these restrictions threatened conservation. The policies adopted failed to recognise the need for local support in sustaining protected areas. Chowdhury *et al.* (2014: 1237) suggest that the development of partnerships is an appropriate approach to managing community perceptions and attitudes.

These partnerships, also known as co-management, have been widely praised as viable, since they lead to a win-win situation for all stakeholders involved. Co-management affords local people (in this case land claimants) an opportunity to work together towards a common goal, while also having the potential to address biodiversity conservation and community needs (Nursery-Bray, and Rist 2009: 120).



Chowdhury *et al.* (2014: 1236) report that the distribution of incentives, such as the provision of training in business activities, provides communities with access to protected areas which can positively influence their attitudes towards them. The authors warn that, should these factors not be considered, the long-term success of protected areas could be in jeopardy. Establishing co-management agreements that clarify the rights and responsibilities of all stakeholders is important to reduce conflicts and solve any problems that may arise (Carlsson and Berkes 2005: 72).

Nursery-Bray and Rist (2008: 119) concede that power-sharing is an essential characteristic of co-management; it helps maintain stability and sustainability within protected areas. The authors further state that creating forums for decision-making, developing a process of transforming information and the sharing of capacity and resources could assist in addressing this issue.

The concept of benefits in co-management refers to revenue-sharing from tourism activities, such as the development of infrastructure, and the provision of education, preferential employment opportunities, medicinal plants, building materials, etcetera. Mapoma (2014: 66) asserts that the issues of access to natural resources and what benefits communities should receive need to be clarified prior to finalising settlement agreements. This is to avoid the post-settlement hostility that often arises between concerned community and trust members, and also between trust members and the applicable management authority, over access to natural resources and the sharing of benefits.

Mapoma (2014: 67) proposes the incorporation of a proper definition of land rights, with the benefits to communities incorporated into settlement agreements; this means that settlement agreements should be drafted in a clear and precise manner that forms a solid basis for good co-management agreements.

De Koning (2009: 76) concedes that claimant communities must thoroughly understand co-management and its implications so as to ensure that they do not expect benefits for at least the first five years. The author further states that in co-management there are shared costs and benefits that are imperative for new land owners to understand.

## **2.6 The case of Tala Private Game Reserve's "successful" land claim**

The 2092 hectare Tala Private Game Reserve is situated between Durban and Pietermaritzburg in the small farming town of Eston in KwaZulu-Natal. The game reserve is home to a large number of bird species, as well as big game, including rhinos, hippos and antelope. It is also home to plant species such as the Fiery Aloe, Euphorbia and Fragrant Wild Sage (SA Places 2013: 1).

Tala Private Game Reserve offers an excellent game viewing opportunity to tourists, and due to the variety of birds that can be found on the reserve, bird watching is also available. Guided tours are held throughout the day, with experienced guides taking guests to the water's edge on horseback rides for up-close experiences with the animals (Sun Safaris 2015: 1).

The game reserve is located within the province of KwaZulu-Natal which boasts of a mild climate, with high summer rainfall and dry winters. The area is known to have Mediterranean weather, where four seasons can seemingly be

experienced in one day. Tala Private Game Reserve is said to experience sunshine all year, with a temperate sub-tropical climate.

As with many protected areas in South Africa, Tala Private Game Reserve has been affected by the Restitution of Land Rights Act which gives the right to people dispossessed of their land as a result of racially discriminatory laws to reclaim it (Restitution of Land Rights Amendment Bill 2013: 2).

A claim was filed against the land in 1998 and concluded in 2011, with the reserve now owned by 211 households registered as the Nkumbuleni Community Trust. Following the success of the claim, the reserve functionality was confirmed, and different stakeholders brought together to provide post-settlement support to the Nkumbuleni Community Trust, which now runs the reserve on behalf of the community (Ngcobo and Miya 2011).

Tala's success story is similar to many in South Africa (Malukele Game Reserve, Mkhambathi Nature Reserve, Dwesa-Cwebe Game Reserve and Ndumo Game Reserve). However, research conducted on the above cases reflects that the success of the claims did not necessarily translate into benefits for the communities in question (Kepe 2008; Ntsona *et al.* 2010; and Cundill *et al.* 2013).

In the case of Dwesa-Cwebe Game Reserve it was revealed that, seven years after the co-management agreement was signed, the community had still not realised any rights to resources. Discontent was evident in the community, as members had resorted to illegal hunting and the demolition of the protected area's resources. The community believed that the agreement had not enhanced their livelihoods, even though they were meant to benefit from the resources in a regulated manner (Ntshona *et al.* 2010: 395).

Similar findings were reported in a study of Mkhambathi Nature Reserve, where the community trespassed by collecting firewood and grazing their livestock on the reserve. Research reveals neglect of the four most important conditions of co-management, which include: tangible benefits for the community, post-settlement support, the legal protection of community rights and trust between partners (Kepe 2008:314).

Although the findings by the author cannot be generalised, due to the case study methodology adopted, transferability can still be applied.

## **2.7 The land claim**

In accordance with Land Act No. 27 of 1913, Black people were moved from land that was valuable to make way for development. In February 2008, a claim was lodged by Mr. F.N. Zungu on behalf of 250 households that claimed ownership of their land. In fulfillment of part of the requirements for land claims in South Africa, the Nkumuleni Trust was formed to represent claimants forcefully removed from their land between 1970 and 1973.

The Nkumbuleni Community Land Claim falls within the jurisdiction of Ward 4 (Agricultural Node) of the Mkhambatini Municipality, a Category-B municipality consisting of seven wards. The claimants who own the title deed for the Nkumbuleni land claim reside in the Midlands Mist Belt, Sankotshe, in Cato Ridge, and in the Durban-EThekweni Municipality (Fourie and Schoeman 2010: 151) of KwaZulu-Natal. The Nkumbuleni Trust has partial ownership, with the state holding 30 percent of the shares. Nkumbuleni historically formed part of the Embo Tribal Authority, which broke away to settle on the pieces of the adjacent land. Gradually, other tribes formed part giving it a name Nkumbuleni, which translates 'place packed with multitude. As in other land claim cases in

South Africa, colonial and apartheid policies, including the realignment of boundaries that overlooked traditional allegiances, have led to tensions among these communities. Despite having a certificate of ownership that was handed to the Nkumbuleni Land Trust, there are still disagreements among the people of the area about ownership of the game reserve. Co-management has arguably added to a sense of unclear land rights following the successful land claim (Kepe 2007: 4).

## **2.8 Exploring alternatives; de-proclamation of protected areas**

According to Ostrom (2007) co-management is certainly one of the most promising management options we have available currently for dealing with situations of conservation, historical redress and power-sharing, it is however not a panacea and should be considered alongside other management options. One such alternative, which has been seen in South Africa, is the deproclamation of a protected area under land claim by a community, the restoration of the land to land claimants and the establishment of an alternative protected area elsewhere. On first consideration, this appears to be an ideal solution: one where historically dispossessed communities regain access to their land, and where conservation goals remain intact. This alternative has, however, not been widely applied, and the only example that could be found is the case of Vaalbos National Park in the Northern Cape Province of South Africa. The fact that SANParks and the claimant communities have not been tied into a co-management agreement offers a potential opportunity for land claimants too. Claimants have full rights to decide on the use of their land (Kruger, Cundill and Thondhlana 2016: 7).

## **2.9 Summary**

This chapter explored the relative merits of land claims in protected areas in the South African context. Furthermore, land restitution was critically explored as one of the pillars of land reform in South Africa. The concept of co-management was expanded on, while exploring its background, types, challenges and opportunities. Most importantly, co-management's appropriateness was examined in addressing land reform issues. The complex relationship between protected areas and local communities was also brought to light in order to provide a holistic overview of protected areas. The next chapter examines the research instruments used to conduct the study.

## **Chapter Three**

### **Research Methodology**

#### **3.1 Introduction**

The purpose of this case study is to explore the appropriateness of the co-management model currently being used as the only strategy for resolving land claims within protected areas. The researcher believes that a better understanding of this phenomenon would allow both claimant communities and the Land Claims Commission to assume informed perspectives in terms of aligning goals for conservation and tourism with land rights for communities.

In seeking an understanding of this phenomenon, the study addressed the following questions: (a) Does the protected area have the potential to provide economic benefits for the claimant community? (b) What is the community's attitude towards the co-management agreement employed at the reserve? (c) Is there co-operation amongst the stakeholders to ensure success of co-management? (d) Is the co-management model able to meet the needs of legal land-owners without compromising conservation of the protected area?

In this chapter the study's research methodology is described. The chapter includes discussions about the following fields: the research approach, a description of the research sample, the instruments of measurement, an analysis and synthesis of data, an outline of the limitations of the study, the study's validity and reliability, ethical considerations/confidentiality and anonymity, and culminates in a brief conclusion.

### **3.2 Research approach**

Bless, Higson-Smith and Sithole (2013: 340) state that qualitative research is concerned with the lived experiences of persons, and is most appropriately used when studying people. The study adopts this approach as it seeks to explore people's experiences and understanding with regards to land claims and co-management. It is further stated that qualitative research methods are particularly good for obtaining meaning, and are crucial when researching human beings. They are appropriately used to gain insight into people's value systems, since they aim to establish the nature of reality (Welman, Kruger, and Mitchell 2005: 8).

Qualitative research is known to provide valuable insight and meaning in many areas of study. It is worth mentioning that qualitative research can be challenging to conduct, due to the fact that the quality, reliability and validity of the study depends on the knowledge, planning and skill of the researcher, who serves as a data collection instrument (Johnston 2010: 188). Kelly (2010: 5) also confirms that qualitative interviewing is essential when the research seeks to gain access to the knowledge, experience and perspectives of people.

This approach was found to be the most appropriate for this study as it allowed for an in-depth understanding of co-management principles and origins in order to gauge community and management attitudes towards using this as the preferred model.

Within the framework of the qualitative approach, a case study design was found to be most suitable. A qualitative case study was therefore found to be an ideal design for understanding and interpreting the phenomena being researched.



This design choice is motivated by Welman et al. (2005: 193) who describe case studies as intensive descriptions and analyses of social units or systems employed to gain meaning for those involved.

Although qualitative and case study research is not identical, case study research seeks to construct representations based on in-depth, detailed knowledge of the cases

Case study research investigates one, or a small set of cases, intensively, focusing on many details within each case and context. Case studies enable us to link the actions of individuals to larger scale structures and processes that contain them (Neuman 2011: 42). Case study research has the following strengths: it clarifies our thinking and allows us to link ideas with the tangible specifics of cases observed in detail in specific ways. This approach allows the study to link ideas about co-management drawn from literature with the specific case of Nkumbuleni community.

### **3.3 Target population**

The Nkumbuleni Community Trust, originally consisting of 211 households that were meant to benefit from the Tala Game Reserve land claim, was partly the target group. However, from updated records supplied by the trustees and the Land Claims Commission, only 60 families can be identified. The two managers managing the reserve with the trust were also included in the target population. Lastly, 2 Land Claims Commission officers were identified to provide insight into, and motivation for, the choice of settlement method employed at the reserve.

### **3.4 Sampling technique**

Qualitative research investigates particular phenomena in depth. Probability sampling methods become too rigid in their constraints on the study, and for this reason a non-probability sampling method was used. This was most appropriate, since the study did not concentrate on the representativeness of the population sampled, but rather on the diversity of the cases chosen, and their ability to contribute to the information required (Bloomberg, and Volpe 2008: 119).

A purposive, or judgmental, sample of 30 families was selected from the available population of 60 families. The sample encompassed males and females, and young and elderly people, to ensure its diversity. This is a method typical in case study methodology (Silverman 2013: 218). The sample included 12 trustees and 18 beneficiary households. These households were selected based on their participation in, and attendance of meetings that deal with the management of the reserve. This was done to include those members that had the ability to contribute valuable information to the study (Bless, Higson-Smith, and Sithole 2013: 177).

From within the population of conservation managers, and the ranks of the Regional Land Claims Commission, a census or saturation sample was drawn. This sampling technique was found to be most effective in selecting participants in small populations. Welman, Kruger, and Mitchell (2005: 71) advise that if a population consists of 10 cases or less, thus including all of them in the sample will ensure satisfactory results.

### **3.5 Measuring instrument**

May (2011: 131) informs us that interviews yield rich insight into people's experiences, values, attitudes and feelings, thus making them a valuable instrument for qualitative studies. Bloomberg and Volpe (2012: 121) also assert that interviews are fundamental to qualitative studies as they attempt to understand issues from the viewpoint of the people involved by unfolding their experiences. It was for these reasons that interviews were selected as a data collection method for this study.

The logic in using this data collection instrument was that interacting with people and capturing the meaning of their experiences in their own words is a legitimate way of generating data. This method does not, however, come without limitations. Firstly, interviews are not neutral tools, since they involve interaction between an interviewer and the context in which they occur, and, secondly, they require some skill from the interviewer, as not all people being interviewed are perceptive and co-operative (Bloomberg and Volpe 2012: 122).

#### **3.5.1 Interviews**

May (2011: 131) broadly identifies four types of interview that are used in social research. They are: the structured interview, the semi-structured interview, the unstructured interview, and group- or focus-group interviews. With structured interviews, the researcher attempts to control responses using a pre- formulated interview schedule, whereas unstructured interviews allow respondents to answer without the restriction of pre-formulated questions, thus allowing for more depth in questioning.

Focus groups provide the researcher with an opportunity to explore dynamics around certain issues and topics. In some groups, interaction amongst the respondents is encouraged, whereas in other cases group members respond to questions or issues that are raised with them independently. In semi-structured interviews, respondents may answer questions other than those posed to them, making this type of interviewing very attractive. This method allows for respondents to answer on their own terms, while also providing a structure for comparability. Although questions are structured, the interviewer is free to probe beyond the answers given (May 2011:132-137 and Neuman 2011: 449).

Semi-structured face-to-face interviews were selected as the primary method of data collection for this study. This was based on their potential to provide rich descriptions and provide an opportunity to probe for additional information. Semi-structured interviews are recommended for new researchers to lend structure and guidance to the interviewer (Harding 2013: 31).

The interviews were personally administered to the respondents using only one research assistant, and although this was a time-consuming and costly method, it was found to be most appropriate for the researcher to be in full control of data collection and management. Welman (2005:167) also states that this method is most appropriate for topics of a sensitive nature, which is the case in this research study. Documentary analysis and observation were also used as a secondary instrument. This included content analysis of all relevant public documents, letters and minutes of meetings (Harding 2013:20).

The use of direct questions was important to obtain specific information about the Nkumbuleni land claim. However, open-ended questions were also asked to acquire information on issues the researcher had not thought about in advance (Silverman 2013: 207).

The anti-positivist approach suggests that interviews provide a mirror reflection of a reality that exists, while positivists may critique this approach as merely an exclusive interaction between the interviewer and the participant to create their own view of the social world. Interviews were found to be the most appropriate method within the anti-positivist approach adopted for this study. This approach allows for an in-depth understanding of social issues by gaining insight into people's experiences (Silverman 2011:132).

### **3.5.2 Data collection**

It is worth noting that interviews may contain errors that could affect the validity of findings. These errors could be caused by either the interviewer or the interviewee. It therefore becomes essential to establish credibility between the interviewer and interviewee. To counter this, the questioning technique remained clear and unbiased (Sekaran and Bougie 2009: 191).

Questions were short and simple and only one question was asked at a time. Questions were phrased in a way that allowed the respondents to elaborate, and not provide a "yes" or "no" response. Questions that allowed respondents to describe how they felt about the land claim or the land's status, and other related, issues were also raised. Hennink, Hutter and Bailey (2011: 119) warn that closed questions should be avoided. The author asserts that good-quality in-depth interviews should produce new ideas and concepts, and a set of "yes" or "no" questions therefore become inappropriate.

Obtaining permission to interview and building a good rapport with interviewees were also important elements in data collection. Respondents were visited in their homes. In this way the researcher was able to see the respondents in their own environments. This was of significance as it allowed the collection of additional information concerning the respondents' living conditions (Hennink *et*

*al.* 2011: 121). Key questions were also deliberately placed in the central part of the interview guide to allow the interviewer to first establish a good rapport with interviewees. According to Hennink *et al.* (2011: 113) establishing a good rapport with interviewees is critical, as it enables respondents to feel free, and comfortable to share their experiences on the topic.

### **3.6 Data analysis**

Being a qualitative research project, data analysis had to begin during its collection by coding it into different themes as they emerged, and as guided by the research questions (Simons 2009: 119). Analysis followed the “framework approach” with the researcher familiarising her with the data by taking note of recurring themes; which then assisted in identifying a thematic framework in preparation for exploration. With the aid of this thematic framework, data was indexed using descriptor texts which were then charted as a way of re-arranging them, thereby providing a distilled summary of each of the recurring themes.

Using mapping, the researcher was able to identify relationships between these themes, which assisted in the interpretation of the findings. This mapping and interpretation process was highly influenced by the research objectives and themes emerging from the data. Integrating the assortment of emerging categories formed a “story line” that became an integral part of data analysis. Once the major themes that emerged from the data had been identified, the names of these themes were transcribed on different pages and appropriate quotes entered on their corresponding pages. By this it was intended to report direct phrases and sentences, because it was important to be faithful to the exact words used by the participants (Simons 2009: 117-126).

### **3.7 Limitations**

The study met with limiting factors relating to the methodology adopted. Qualitative cases studies are known to use more than one method of data collection, which aids in adding depth and rigor to such studies. It is recommended that interviews be paired with long-term participant observations (Bloomberg and Volpe 2012: 107). Due to the 2-year timeframe and limited budget allocated to this study, long-term observations were not feasible.

Long-term observations require the researcher to perform understudies of cases for a minimum of 5 years (Bloomberg and Volpe 2012:106). Recognising this limiting factor, the study used documentary analysis and short-term observation as a secondary data collection instruments. These documents included minutes from previous meeting, memos and all other available documents, including the land claim settlement agreement.

Furthermore, results from using a case study approach may not be generalised due to being context-specific; nevertheless, such results are still used by researchers in the same field to obtain insight and as guidelines for study, so transferability can be achieved.

### **3.8 Validity and reliability**

There are a number of instruments used for testing reliability, such as test-retest or the split-half method, where respondents are split into equal groups, with the instrument administered to both groups and the results then correlated (Neuman 2007: 196). These testing mechanisms are, however, not necessary unless you are attempting to produce scale or tests (Bell 2010: 119).

Reliability is a central issue, and refers to the measuring instrument's dependability, and the consistency of results obtained using it. Reliability is essential, as this ensures credibility of the research findings (Neuman 2007: 196). Although it is a fact that an unreliable measuring instrument will lack validity, the reliability of the measuring instrument does not ensure that it or its findings are validity. It therefore becomes imperative to put measures in place to ensure that credible findings are obtained (Bell 2010: 119). This was achieved through member validation, with the results being taken back to the population to confirm whether they represented their actual situation or not.

Inclusion of direct quotations from the original data also took place to demonstrate how interpretation of the data had taken place (Bless, Higson-Smith, and Sithole 2013: 239). According to Lee and Lings (2008: 239), triangulation is one way in which an attempt can be made to ensure validity.

Four kinds of triangulation can be used to contribute to verification and validation of qualitative analysis:

- Method Triangulation-Checking, which confirms the consistency of findings generated by different data collection methods;
- Triangulation of Sources, which examines the consistency of different data sources by comparing the results obtained using the same data collection method;
- Analyst Triangulation, which uses different types of analysis to review findings; and
- Theory/Perspective Triangulation, which uses multiple perspectives or theories to interpret the data.



By combining multiple theories and data sources, the researcher examined the appropriateness of the co-management agreement used to settle the Nkumbuleni land claim, along with other literature by researchers covering any areas of information related to the topic.

### **3.9 Ethical considerations/confidentiality and anonymity**

The meeting of ethical considerations relating to the protection of participants is essential in any research study (Bloomberg and Volpe 2012: 124). It is the responsibility of the researcher to fully inform participants of the nature of the study and, where required, also to protect their identities. To ensure that the research meets these ethical considerations, the enlisting of voluntary participation and obtaining of written consent from each participant remained a priority throughout the study.

Anonymity was maintained always, and only the views of the participants were reported. Careful measures were also taken to secure the stored records or information relating to the research. Official documents to which the researcher had access were carefully analysed to ensure that sources were valid, and that details were reported accurately.

### **3.10 Summary**

This chapter has explained the research methodology employed in the research study. This encompassed research design, target population, sample methods, sample size, and the measurement instrument used. Respondent recruitment and data collection and analysis were also discussed. In addition, pilot testing, delimitations and limitations, confidentiality measurements, reliability and validity, and, lastly ethical consideration were taken into account.

The following chapter presents the analysis of the data obtained from the research performed, as well as discussions regarding the study's findings. Themes are also identified and presented with direct quotations from participants to provide an in-depth understanding of the phenomena under study.

## **Chapter Four**

### **Results and Discussion**

#### **4.1 Introduction**

This chapter sets out the analysis of findings for the data collected. This is presented based on the research problem as stated in chapter one. Analysis includes procedures such as coding, concept mapping, categorisation and theme generation, which are carried out to make sense of the data. Data is broken down into sets that are categorised and examined for patterns and themes. These sets are likewise used to find propositions that aim to explain the data. Interpretation of the data also forms part of this chapter. This process involves gaining an understanding and insight into the findings derived from the data. To maintain coherence in analysing these findings throughout the chapter, themes have been identified and presented from the face-to-face interviews conducted.

#### **4.2 Data collection: fieldwork experience by researcher**

Data was collected using two methods: semi-structured interviews and documentary analysis. The data was collected by means of investigatory fieldwork where the researcher, together with an assistant researcher, collected data.

With permission granted to the researcher by the Regional Land Claims Commission and the Nkumbuleni Trust, a letter of consent for the research was given to the Tala Private Game Reserve managers, the Nkumbuleni trustees and its land claim beneficiaries.

### **4.3 Semi-structured interviews**

The community was visited during their meetings on various occasions to build good rapport with its members. The purpose and significance of the study was presented and explained to each participant in the Nkumbuleni community. Most members of the old trust were eager to participate, as they wanted to set the record straight regarding allegations they faced of having kept benefits amongst themselves. The beneficiaries expressed their thoughts and experiences about the claim and answered all questions asked during the semi-structured interviews conducted.

Beneficiaries of the land claim from the KwaXimba community were at first reluctant to participate in the study due to internal conflicts, and their alleged exclusion from meetings and decisions. However, after it was explained to them how the study could assist in addressing some of their issues, they showed more interest. The journey through the research was an emotional one, as most community members hoped that the researcher would attend to and resolve the issues they were facing.

The management of Tala Private Game Reserve were very interested in the study, and even assisted in arranging appointments with some of the trustees. They responded to all the questions and provided useful documentation that contributed to the collection of data.

An interview was also conducted with an officer from the Land Claims Commission in Pietermaritzburg.

#### **4.4 Themes identified during data analysis**

This section presents the responses from the semi-structured interviews conducted.

##### **4.4.1 Brutal removals of inhabitants from land consequence to the Native Land Act of 1912**

###### **Community experiences**

Land restitution, the third pillar of land reform in South Africa, aims to redress the injustices caused by the policy of forced removals. The primary aim of the process is to restore land rights to South Africans who had been dispossessed by discriminatory legislation since 1913 (South Africa Parliament 1994: 6).

The restitution process is informed by three broad categories pertaining to the effects of land dispossession, namely: dispossession leading to landlessness, inadequate compensation for the value of property seized, and hardships that cannot be measured in financial or material terms. (South Africa Parliament 1994: 6).

When asked about their experiences of land dispossession, members of the Nkumbuleni Community had the following to say:

One Nkumbuleni land claim beneficiary said:

*My family did not leave in a good manner, we were kicked out with a month's notice, no explanation and no compensation. We had livestock, we had crops, and no one waited for us to harvest; we were just told we had to go. I had 2 wives and 12 children, how could I just leave, so my family stayed until my house was demolished. We went to live with relatives while we tried to find land. It was a difficult time, we lived like expatriates under the Mkhize tribal authority.*

*We do not belong here, our history is there at Nkumbuleni, where we buried loved ones there.*

An elder from Sankontshe had this to say:

*Their problem was that we owned livestock; they started by limiting us on the amount of cattle we could have, because they were worried that we were not poor, and our children did not need to work for them. They also limited us on the number of houses or rooms we could have, they were trying to turn our homes into the compounds that now exists in the farms. Land that we used for growing our crops was limited as well. They would take our livestock and provide no explanation. They made life very difficult but we stayed, regardless, because we loved it there, it was our home. We left in 1969, after my family received a notice that we had to leave in a month.*

Another elder from KwaXimba stated:

*We were first limited on the amount of livestock we could have. If you had children, they were forced to work on the farm for as little as R2.50c a month. These restrictions made living in our land difficult, they thought we would leave but we did not. They then demolished my house because a tarred road was being built.*

An elder from Hammarsdale said:

*I lost so many cattle, my family owned the biggest plot of land in Nkumbuleni, the removals were very painful, and there was no consideration if you had children or no one cared even if we had anywhere to go. You can imagine the number of belongings a home has.*

*Unfortunately, we didn't have means to transport our stuff, so we took whatever was portable and we moved into a church in Camperdown, while we tried to find land to rebuild our home. There was no compensation, no time to sell our valuables, so we lost everything.*

A definite sense of loss is detectable in the above responses. The Nkumbuleni people lost their homes, their livestock, their valuables, and, most importantly, their means of livelihood. This community lived from subsistence farming on the plots of land their families owned. The removals not only meant they had to begin their lives over with absolutely nothing, but also that they had to find new means of livelihood. All that they received was a month's notice to leave behind all that they had built, which was also all that they had.

Even for those families that managed to take with them some of their valuables, it was impossible to move everything, considering that they needed to seek refuge with relatives, whilst also trying to acquire new land. One elder further stated that it was harder to move into some communities, due to the differences in tribal authorities. The responses indicate that this was a difficult time for the Nkumbuleni people, and a painful part of their history that they cannot easily put behind them.

A younger beneficiary said:

*I did not grow up there, I was still young when my parents were removed from Nkumbuleni. My parents have, however, told us stories of the painful past following the apartheid laws. As much as I do not have first-hand experience, but I can imagine the pain of losing everything you have worked for to start over with no job or financial assistance. The worst thing for them was losing their cattle as you know a man's wealth is measured by their livestock.*

*I remember them telling me about how we moved in with my aunt as a family of 8 and she provided us with one rondavel to use as kitchen, bedroom and bathroom. They say life was very difficult having to start over. It was particularly hard for my parents because they had just buried my older sister. My family was not removed, we left after the farmers said all children had to work in the farms, so my parents decided to relocate because they wanted us to get an education.*

Another young beneficiary added this:

*My parents told us that the farmers built a dam very close to their house. After heavy rains, because the dam wall was not raised, they would experience floods. After some time, they decided to move. It is my older brothers that were mostly affected because the way my family was removed was very brutal, I was very young but that incident left a scar in my life and I do not like talking about it.*

From these responses, the removals are shown to have been very painful and difficult, and, to some extent, even brutal. Most elderly people were filled with despair at being requested to look back on their experiences. Nkumbuleni people remembered these events as vividly, some to the exact year and season when they lost their homes and belongings.

The restrictions imposed on the number of houses and children they could have, and how they should live their lives, did not seem to force many of the Nkumbuleni people to leave their homes. Some even stayed after their eviction notices were issued. Even when the restrictions grew to disallowing their children from attending school to provide cheap labour for farmers, some families were still not willing to give up their homes. Love of the place, and a sense of belonging in Nkumbuleni, is reflected throughout the recollections of the experiences that the people shared.



The Nkumbuleni people were not willing to give up their homes, regardless of the harsh living conditions that were imposed on them.

#### **4.4.2 Preferred settlement option**

Land claims in South Africa are guided by a detailed process facilitated by the Restitution of Land Rights Commission. The third step of this process is facilitation; a briefing process where claimants, with their legal representatives, are informed of their options. This is done to allow claimants to make informed decisions that best suit their needs. At present, only the leased, part-leased/part-co-managed and co-operative co-management models are promoted by government.

Nevertheless, following the MOA between the Departments of Rural Development and Environmental Affairs, co-management remains the preferred settlement method for claims lodged against protected areas. It was important to establish which settlement option the claimants preferred, along with their initial expectations for this option. Research argues that local communities would not willingly give up their land for conservation when they had land-use issues that they viewed to be more profitable (Imran *et al.* 2014: 292). When the respondents were asked about their preferred settlement option, they had this to say:

A representative of the land claim beneficiaries said:

*When we lodged the claim, we were told to write down what we wanted, but we were later told it was impossible to go back to the land because Nkumbuleni is now a business area that contributes to our economy. What is puzzling is that land belonged to us and the government removed us to make way for those businesses. Now we are told we will get our land back but it comes with conditions. We are expected to partner with the same people who took our land.*

*I don't even understand why we were asked to state our preferences. I do not even know if the option we chose is the best one. Not that it matters because what I really wanted was to go back and rebuild my home. So, it did not matter to me which option was chosen.*

One elderly beneficiary had this to say:

*I never wanted to leave my home, so when I heard from the radio that the government was calling on us to reclaim our land I was happy. I remember I was sitting here outside and my late wife called and asked me to listen to the radio. An announcement was being made that people can come to Pietermaritzburg and lodge their claims. At the offices I was given a form to fill in which I also had to indicate what I wanted, and I want my land back, the land was so much productive. I do not know about any options; it was my son who used to represent me in most meetings because he is better learned than I am. I was told that the government want us to run the businesses, no one can go back.*

These sentiments were shared by another elderly beneficiary:

*The biggest portion of land at Nkumbuleni belonged to my family, you can ask anyone they will confirm this. My father had never worked for a white man a single day in his life, but we had everything we needed because of our land. When a meeting at the hall was called and we were asked to write down what we wanted, I was sure there and then that I wanted my land, even if not to go back and rebuild my home but for farming. There is not enough grazing land in this area, as you can see it's mainly for residential purposes. If we had been allowed to go back just like we wanted, all these problems would not exist.*

Much anger and frustration are evident regarding the land claims process, with community elders having hoped that the call to reclaim their land was also aimed at restoring their dignity.

The restrictions that came with settling their claim caused confusion and forced some of these elders into a conundrum, since they felt that they were being informed that it is impossible to obtain what they really wanted. Although these respondents had lost their land decades ago, another sense of loss was being experienced by them as they were told to reclaim their land, but still with limitations imposed. For people who initially never wanted to leave their land, it is to be expected that, given the chance for restitution, they would naturally want to return to their ancestral homes.

A younger beneficiary added this:

*I wanted money, it would have helped so much to educate my children and build a better home. I did not even know that we had a choice; I thought that it was the government that decided on the settlement. I heard from other people in the community that there was a meeting for everyone who was removed at Nkumbuleni, so I went to the meeting. I wrote on the form that I wanted money. I had built a life already here and I came here at a very young age, so I don't have much recollection of Nkumbuleni, I know just what my father used to tell me. It would have been very difficult to start over, also considering that Nkumbuleni is not so developed.*

Another young beneficiary shared the following sentiments:

*My family heard from the Zungu elders that we should go to Pietermaritzburg and lodge a claim. We indicated that we wanted our land back, Nkumbuleni was very important to my father. Our roots are in Nkumbuleni and it was very important to this family to go back there. It was my late father who lodged the claim and I don't have any knowledge of the options. I have only been involved in Nkumbuleni for the past five years. My parents wanted money, they were both unemployed and the money would have helped the family. But they said the government is not willing to give money to anyone.*

*My father attended a meeting that was at the hall and they were informed that they could claim their land, but it was impossible to go back as the government does not allow for that, so he opted for money.*

### **Trustees**

One trustee had this view:

*We attended a workshop that was intended to discuss the different options that were available for settling our claim. I got the view that the officials had decided already because all we discussed was co-management. We were told that running the land was our best option because we can't get money and won't be able to go back to our land. I wonder today what the point of discussing options was if a decision had already been made on our behalf. We were advised that that's what the law requires: that people are given the business to run.*

Another trustee added that:

*We were told that reoccupying the land was impossible since most elders wanted that option. We were then advised that money will not be available because the government is aiming to develop black communities into farming and business. So, we took that option because there was not really any other option, although we were skeptical about how this would work out because we had no business knowledge or experience, especially something as complicated as conservation.*

A further trustee said:

*I wanted money for compensation because I left Nkumbuleni a long time ago and my life is here, but I understood that we had to make a collective decision. I think the government decided to give us land, but most of the elders wanted the land and we were happy about the decision because it's what our parents died wishing for.*

Yet a further trustee confirmed this by saying:

*Initially we wanted money but from the meetings that were held and the advice we received, getting the land was the most profitable business. We did choose that option; we were a community-endorsed trust, so we were entrusted to make decisions that we believed were best for everyone. I still do believe that this is the best option, just that a few things need to be sorted. We had a workshop where we were represented by a lawyer to discuss the different options that were identified for our people and from the presentation, even not knowing much, we could tell co-management was the best option. I personally wanted money but after the workshop it was clear that the best thing was to take the land.*

### **Land Claims Commission**

An officer from the Land Claims Commission explained:

*Before the options workshop, the process is that we do an assessment of the claim and identify options suitable for that specific community and land being claimed. The assessment also includes identifying the community's expectations and needs. In the case of Nkumbuleni, a lot of people were expecting to be given their individual plots of land. Our policies prohibit physical occupation of the land that has a commercial value, in this case being a farm and a game reserve. For settling the Nkumbuleni claim, the following options were available: Co-management Contract, Joint Venture, Skills Plans/Transfers and Lease Back.*

The Nkumbuleni community seemed to be divided in their expectations for the outcome of the claim. There was a group that hoped to return to their ancestral land and rebuild their homes. They were hoping the government would provide compensation that would enable them to rebuild their homes.

This group was mainly characterised by older people who had grown up in Nkumbuleni. For some of these families, going back to Nkumbuleni would mean their dignity was being restored.

Another group identified was that of families that preferred financial compensation. This was a diverse group, made up of both the young and elderly. They believed that they had built new lives in their present townships and settlements, and some of them had been born there. There was also the perception that financial compensation for the land would assist in providing good educations for their children.

According to the responses obtained from land claim beneficiaries, there seemed to be many who were not aware of the different options for settlement available to them. Some were of the view that the government decided on the settlement option. Nonetheless, members of the trust were aware of the different options available to them. This shows a breakdown in dissemination of information from the commission to the community.

An issue that emerged in the land claim process is the exclusion of the land's previous owners by protected area's management. This is found to be a crucial element, since management in the protected area is expected to enter into an agreement with the community as part of the settlement process. It therefore makes sense that they should be part of this process to fully understand the agreement's goals.

#### **4.4.3 Perceptions and views regarding co-management, and neglect of co-management conditions**

Cundill *et al.* (2013: 172) describe co-management as an arrangement of joint decision-making between the state and local communities, where entitlement and responsibility are defined. Co-management differs from other forms of participatory natural resource management because it addresses the issues of power-sharing and partnerships. The co-management framework depicts that, for co-management agreements to be successful, certain elements or conditions need to be present.

These conditions include: trust between partners, tangible economic benefits, legal representation for claimant communities, and post-settlement support. These conditions were explored in the case of the Nkumbuleni land claim, with the following results:

##### **4.4.3.1 Trust between partners (trustees and beneficiaries, government officials and the management authority)**

When asked about their relationships with the other partners, respondents had the following to say:

###### **Trustees**

Trustees shared these sentiments:

*We had promised people to look after their interests, but they do not trust us now, because they do not know whether we have been keeping the benefits amongst ourselves. Not that I blame them, it does not make sense for even me as a trustee, on how we managed not to make a cent from a business we acquired already functioning and with a clientele. I am also of the view that our partners must be doing something wrong but there is nothing I can do about that because I don't have any proof.*

One trustee had this to say:

*It has been seven years since we received our first piece of land and we do not have a cent in the Nkumbuleni trust account; that does not make sense for me. The other problem is even us as trustees we had secrets amongst each other. The only people that had access to all the information are the chairman, his deputy and secretary. The rest of us, as additional members we do not know anything going on. The government has never been available to address our issues until the business was in trouble. Even then they did not just offer to help, they offered us a loan. The business is not profitable, so how are we going to repay that loan? On the other hand, there is pressure and frustration from the community, they want the benefits that were promised to them. We had agreed that if documents needed to be signed, we would do that collectively, so that if one was unclear about something the other members would enlighten them. But we still had documents that were said to be urgent brought to our houses at night.*

The above statements indicate that the Nkumbuleni community has not realised any benefits from their land. This lack of benefits has also resulted in mistrust and conflict within the Nkumbuleni community. These conflicts are not only attributable to the lack of benefits received by the community, but also to the unmet expectations that they had.

Management issues amongst the trustees are also revealed, since there is a reported lack of transparency apparent. These issues have led to the community being of the view that fraudulent activity which deprives them of the benefits due to them is taking place. Frustration also stems from those members of the trust who believe that the business enjoys profits, but that these are being kept from them.



This affirms statements by Plumber and Fennel (2008: 150), and Jamal and Stronza (2009: 174), who assert that multi-stakeholder conflicts in protected areas can be dated back to the late 1970s, and who allege that the issues at the root of conflict between people and authorities are the poor distribution and misuse of power.

There is a view that the authorities or government hold all the power, while local communities see few benefits from its use. Plumber and Fennel (2008: 149) further maintain that protected area environments are complex and dynamic, having interdependencies between multiple stakeholders who often maintain different views and values which thus creates conflict.

Another trustee added this:

*We had been raised to know that a white man knows better, you do not argue or be on the same level with them. Now we were being in partnership with them, so we gave them all the power, as a result we have not benefited from the partnership. We are only informed about the position of the game reserve, we don't even know if the reports we are given are a true reflection of the business, but what can we do?*

### **Beneficiaries**

A beneficiary had this to say:

*They don't consult us in any decisions they make, even community meetings have been limited. Not that there is any expertise we have but you don't just do as you please with people's resources. One of the days we witnessed a helicopter pickup game from the park and we were never informed what that was about. What we know is that we need more money to buy more game, so it did not make sense that we would be selling the few we have. The people we had appointed to replace us seem to be putting their interests first.*

*We have recently learnt that a secret bank account, other than the Nkumbuleni account, exists and only three people have access to it. A lot of fraudulent activity is going on. The mistake we made was giving people a responsibility and then not hold them accountable. We were of the view that they were part of us, thus they would look after our interest.*

Another beneficiary added this:

*A new trust is in place now, due to conflicts that exist between us as members of Nkumbuleni. Although the legal time for the old trust had passed, the community had collectively decided they should continue, since they had gained experience. They had made mistakes and learnt from them, so we thought it was wise to keep them. As a community we are now divided; some of the people do not even attend meetings anymore. The most difficult issue about this is most of us are related, so the conflicts have even emerged amongst families, because we are of the view that some people have benefited from Nkumbuleni. All four main members of the trust now own big businesses and some of them even stopped their full-time job to work for the community. My question is, if there has been no income or profits, how do then some people afford to quit their full-time jobs and be actively involved in the running of the businesses?*

### **Management Company**

The following comment was obtained from the management company for the reserve:

*We have a good working relationship with the trustees, the chairman is invited in all strategic meetings and he is also part of executive decisions. We also have community meetings where all the trustees are involved to address any issues there might be with regards to the business. There is, however, an issue of transparency, as people generally feel they are not informed on everything. This is a new concept for everyone involved, so there are bound to be problems.*

While not easy to measure, field work at Nkumbuleni indicates that local people and government officials from the Department of Rural Development and Land Affairs, the Management Authority at Tala Private Game Reserve, and Trustees are not consistently present or available. Besides the current disagreements between the beneficiaries and trustees, and between the land trust with the management authority concerning the financial state of the game reserve, the mistrust is mainly historical.

Conservationists have traditionally believed that local people practiced environmentally destructive livelihood activities that needed to be controlled. Similarly, local communities have been suspicious of government intervention, particularly in areas involving land and natural resources. Research has reported on how local people were deceived into giving up their land, and later forbidden access to land and resources (Kepe 2005, 2008).

The mistrust is, however, not confined to Nkumbuleni. Similar conflicts have been identified at Dwesa-Cwebe. This community witnessed four changes in the land trust due to internal conflicts, with the first trust refusing to recognise the authority of newly-elected Land Trust Committee members.

In addition, conflicts were witnessed at Mkhambathi Nature Reserve following the implementation of the co-management agreement, where the community resolved to trespass and perform illegal activities in the park due to their being side-lined by management (Ntsona *et al.* 2006; Kepe 2008)

#### **4.4.3.2 Tangible economic benefits**

According to Carlsson (2005: 74), if communities are made partners in conservation, it is only logical that they should benefit as such. Research further affirms that benefits derived by local communities from practicing biodiversity conservation need to exceed the costs incurred for them to feel obligated towards it (Mbaiwa and Stronza 2011: 1957). Imran *et al.* (2014: 292) also concur that a lack of involvement, a lack of perceived benefits, and inadequate interaction between locals and conservation administrators could result in negative attitudes from communities that can be threaten the success of protected areas.

The above statements confirm the importance of the benefit for local communities in enhancing the relationship between themselves and conservation administrators. In co-management cases, local people are both partners and the legal land-owners, therefore making it even more essential that they obtain benefits.

The co-management models presented in the framework for the study illustrate that community participation in co-management is encouraged based on socio-economic opportunities (DEAT 2007: 5-6). Benefits for the community therefore become an essential element in the success of co-management. This is confirmed by De Koning (2009: 11), with the author warning that should protected areas fail to generate benefits that are distributed throughout communities, it is highly likely that pressure from these communities for direct access to their land will arise.

Two management models were reviewed that can be used to involve tourism in protected areas Whitelaw *et al.* (2014: 589): The Money Generating Model (MGM) and the Tourism Impact Model (TIM). These two models look at expenditures by tourists, park authorities and regional multipliers, and estimates the economic benefits for the area, including employment generated by tourism activities, using the regional tourism multiplier effect. They also calculate the impacts attributable to park tourism, such as visitor numbers, tourist expenditures, populations and employment, as well as economic and budgetary considerations.

When asked about any benefits they had received from co-management of their land, one respondent had the following to say:

*I have not received anything or benefit of any nature from the land, I was just told that our claim was successful, and we now own the businesses, but it ended there. Business is going on although there are reported issues recently but it's not making any money for us.*

A trustee said:

*I have not received any benefits; the only money I have received is a transport stipend for attending meetings. From what I know, it is still a long way for any benefits to materialise. When the Tala Private Game Reserve was given back to us, we had to buy cars, game, furniture and other equipment on credit, so the money we make must go towards settling the debt. The previous owner took everything that belonged to him when the land was given back to us. We received very little support from the commission and the game reserve is not as busy as it used to be. The standard has dropped because not everything was replaced because the loan we received was not enough to purchase everything that was needed.*

Another trustee added this:

*It's impossible that we will receive any income or benefits from the place, the best option would have been to go back. We would make money as subsistence farmers, running our own plot, rather than this arrangement. Even with skills development or employment it's still not practical, we have 211 families and God knows how many households within each family, so how many jobs can the land really provide. We are stuck, there seems to be no way forward, then we wonder of the whole point of getting our land back. White people took this land from us for nothing, they did business and made money for years, now the government spends millions buying the land from them, and we are still forced to partner with them. What choice do we have, and they still benefit?*

A further trustee shared the following sentiments:

*A transport stipend was given to us as trustees every time we attended a meeting. It barely covered transport costs, and in some instances, it was not even available, so we had to use our own money. So, I wouldn't say I have received any benefit.*

These responses indicate that very few benefits have been realised by the Nkumbuleni community. Furthermore, there is the view from some respondents that there might never be any tangible benefits seen by them. This view arises from issues surrounding the functioning of the game reserve, which include high running expenses. There is also the issue of large families, where, even if dividends were to be shared, they would make very little difference. Trustees added that an inconsistent transport stipend was the only payment they had received, and in some cases had to spend their own money to attend meetings.

These findings confirm what the literature by De Koning, Cundill, Kepe, and others has reported regarding co-management cases. A lack of tangible benefits from successful land claims has also been discovered to exist at MKhambathi Nature Reserve, Dwesa-Cwebe Game Reserve and Nyeleti Game Reserve. A sense of loss, rather than of perceived benefit, is found to be felt by the Nkumbuleni people. This is at odds with the principles of conservation as state in the literature, that the benefits derived by local communities need to exceed the costs they incur for them to feel obligated to conserve biodiversity (Mbaiwa and Stronza 2011: 1957).

### **Beneficiaries**

All 18 of the land claim beneficiaries that were interviewed seemed to echo each other. The following is typical of their responses:

*My family has not received any benefits from the land. Nothing has come our way. From what we have been told there has been no profits because of the debts we have. I have not received a cent from anyone, the last I heard was that our children would receive jobs and get bursaries and that was it. We have been told that the businesses are not doing well, we owe the government.*

### **Management partners**

When asked about any benefits that had been realised by the community, the manager shared this:

*There are people from the community that are employed in the park. We have 88 employees and three of them are Nkumbuleni beneficiaries. The plan is that all future recruitments will give preference to the Nkumbuleni community, as this was not the case before. In terms of profit-sharing: that you will have to discuss with the trustees, as they are responsible for distributing whatever profits there might be.*

*We are also organising a skills programme/mentorship, where we will train interested youth of Nkumbuleni in tourism and agriculture in order to equip them for better opportunities. We are, however, struggling with resources, mostly funding, and once that is sorted more benefits will be available for the people.*

Imran *et al.* (2014: 291) indicate that tourism is a promising source of revenue for protected areas and can play a significant role in improving local economies. There has, nonetheless, been criticism that some protected areas had not reduced poverty, but rather added to it. This was seen to be the case at Nkumbuleni, where the community was removed from their land to make way for conservation, thereby losing access to natural resources, livestock grazing and land for subsistence farming.

The case at Nkumbuleni contradicts the recommendations by De Koning (2014) that a socio-economic impact needs to be created for communities where they benefit from the implementation of land claim settlements and management agreements more than the other participants.

Responses from management partner representatives indicated that although the park employed local people, very few of them were from the Nkumbuleni community. This was due to the park not previously having given preference to land claim beneficiaries as they now do. The issue of profit-sharing, remains unclear, however, as the respondents could not indicate whether any dividends had been paid to the trust. Other benefits, such as business opportunities, skills development for young people and bursaries, are still in planning stages, with no indication of when and how they will be implemented. This is because of the issues raised by management of poor funding and the need for resources to make the park more profitable.



This issue is not unique to Nkumbuleni. A South African progress report on land claims in protected areas acknowledged that securing funding and sponsorship for the development of tourism in protected areas is one of the major setbacks to successful co-management (Parliamentary Monitoring Group 2013: 15). Moreover, Mapoma (2014: 67) advises that the issues of access to natural resources and what benefits should go to the communities need to be dealt with prior to the signing of land settlement agreements. This is to avoid post-settlement conflicts that often arise between community members and the stakeholders concerned over access to natural resources and the sharing of benefits (Mapoma 2014: 67).

#### **4.4.3.3 Legal presentation for the Nkumbuleni community**

Reconciling the aims of land reform and biodiversity conservation is a complex responsibility, especially in developing countries with deep socio-economic problems that bear the impressions of historical injustices. It is also hard to achieve such reconciliation when there is a lack of understanding between “sectors dealing with biodiversity conservation and those dealing with human and land rights”. Such a lack of understanding leads to mistrust, which in turn prevents the development of innovative strategies that could balance the goals of land reform and biodiversity conservation (Kepe 2008).

In the South African context, land claims and biodiversity conservation receive government priority. This is given legislative expression in the Restitution of Land Rights Act No. 22 of 1994. The act makes provision for the protection of land rights by requiring legal representation in the facilitation of the land claims process. This is to ensure that the community’s rights are not infringed upon.

Kepe (2008), Cundill (2010) and De Koning (2010), however, report flaws in co-management agreements which did not seem to address those issues relating to land rights. Ntshona *et al.* (2010: 357) add that the right to natural resources, which should be enjoyed as part of such agreements, is not fully realised by claimant communities. The same issue emerged when analysing Mkhambathi Nature Reserve's settlement agreement which failed to address two important rights: land tenure and the use of natural resources.

When questioned about legal representation and any clarity provided on land rights, the respondents had the following to say:

A land claims officer stated:

*Legal representation was provided to the community before the options workshop to ensure that they made an informed decision. They were represented throughout the process until an agreement was signed. Like I said earlier, our job is to process the claim after it has been finalised. It is up to other government departments to ensure continued support is provided. The community requires more support and needs to establish whether co-management is feasible in their specific situation.*

A representative of the Nkumbuleni community had this to say:

*I do not know what rights we have to the TPGR, I know it belongs to us and it ends there. I have no idea if we can go there or we would have to pay entrance fees like everyone else. I know that the land belongs to us and that we will benefit in an organised manner, but we have never been informed about any rights to resources or access. I don't know about any rights, we were never informed, we were just told that the land now belongs to us and that we need to run it as a business.*

Another member added that:

*We did have a lawyer that we were introduced to at the beginning of the whole process. He helped explaining the things whenever we needed clarity during the meetings that were held. I don't remember anything on community rights being addressed to be honest. I will give you an example: when we were given our land back, a small portion was allocated to us if anyone wanted to go back and rebuild. But that land is being used by people we don't know on what grounds?*

In the case of Nkumbuleni, although a certificate of ownership for the Tala Private Game Reserve lies in the hands of the Nkumbuleni Land Trust, there are still concerns about people's perceptions of their right to the ownership of this land. This issue of local rights remains unclear, as does the legal action that people need to take should they feel that their rights are being infringed upon. The issue of the right to the use of local resources also remains unclear. The Nkumbuleni people continue to be unaware of how their right to land ownership of the reserve affects the legality of certain actions they may take with regard to the use of the reserve's resources. The Nkumbuleni community representative mentioned that a piece of land had been allocated for residential purposes, but that there was uncertainty as to the steps that needed to be taken should the community wish to rebuild or use this land.

#### **4.4.4.4 Post-settlement support**

Berkes (1997, in Kepe 2008: 316) raises an important question: "Do we have appropriate institutions, both local and governmental?" For South Africa's young democracy, and with the governance status quo as it is in rural areas, this seems like a pertinent question. While much progress has been made in designing useful legislation and policies, as well as creating relevant institutional frameworks, many critics have pointed out many flaws regarding the implementation of policies and legislation are also evident in South Africa.

Too much or too little political involvement (Ntshona 2010), poor inter-departmental coordination (Kepe 2008: 316), and human resource problems (Cundill 2013) are some of the key challenges facing government institutions in implementing community leadership skills, benefit sharing mechanisms, and monitoring and conflict resolution mechanisms, which are very important to the success of co-management.

Provision of training for these kinds of mechanisms and skills does not normally fall within the mandates of management authorities and needs to be arranged for through those government departments that, with the assistance of NGOs, supervise registered representative community structures. In the case of land restitution little governmental support has been provided for, since the Department of Land Affairs' duties appear to terminate once land has been legally transferred back to claimant communities (Kepe 2010).

Government must recognise that adequate time and resources are needed to establish co-management of land and resources as an effective working model. Government must also ensure that commitment to, and funding for, such projects, including adequate support structures and training facilities, are in place to ensure their success (De Koning 2009: 12). The availability of appropriate structures to provide support for co-management is an issue central to its true realisation.

Discussion of the issue of post-settlement support in the Nkumbuleni case study obtained the following responses:

One Nkumbuleni trustee said:

*The game reserve is falling apart; the farm is also falling apart. We signed things that we were not aware that they were getting us into bad business deals with advice from the educated members of the trust whom we believed they knew better. They came up with ideas and because we had complete trust in them we gave them a go-ahead. They even made us sign a document that allowed the three of them to make decisions and approve things without the rest of us. They added a new member, whom they appointed as a director, and agreed on a salary on their own. A new bank account I, as a treasurer, was not aware of was opened by these three members and we have no idea what money went in there. None of these things would have happened had the government been involved.*

Another trustee added that:

*There has been little support from the commission. The game reserve is not as busy as it used to be. The standard has dropped because not everything was replaced by the loan, the money we received was not enough to purchase everything that was needed. This settlement method was a good decision if we were more informed, had the knowledge and skills required to run the farm and the park, and some support would have come a long way to prepare us into making sound business decisions.*

A member of the trust shared these sentiments:

*We were made to believe that being given land would provide a lifetime financial stability and that sounded like a better idea than a once-off payment. However, training and support should have been provided to ensure everything runs smoothly and to avoid being exploited by individuals.*

*I think a way forward to this is to continue running the land, but we need people to be trustworthy and we need proper training and institutions to come forward and provide support because if that does not happen, then the whole government plan of keeping the economic value of the land will be futile.*

From the above responses, a definite need for community support and training is evident. The Nkumbuleni community felt that they were not well-enough equipped to manage the business of the game park, and there was also the expectation that government should intervene to ensure the smooth operation of the project. In addition, there is a school of opinion that views those community members who were directly involved in the running of the business as exploiting community resources to profit themselves. A breakdown in communication, and consultation in decision-making also seem to have taken place.

The community believed these issues could be addressed by government intervention. The need to be informed and having the necessary skills to run the business of the game reserve are other issues that the respondents raised. These sentiments are reiterated by the community's management partners, as they too believed that the transition would have taken place more effectively if proper training had been provided.

A manager is quoted as saying that, "...they shoved us with a contract and partners, with no clear plan of how exactly things would work". The manager adds that this should have been the task of co-management to achieve, and that co-management would be less dreaded when everyone understood their roles and responsibilities and were fully equipped to undertake them.

The Nkumbuleni people seemed to be facing a similar problem. The Regional Land Claims Commission reports that it has only four post-settlement officers responsible for all land claims lodged in KwaZulu-Natal. The commission says other government departments should be involved and should provide them with their expertise. In the case of Nkumbuleni, the Department of Tourism should provide support to ensure that the game reserve remains a sustainable business contributing to tourism in the province. For without post-settlement follow-up and support, how is it then ensured that co-management remains a success, and addresses the socio-economic circumstances that it is expected to?

[Attribution: A RLCC source says:]

*We have four post-settlement officers responsible for all the claims in the province, it is difficult to attend to all the cases. We expect other government departments to also intervene in assisting communities after the claim has been settled. They need to provide proper training and support to ensure that the projects are a success. My job was to ensure that the Nkumbuleni claim is settled without any problems.*

It was evident that there was a crisis in Nkumbuleni. The game reserve had been running at a loss since the restitution of land to the claimant community took place, but its status remains as that of being a "successful claim".

The question then remains as to what exactly constitutes a successful claim? Do we refer to any claim that the commission has settled as successful, regardless of how or whether the land was then made productive?

When studying the available documents on the case, especially the Nkumbuleni Land Claim Settlement Agreement, various themes emerged almost universally: conservation in perpetuity, optimisation of benefits to claimants, shared decision-making, and the sustainable use of natural resources.

These themes offer a comprehensive summary of the international discourse on what co-management is meant to achieve. In the researcher's experience, the Nkumbuleni case highlights the fact that the reality on the ground is often quite different to the theories forwarded in the literature.

## **4.5 Discussions**

### **4.5.1 Tangible economic benefits**

Delivering economic benefits to local people as incentives to practicing conservation have been widely documented (Carlsson 2005: 74; De Koning 2009: 11; and Imran *et al.* 2014: 291). There is consensus that the only way to achieve conservation in protected areas is through the involvement of local people. The involvement and participation of these people is based on the ability of co-management projects to provide economic benefits to them in return. In cases such as Nkumbuleni, where a perception of benefits was the reason for which the local community entered into an agreement regarding a protected area, it should be made mandatory that tangible benefits also as there is no other reason for people to surrender their land to conservation and not benefit from such an arrangement.



The people of Nkumbuleni are primarily dependent on social security grants for their incomes, with a few members of the community owning businesses, and even fewer having professional careers. Mophela, Sankonshe and KwaXimba, where most of the respondents resided, are typical rural enclaves faced by many social issues, including poverty, unemployment and illiteracy. The settlement option that is best suited to them is therefore the one that most improves their livelihoods.

The data collected indicates that, for as much as the game reserve employs local people, very few are from the Nkumbuleni community, with not even one holding a management position. There is, however, a plan to increase employment for land claim beneficiaries, as the game reserve has decided to source all future employees from the Nkumbuleni community and provide training where necessary. The community had subscribed to the idea of owning land and building a legacy for their families, but present-day uncertainty is evident in the community as its members wonder whether their land will ever benefit the community at large, or whether it will only ever enrich a few individuals.

#### **4.5.2 Tourism: reconciling conservation goals with land rights**

Research recognises that tourism is a promising source of revenue for protected areas (Plumber and Fennel 2008: 149; and Sandbrook and Adams 2012: 916). The expected potential for this revenue is agreed to exercise significant influence on improving local perceptions of these areas. Due to the potential for growth in tourism, it is hoped that this could also be an answer to making the growing number of land claims in these areas successful. The government aims to maintain the status of all protected areas that have been returned to local communities.

However, maintaining their protected status puts pressure on these areas, as they are also expected to provide tangible benefits to claimant communities.

The Tala Private Game Reserve has the potential to see growth in tourism, as it offers a unique experience to nature enthusiasts. The reserve's tourism products include: organising of weddings and other events, a conference centre, Latala restaurants, picnic sites, game drives, guided walks, and lodging facilities. The potential for tourism in the game reserve is evident, but there are several problems that appear to stand in the way of this very necessary development.

The first hindrance is the availability of finances, with a need to improve the reserve's lodging facilities. The government grant provided for the purchase of non-fixed assets was insufficient for the purchase of all furniture that was needed. Consequently, some of the lodges are not utilised, as they do not meet the required standards for guests. Another issue is the limited number of game in the park, because most of these animals were removed by the previous owner, and a surplus of game in protected areas is essential to improving visitor experience. Also, only a limited number of vehicles for game drives is available, while events that the park organises are kept to a minimum, since they require working capital, which in this case is limited.

These issues have had a negative impact on the revenue potential of the park and have led to a decrease in the park's patronage. This is also seen as increasing the overall cost of running the park, because employees still need to be paid, regardless of the limited patronage revenues available. The importance of addressing all these issues to increase the tourism potential of the park cannot be overstressed.

### **4.5.3 Discontent and conflicts**

Discontent from the community with the original settlement option chosen, and with the subsequent management record of the protected area, it is evident in the data collected, beginning with the settlement option chosen being at odds with that which most of community members originally wanted. The current state and management of the protected area adds to this discontent, since the Nkumbuleni community entered into a co-management agreement based on the promise that the agreement was their best option in obtaining greater benefits from the project. Seven years after their claim succeeded, the Nkumbuleni community has still not realised any benefits from their land.

Conflicts are in evidence, as some of the members of the community stopped attending meetings which they viewed as a waste of their valuable time. A change in the trust, and the failure of the old trust to recognise the new trustees, is another issue arising from mistrust amongst community members. There also seems to be a lack of understanding from the community of the fact that co-management does not bring immediate benefits, and that, moreover, it entails cost. These flawed perceptions and expectations are the basis for conflict experienced between the respective partners.

In the case of Nkumbuleni, the Department of Rural Development and Land Reform provided very little support to the community and assumed that their job was done when the titles for the land were transferred to the community. A need for government intervention is indicated to provide training in community leadership skills, and benefit-sharing, monitoring and conflict resolution mechanisms. The department has, however, left these in the hands of the management partners and “other” departments.

#### **4.6 Summary**

This chapter analysed the co-management agreement employed at the Tala Private Game Reserve and assessed its appropriateness in addressing conservation and land rights goals.

The interviews conducted during the course of the study were analysed and interpreted using themes and sub-themes. The findings of the study were then compared to the body of evidence presented in the literature review. Based on analysis performed for the study, the next chapter presents conclusions and recommendations from the study's findings. Recommendations may be used as the basis for further future studies.

## **Chapter Five**

### **Conclusions and Recommendations**

#### **5.1 Introduction**

The previous chapter presented an analysis of the data gathered for the study from interviews conducted and content analysed.

This chapter focuses on a discussion of the study's findings as given in the literature review in chapter two and the data analysis in chapter four above. It also seeks to present the recommendations of the study, recommendations for further studies, and the conclusions of this study drawn from all findings presented.

#### **5.2 Aims and objectives of the study**

An analysis of the studied literature revealed that, following successful land claims on protected areas in South Africa, co-management arrangements had been created between tourism authorities and claimant communities who had legally been awarded the rights to their land. Researchers doubt that these partnerships constitute success for both land claimants and protected areas, however, with authors making a profound argument for this, using examples from cases where co-management did not translate into benefits for such communities.

The main purpose for conducting this study was to critically evaluate the effectiveness of co-management in reconciling community land rights problems by using economic benefits for communities as incentives in achieving the goals of conservation for tourism. This research project was significant as it identified both opportunities and weaknesses in this management model.

The findings can further guide the settlement of future land claims within the context of protected areas.

The aims of this study were accomplished through the establishment of the following objectives:

- To explore the potential of tourism at game reserves to provide economic benefits for claimant communities;
- To determine community attitudes towards co-management agreements employed at such reserves;
- To ascertain the true level of co-operation amongst stakeholders at reserves to ensure the success of co-management agreements; and
- To establish whether co-management agreements address and protect community land rights.

### **5.3 Summary of the study**

**Objective one** was to explore the potential of tourism at game reserves to provide economic benefits for claimant communities.

The literature review presented findings supporting the premise that the provision of tangible benefits for claimant communities is a major challenge facing co-management projects in protected areas. This challenge was posing a very real threat to the conservation of biodiversity in such areas. The literature also revealed that perceived benefits are the real reason why local communities initially enter into co-management agreements, with frustrations and conflict also being reported in various co-management cases where agreements had not translated into tangible benefits for claimant communities.

This first objective was achieved primarily using interviews. These interviews focused mainly on establishing whether the protected area realised sufficient profits to be distributed to community members, and on whether the game reserve was able to employ members of the claimant community. It also established if there were any plans to develop tourism for the protected area in the future.

Findings for the study indicated that the Nkumbuleni community had not realised benefits of any nature from the co-management agreement, be they employment or business opportunities, profits from game sales, dividends, bursaries or access to resources.

It was further revealed that plans to employ not just local people, but specifically members of the Nkumbuleni community, are in place. Lack of funding for the development of tourism in the park was one of the major setbacks identified. This challenge is not unique to Nkumbuleni, however, since the literature revealed that one of the primary challenges to co-management is attracting investors.

The concept of benefits in co-management includes factors like revenue-sharing from tourism activities, the development of infrastructures, the availability of education and preferential employment opportunities, and the provision of medical facilities and building materials. Researchers have warned that the issues of access to natural resources, and of what benefits should go to communities need to be resolved between co-management members before finalising settlement agreements to avoid later hostility and conflict.

**The second objective** was to ascertain the true level of co-operation amongst stakeholders at reserves to ensure the success of co-management agreements.

An understanding of stakeholder relationships was sought using in-depth semi-structured interviews. These interviews were also used to establish an understanding of each stakeholder's role in the management of the park. There was a need, for instance, to establish whether people understood their roles and the roles of other stakeholders, and whether good working relationships existed between them.

The findings for the study reflect that most of land beneficiaries had no understanding of their roles and of what power they held in the co-management partnership. Their understanding was limited to the knowledge that they now owned the land and were to receive benefits from the land's business. All real power rested with the trustees, with no-one holding them accountable for any decisions they made. The trustees had a general understanding of their roles as co-managers of the protected area. However, a good working relationship between the trustees and the managers still needed to be established. The trustees were of the view that transparency did not exist, and that they were not fully involved in decision-making.

The role of government seemed to be very unclear, since there was the expectation of government involvement to provide support and facilitate a smooth transition in ownership after the agreement was signed. The Land Claims Commission, however, seems to have assumed that their task was complete following the agreement's signing.



The commission has been fairly criticised for this neglect in previous studies. These studies observed that their involvement in providing post-settlement support was essential to the success of co-management projects. This issue was being in contradiction to government goals for land reform, where it is stated that the aim of land reform is to address socio-economic issues through land redress, and not merely to redistribute land.

**The third objective** was to determine community attitudes towards co-management agreements employed at Tala Private Game Reserve.

The study established that community attitudes towards co-management and tourism were not only informed by unrealistic expectations of the benefits they would receive from the protected area. The failure of their initial expectation to use their plots of claimed land at their own discretions had a significant impact on building negativity towards the co-management approach.

The promise of tangible benefits from the project also seemed to have had an influence on how people's attitudes were formed. Their agreeing to co-management was based on the initial assumption that it was the best option for them since it would provide them with benefits for a lifetime. This implies that the community entered into the co-management agreement with the idea that their livelihoods would be better improved than by using any other available option.

There also seemed to be lack of understanding in the community that co-management projects do not provide immediate benefits, and that they also entail costs.

In previous studies it was reported that the distribution of incentives, the provision of training on business activities, and the granting of access to protected areas can positively influence community attitudes towards these areas. Authors warn that if these factors are not considered that the long-term survival of protected areas could be in jeopardy.

It was further proposed that proper definitions for land rights and benefits to the communities need to be incorporated into settlement agreements. This means that settlement agreements need to be drafted in a clear and precise manner to be successful, with the researcher conceding that claimant communities must also thoroughly understand co-management and its implications to ensure that they do not expect benefits from its implementation for at least the first five years.

**The fourth objective** was to establish whether co-management agreements address and protect community land rights.

Data presented in the literature review stressed the importance of clarifying community land rights when co-management is used in addressing land claims. The lack of ongoing legal representation for claimant communities was also seen to be at the core of many debates. Issues regarding community rights were raised in certain cases where land claims had been settled, but where there was still uncertainty as to what rights the new owners had to the land. Rights of access to and use of land resources were particularly highlighted in the Mkhambathi Nature Reserve case study, where members of the claimant community resorted to trespassing and illegal use of the resources within the park.

This final objective was achieved using both responses from interviews and the documentary analysis conducted. The interviews set out mainly to find whether the community understood their rights as partners and legal land owners in co-management projects, and whether legal representation was available to ensure community rights were not being infringed upon. Documents concerning the agreement were analysed to provide insight into the issues of resource use and of what steps had been taken to protect community land rights.

From the findings of the study it was discovered that, although the Nkumbuleni Trust now have legal ownership of their land, there is still little understanding of the rights they have to the land and its resources. Their understanding is limited to knowing that they own the land and that they should receive benefits from its use. The Nkumbuleni community also did not seem clear as to how their right to land ownership of the reserve would affect the legality of certain of their actions about the use of the land's resources.

The findings revealed that legal representation was made available to the community. This representation was, however, limited to the settlement process, since it was earlier observed that post-settlement support forms another issue that needs to be addressed to ensure successful co-management.

#### **5.4 Recommendations**

Based on the findings of this study, the following recommendations can be made:

- Government must recognise that sufficient time and resources are fundamental to the success of co-management projects, and ensure that commitment to and funding for such projects are in place, including adequate support structures and training facilities;

- The availability of appropriate institutions to provide support is an issue central to the success of co-management;
- Where the feasibility of the settlement option chosen is in doubt, there should be an option for a review of this option after a stipulated period;
- Government must support all available settlement options, since in some cases alternatives, like lease-back or financial compensation, could provide better alternatives for communities; and
- The community must be advised that co-management does not provide immediate benefits but involves risk-taking and benefit-sharing for all parties involved.

### **5.5 Suggestion for further research**

Further research could explore the following:

- An exploration co-management as a suitable model for reconciling land rights with goals of conservation on protected areas in KZN, Eastern Cape, Mpumalanga and Western Cape Provinces.
- Quantifying the findings of the study to determine whether the findings are common to Tala Private Game Reserve where this study was performed.

## **5.6 Concluding remarks**

In conclusion, this chapter sets out a summary of the study's findings by providing links with the literature reviewed. Conclusions and recommendations are also outlined in this chapter. This study argues that co-management is a logical approach to involving local communities in the administration of protected areas. However, as a model used to address land claims by reconciling the necessity of conservation for tourism purposes with land rights, its success remains inconsistent with its aims. The omission of key conditions for successful co-management raised problems, even if co-management was appropriate for the Nkumbuleni case.

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# ANNEXURES

## Annexure 1

### Request to conduct research

Date: 22 March 2013

**RE: Permission to conduct research on land claims and protected areas and assess the co-management strategy employed to settle the claims within protected areas**

Dear Sir/madam,

My name is Zikho Qwatekana and I am a master's student in the Department of Hospitality and Tourism at the Durban University of Technology. As part of the academic requirements for my studies I am expected to conduct research on a tourism-related topic and ultimately submit a dissertation for examination. I am interested in the developments that have been taking place concerning the issue of land claims in protected areas and would like to conduct research on the effect of these claims and assess the government used in resolving the land claims. The research will purely be for academic purposes and will in no way attempt to uncover or reveal any confidential information that may be related to the study. The proposed research will require that I communicate with representatives of the Land Claims Commission and would very much appreciate your permission to positively engage the Department on the matter as well as your assistance.

I would be willing to comply with any reasonable conditions that may accompany your willingness to co-operate in this study and of course share whatever information may emanate from the research.

Your assistance in the above matter would be highly appreciated and I trust that my request will be met positively.

Sincerely,

Zikho Qwatekana

[Zikhon.zn@gmail.com](mailto:Zikhon.zn@gmail.com)/0843906310



## Annexure 2: Permission to conduct study



TALA PRIVATE GAME RESERVE  
District Road 362, Umbumbulu Road (R603)  
Camperdown, Kwa-Zulu Natal

Email: phelelani@tala.co.za

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Miss Z. Qwatekana,  
Department of Hospitality and Tourism  
Durban University of Technology

**Ref: Permission to conduct a study based on the Nkumbuleni people**


This serves to confirm that I gave Ms Z. Qwatekana permission to conduct interviews with Nkumbuleni trustees and beneficiaries on issues relating to land claims.

Ms. Qwatekana is pursuing a Masters degree in Tourism and her research proposal is an evaluation of land claims and the pursuit of co-management on protected areas: A case of Tala Private Game Reserve.

Ms. Qwatekana has been granted permission to conduct her study, she will further be assisted with a list of beneficiary households and any other available information that may assist her.

Hope you find this in good order.

Kind regards

  
Mr. Phelelani Duma  
For Secretary: Nkumbuleni Community Trust  
Date: 17 April 2014

## Annexure 3



### LETTER OF INFORMATION

#### BENEFICIARIES

**Title of the Research Study:** Land Claims and the pursuit of co-management on protected areas.

**Principal Investigator/s/researcher:** Zikho Qwatekana, BTech: Tourism Management, ND: Ecotourism Management.

**Co-Investigator/s/supervisor/s:** Nozipho Prudence Sibiya, Masters in Recreation and Tourism.

**Brief Introduction and Purpose of the Study:** The study seeks to explore land claims in South Africa's protected areas, focusing on the co-management model that is used by the government to resolve these claims. The purpose of the study is to highlight whether this model is appropriate and constitutes success for both the claimant community and conservation for tourism.

**Outline of the Procedures:** The participants will be required to discuss their views with regards to the subjects that will be raised by the researcher. Participants will be contacted, and interviews will be scheduled at any time convenient to them, they will be visited at their homes unless they are inaccessible then a venue of their choice will be used. A maximum time of an hour will be required from each participant.

**Risks or Discomforts to the Participant:** (None).

**Benefits:** The study will contribute to the body of knowledge, also assist the parties involved by providing insight on the state of the management model, thus pointing out points of improvements & pointing out areas for further research as this is a contemporary topic in South Africa.

**Reason/s why the Participant May Be Withdrawn from the Study:** Non-compliance, illness, adverse reactions. There will be no adverse consequences for the participant should they choose to withdraw.

**Remuneration:** None.

**Costs of the Study:** The participant will not be expected to contribute any money to the study, nor any other costs are to be incurred by the participant.

**Confidentiality:** Participation will be voluntarily, and the names of the participants will not be mentioned in any way in the study. The results obtained will be solely used for academic purposes and there will be no publishing of any

part of the study without further permission from the participants. Where names of participants need to be used random alphabets will be assigned; e.g. Participant X.

**Research-related Injury:** There are no potential risks to results from the study as interviews will be conducted at the respondent's home, during the time convenient to the participant.

**Persons to Contact in the Event of Any Problems or Queries:**

Please contact the researcher (Zikho Qwatekana, Tel: 084 3906310, Email: zikhon.zn@gmail.com).

My supervisor: Nozipho Mazibuko, [Tel: 031 37375512](tel:03137375512)(W), 084 8535238 (Cell), Email: [mazibukonp@dut.ac.za](mailto:mazibukonp@dut.ac.za).

or Institutional Research Ethics Administrator on 031 3732900. Complaints can be reported to the DVC: TIP, Prof F. Otieno on 031 3732382, or Email: [dvctip@dut.ac.za](mailto:dvctip@dut.ac.za).

**General:** Participation is voluntarily, and results may be made available to the participants should they require them.

## Annexure 4



### CONSENT

#### Statement of Agreement to Participate in the Research Study:

- I hereby confirm that I have been informed by the researcher, \_\_\_\_\_ (name of researcher), about the nature, conduct, benefits and risks of this study - Research Ethics Clearance Number: \_\_\_\_\_,
- I have also received, read and understood the above-written information (Participant Letter of Information) regarding the study.
- I am aware that the results of the study, including personal details regarding my sex, age, date of birth, initials and diagnosis will be anonymously processed into a study report.
- In view of the requirements of research, I agree that the data collected during this study can be processed in a computerised system by the researcher.
- I may, at any stage, without prejudice, withdraw my consent and participation in the study.
- I have had sufficient opportunity to ask questions and (of my own free will) declare myself prepared to participate in the study.
- I understand that significant new findings developed during this research which may relate to my participation will be made available to me.

\_\_\_\_\_  
**Full Name of Participant**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Time**

\_\_\_\_\_  
**Signature/  
Right Thumbprint**

I, \_\_\_\_\_ (name of researcher) herewith confirm that the above participant has been fully informed about the nature, conduct and risks of the above study.

\_\_\_\_\_  
**Full Name of Researcher**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Full Name of Witness  
(If applicable)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature**

## Annexure 5



### LETTER OF INFORMATION

#### TRUSTEES

**Title of the Research Study:** Land claims and the pursuit of co-management on protected areas.

**Principal Investigator/s/researcher:** Zikho Qwatekana, BTech: Tourism Management, ND: Ecotourism Management. **Co-Investigator/s/supervisor/s:** Nozopho Prudence Mazibuko, Masters in Recreation and Tourism.

**Brief Introduction and Purpose of the Study:** The study seeks to explore land claims in South Africa's protected areas, focusing on the co-management model that is used by the government to resolve these claims. The purpose of the study is to highlight whether this model is appropriate and constitutes success for both the claimant community and conservation for tourism.

**Outline of the Procedures:** The participants will be required to discuss their views with regards to the subjects that will be raised by the researcher. Participants will be contacted, and interviews will be scheduled at any time convenient to them, they will be visited at their homes unless they are inaccessible then a venue of their choice will be used. A maximum time of an hour will be required from each participant.

**Risks or Discomforts to the Participant:** (None).

**Benefits:** The study will contribute to the body of knowledge, also assist the parties involved by providing insight on the state of the management model, thus pointing out points of improvements and pointing out areas for further research as this is a contemporary topic in South Africa.

**Reason/s why the Participant May Be Withdrawn from the Study:** Non-compliance, illness, adverse reactions. There will be no adverse consequences for the participant should they choose to withdraw.

**Remuneration:** None.

**Costs of the Study:** The participant will not be expected to contribute any money to the study, nor any other costs are to be incurred by the participant.

**Confidentiality:** Participation will be voluntarily, and the names of the participants will not be mentioned in any way in the study. The results obtained will be solely used for academic purposes and there will be no publishing of any

part of the study without further permission from the participants. Where names of participants need to be used random alphabets will be assigned; e.g. Participant X.

**Research-related Injury:** There are no potential risks to results from the study as interviews will be conducted at the respondent's home, during the time convenient to the participant.

**Persons to Contact in the Event of Any Problems or Queries:**

Please contact the researcher (Zikho Qwatekana, Tel: 084 3906310, Email: zikhon.zn@gmail.com)

My supervisor: Nozipho Mazibuko, [Tel: 031 37375512](tel:03137375512)(W), 084 8535238 (Cell), Email: [mazibukonp@dut.ac.za](mailto:mazibukonp@dut.ac.za)).

or Institutional Research Ethics Administrator on 031 3732900. Complaints can be reported to the DVC: TIP, Prof F. Otieno on 031 3732382 or Email: [dvctip@dut.ac.za](mailto:dvctip@dut.ac.za).

**General:** Participation is voluntarily, and results may be made available to the participants should they require them.

## Annexure 6



### LETTER OF INFORMATION

#### LAND CLAIMS COMMISSION

**Title of the Research Study:** Land claims and the pursuit of co-management on protected areas.

**Principal Investigator/s/researcher:** Zikho Qwatekana, BTech: Tourism Management, ND: Ecotourism Management. **Co-Investigator/s/supervisor/s:** Nozipho Prudence Mazibuko, Masters in Recreation and Tourism.

**Brief Introduction and Purpose of the Study:** The study seeks to explore land claims in South Africa's protected areas, focusing on the co-management model that is used by the government to resolve these claims. The purpose of the study is to highlight whether this model is appropriate and constitutes success for both the claimant community and conservation for tourism.

**Outline of the Procedures:** The participants will be required to discuss their views with regards to the subjects that will be raised by the researcher. Participants will be contacted, and interviews will be scheduled at any time convenient to them, they will be visited at their homes unless they are inaccessible then a venue of their choice will be used. A maximum time of an hour will be required from each participant.

**Risks or Discomforts to the Participant:** (None).

**Benefits:** The study will contribute to the body of knowledge, also assist the parties involved by providing insight on the state of the management model, thus pointing out points of improvements and pointing out areas for further research as this is a contemporary topic in South Africa.

**Reason/s why the Participant May Be Withdrawn from the Study:** Non-compliance, illness, adverse reactions. There will be no adverse consequences for the participant should they choose to withdraw.

**Remuneration:** None.

**Costs of the Study:** The participant will not be expected to contribute any money to the study, nor any other costs are to be incurred by the participant.

**Confidentiality:** Participation will be voluntarily, and the names of the participants will not be mentioned in any way in the study. The results obtained

will be solely used for academic purposes and there will be no publishing of any part of the study without further permission from the participants. Where names of participants need to be used random alphabets will be assigned; e.g. Participant X.

**Research-related Injury:** There are no potential risks to results from the study as interviews will be conducted at the respondent's home, during the time convenient to the participant.

**Persons to Contact in the Event of Any Problems or Queries:**

Please contact the researcher (Zikho Qwatekana, 084 3906310, Email: zikhon.zn@gmail.com).

My supervisor: Nozipho Mazibuko, [Tel: 031 37375512](tel:03137375512)(W), 084 8535238 (Cell), Email: [mazibukonp@dut.ac.za](mailto:mazibukonp@dut.ac.za).

or Institutional Research Ethics Administrator on 031 3732900. Complaints can be reported to the DVC: TIP, Prof F. Otieno on 031 3732382 or Email: [dvctip@dut.ac.za](mailto:dvctip@dut.ac.za).

**General:** Participation is voluntarily, and results may be made available to the participants should they require them.



## Annexure 7

### Research Consent Form



OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU-NATAL  
200 Church Street, PIETERMARITZBURG, 3200, Private Bag X 9120, PIETERMARITZBURG 3200  
Tel: (033) 365 8400 | Fax: (033) 342 3409

18 August 2016  
Miss Z. Qwatekana,  
Department of Hospitality and Tourism  
Durban University of Technology

**RE: PERMISSION TO CONDUCT RESEARCH ON SETTLED RESTITUTION  
PROJECTS ON PROTECTED AREAS OF KZN**

This serves to confirm that Ms. Qwatekana, a student at the Durban University of Technology BTech: Tourism Management, ND: Ecotourism Management has been permitted to conduct research or interviews with the official of the Department responsible for the Nkumbuleni Land Claim – Ithala Game Reserve. The responsible officials are Mr. Lionel Joubert in Operations and Ms Yabongeka Ndlovu on Recapitalisation and Development. They can be contacted on the numbers above.

We hope you will find the above in order.

  
MR WALTER SILAULE  
DIRECTOR: OPERATIONS

# Annexure 8: Research Consent Form



Faculty of Management Sciences  
Department of Tourism and Hospitality

## RESEARCH CONSENT FORM

**Research Title:** Land claims and the pursuit of co-management of protected areas: A case of Tala private game reserve.

You are invited to participate in a study that explores land claims in protected areas in South Africa. Your participation in this study requires an interview during which you will be required to provide background information on the Tala game reserve claim. The duration of the interview will be approximately 30 minutes. It will be scheduled at any time convenient for you, at a venue agreed upon. With your permission your views will be audiotaped and transcribed, the purpose thereof being to capture an accurate record of the discussion.

**Risks and Benefits:** This research will hopefully contribute to the understanding on the settlement of claims in protected areas and the potential benefits is understanding and improvement of the restitution process for claims lodged in protected areas. Participation in the study carries the same amount of risk an individual will encounter during usual office activities.

Participation is voluntarily and anonymity and confidentiality will be maintained throughout the research process. The findings will be used for professional purposes only.

**How the results will be used:** This research study is to be submitted in fulfilment of the requirements of a Masters of Technology in Hospitality and Tourism, at the Durban University of Technology. In addition information may be used for educational purposes.

Zikho Qwatekana,  
Student

0843906310/ lusandaz@webmail.co.za  
Contact Details

Ms N.P. Mazibuko  
Supervisor / Promoter

03137375512/ mazibukonp@dut.a.za  
Contact Details

My signature means that I [redacted] is study.

Participant's signature: [redacted] Date 15 April, 2014

Stamp (if applicable)

[redacted]

## Annexure 9



### LETTER OF INFORMATION

#### MANAGERS

**Title of the Research Study:** Land claims and the pursuit of co-management on protected areas.

**Principal Investigator/s/researcher:** Zikho Qwatekana, BTech: Tourism Management, ND: Ecotourism Management.

**Co-Investigator/s/supervisor/s:** Nozipho Prudence Sibiya, Masters in Recreation and Tourism.

**Brief Introduction and Purpose of the Study:** The study seeks to explore land claims in South Africa's protected areas, focusing on the co-management model that is used by the government to resolve these claims. The purpose of the study is to highlight whether this model is appropriate and constitutes success for both the claimant community and conservation for tourism.

**Outline of the Procedures:** The participants will be required to discuss their views with regards to the subjects that will be raised by the researcher. Participants will be contacted, and interviews will be scheduled at any time convenient to them, they will be visited at their homes unless they are inaccessible then a venue of their choice will be used. A maximum time of an hour will be required from each participant.

**Risks or Discomforts to the Participant:** (None).

**Benefits:** The study will contribute to the body of knowledge, also assist the parties involved by providing insight on the state of the management model, thus pointing out points of improvements and pointing out areas for further research as this is a contemporary topic in South Africa.

**Reason/s why the Participant May Be Withdrawn from the Study:** Non-compliance, illness, adverse reactions. There will be no adverse consequences for the participant should they choose to withdraw.

**Remuneration:** None.

**Costs of the Study:** The participant will not be expected to contribute any money to the study, nor any other costs are to be incurred by the participant.

**Confidentiality:** Participation will be voluntarily, and the names of the participants will not be mentioned in any way in the study. The results obtained

will be solely used for academic purposes and there will be no publishing of any part of the study without further permission from the participants. Where names of participants need to be used random alphabets will be assigned; e.g. Participant X.

**Research-related Injury:** (There are no potential risks to results from the study as interviews will be conducted at the respondent's home, during the time convenient to the participant.)

**Persons to Contact in the Event of Any Problems or Queries:**

Please contact the researcher (Zikho Qwatekana, 084 3906310, Email: zikhon.zn@gmail.com)

My supervisor Nozipho Sibiyi, [Tel: 031 37375512](tel:03137375512)(W), 084 8535238 (Cell), Email: [mazibukonp@dut.ac.za](mailto:mazibukonp@dut.ac.za)).

or Institutional Research Ethics Administrator on 031 3732900. Complaints can be reported to the DVC: TIP, Prof F. Otieno on 031 3732382 or Email: [dvctip@dut.ac.za](mailto:dvctip@dut.ac.za).

**General:** Participation is voluntarily, and results may be made available to the participants should they require them.

## **Annexure 10**

### **INTERVIEW GUIDELINE: LAND CLAIMS OFFICER**

1. What options were available for the settlement of the Nkumbuleni claim?
2. Were all the options exploring, and what factors influenced the choice of the settlement option?
3. Was the community fully engaged in the process and consulted?
4. What are the challenges and benefits that came with this settlement option?
5. How are the challenges or shortfalls addressed or to be addressed going forward?
6. What opportunities does the co-management agreement present for the claimant community?
7. What kind of support has been provided to facilitate the new management strategy?
8. Do the agreement address issues of community rights to use and access land?
9. Does the community fully understand what this agreement entails and their role?

## **Annexure 11**

### **INTERVIEW GUIDELINE: CONSERVATION MANAGER**

1. How many people are employed by the reserve?
2. Are there any local people in management positions?
3. Are there any employees who are also beneficiaries?
4. To what extent are the trustees involved in the management of the park?
5. Are there any benefits that have been provided to the beneficiaries?
6. Are there any plans to develop the tourism services of the reserve to increase revenue, since the reserve is to provide benefits to 200 beneficiaries?
7. Has the reserve been receiving any form of support from government agencies or private sector since the agreement?
8. Do you understand what the co-management agreement entails?
9. How would you describe your relationship with the other stakeholders?
10. Is there consultation in decision making as co-managers?

## **Annexure 12**

### **INTERVIEW GUIDELINE: NKUMBULENI COMMUNITY**

1. Brief background of the Nkumbuleni land claim, including the parties that were involved and their roles.
2. Which options were available for the settlement of the Tala Game reserve claim?
3. What factors influenced the choice of the settlement option?
4. What are the challenges and benefits that came with this settlement option?
5. How are the challenges to be addressed going forward?
6. What opportunities does the co-management agreement present for the claimant community?
7. Is there consultation in decision making?
8. What kind of support has been provided to facilitate the new management strategy?
9. Did the agreement address issues of community rights to use and access the land?

<b>Annexure 13:</b>						
<b>Questionnaire</b>						

**Title: Land claims and the pursuit of co-management in protected areas, a case of Tala Private Game Reserve.**

SURVEY FOR DEMOGRAPHIC DATA (Claimant Community)

Mark with a tick in the provided spaces and where necessary please furnish the required information using a pen. Anonymity and confidentiality is guaranteed. Please feel free to provide the required information.

Please choose the option that best applies to you. Indicate with a tick in the provided box.

1. What is your gender?

Male		Female	
------	--	--------	--

2. Indicate your age.

18-25		26-35		36-50		Over 50	
-------	--	-------	--	-------	--	---------	--

3. Indicate your education level.

None		Primary		Secondary		University/College	
------	--	---------	--	-----------	--	--------------------	--

4. Please respond yes or no.

Are you employed?	Yes		No	
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5. If no to question 4, please state your source of income.

.....  
 .....

6. Please indicate your average household income per month.

>R5000		R5000-10000		10000-15000		Over 15000	
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## **Annexure 14**

### **NATIONAL CO-MANAGEMENT FRAMEWORK**

#### **1. PROBLEM STATEMENT**

1.1 There is a high expectation from communities with claims on Protected Areas that co-management is the same as joint-management, that the eventual outcome of the co-management process is community-driven management and that this will be achieved through a long-term process of capacity building. There is also widespread perception that ecotourism in protected areas is a profitable business.

1.2 Protected areas have been recognised globally as the most effective means of conserving biodiversity and the associated cultural assets. Therefore, the primary objective of setting aside protected areas is conservation of biodiversity. Protected area management authorities are mostly statutory bodies, whose annual income balances annual expenditures and therefore limited or no surplus “profit” for disbursement to land claimants. Only a limited number have surplus income, and this is used to cross-subsidise the management of the other protected areas. This is a critical part of government’s strategy to ensure the sustainability of conservation areas in an environment of strict fiscal discipline. South Africa is rated number 3 as one of the mega-diverse countries globally. All conservation efforts of the country are geared towards maintaining this status but not at the expense of other developmental goals of government.

1.3 Other areas such as wilderness areas, etc. have limited potential for development resulting in claimed land within these areas not yielding economic opportunities and tangible benefits for the communities. Moreover, South Africa is a signatory to International Conventions that require protected areas to be managed according to certain prescribed standards to ensure that these areas are conserved in perpetuity. The country is therefore required to ensure compliance and report on its performance as appropriate.

1.4 However, there is recognition that these areas are a key factor in the national economy and are essential to poverty eradication and our national goals of shared and accelerated growth. This benefit is mostly delivered as spin-offs and multiplier effects of economic activities outside the boundaries and off the balance sheet of the management authorities. A balance is thus needed to promote conservation of biodiversity whilst ensuring that benefits accrue to the surrounding communities the claimants.

1.5 Following the settlement of land claims against iconic areas of high biodiversity significance, the development of beneficiation models as well as the co-management agreements between the management authority of the protected area and the claimants has indicated several hurdles and hidden costs impeding the delivery of tangible benefits to the communities.

This framework has been developed to ensure more effective redress of land rights in a fair and equitable manner to the claimants.

#### **2. INTRODUCTION**

2.1 Section 25(7) of the Constitution provides for a person or community dispossessed of property after 19 June 1913 because of past racially discriminatory laws or practices is entitled to restitution or equitable redress.

2.2 The Restitution of Land Rights Act, 1994 (“Restitution Act”) provides for restitution of rights in land to persons and communities who were dispossessed of those rights because of past racially discriminatory laws and practices. Restitution (as articulated in the government policy on settlement of land claims in national parks, world heritage sites and state forests as per Cabinet Memorandum No. 5 of 2002) can be provided for ownership by claimants without physical occupation, but with arrangements for compensatory remuneration and benefits set out in the land claim settlement agreement (a co-management agreement). Effective conservation can be obtained through partnership between the owner and manager. Restoration through the transfer of title is feasible with registered notarial deed restrictions.

2.3 On 2 May 2007, the Minister of for Agriculture and Land Affairs, and Minister for Environmental Affairs and Tourism approved and signed an inter-ministerial Memorandum of Agreement (MOA) on land claims in protected areas, which included a restitution process and an operational protocol to be followed for the settlement of land claims against protected areas. This agreement gave effect to the cabinet decision that it is feasible to restore land that has been proclaimed as protected areas, without physical occupation by restitution beneficiaries.

2.4 The MOA sets principles that must be followed when dealing with claims in protected areas, with several clauses that have relevance to co-management.

2.5 This document presents the models of co-management of Protected Areas **that have been restored to persons or communities in terms of the Restitution Act** and expands on the associated benefits/beneficiation. It attempts to draw on the work and experience of a range of different conservation agencies in settling land claims and negotiating co-management agreements. These include the draft co-management framework developed under the auspices of the People and Parks Steering Committee, the co-management agreement from iSimangaliso Wetland Park and discussions in the Land Claims task team set up after the Mpumalanga Workshop on land claims on Protected Areas in 2007.

2.6 An agreed government position, as well as a section 42d Settlement agreement and co-management agreement are required in the settlement of restitution claims in terms of the MOA and the Restitution Act.

### **3. LEGISLATIVE FRAMEWORK**

3.1 The National Environmental Management: Protected Areas Act (Act No. 57 of 2003) provides for the co-management of a protected area by the management authority and the new owners. In terms of Section 42 of the Act, the management authority may enter into an agreement with another organ of state, a local community, an individual or other party for the co-management of the area by the parties. Such co-management may provide for:

- The delegation of powers by the management authority to the other party to the agreement;
- The apportionment of any income generated from the management of the protected area or any other form of benefit-sharing between the
- parties; The use of biological resources in the area;
- Access to the area;
- Occupation of the protected area or portions thereof;
- Development of economic opportunities within and adjacent to the protected
- area; Development of local management capacity and knowledge exchange; and
- Financial and other support to ensure effective administration and implementation of the co-management agreement.

3.2 According to the MOA, the existing management authority shall continue to manage the land situated within the Protected Area after restitution until the DEAT Minister reviews it. In this case, the “**existing management authority**” means the organ of state appointed by the DEAT Minister in terms of the applicable legislation to manage the Protected Area.

#### **4. CO-MANAGEMENT**

Co-Management means an agreement for the management of land by the Management Authority, being an organ of state as lead manager, and the new owners as contemplated in Section 42 of the Protected Areas Act and as set out in the Agreed Position.

##### **4.1 Co-management models**

4.1.1 Co-management comprises a package of benefits as well as the structures and procedures for co-management. Depending on the type of co-management adopted, the benefit package, the structures for co-management and the procedures to be followed will be different.

4.1.2 There are three categories of co-management; namely:4.2.1.1 **Full co-management**; where the compensation for no physical occupation takes the form of socio-economic beneficiation and participation in co-management. This should be applied in areas where beneficiation is viable and possible.

4.2.1.2 **Lease**; where the state leases the land from the land claimants. This should be applied where few (if any) socio-economic opportunities exist and would result in inadequate compensation for loss of beneficial occupation. Treasury approval is required for this category of co-management. A “community levy” could be levied on all visitors and be channeled into a Community Trust Fund to finance future community development projects. This could be used as a basis to determine the lease fee. Further work is needed on the determination of a formula for the lease fee.

4.2.1.3 **Part co-management/Part Lease**; where a combination of co-management and lease are applied. This would be applied on the basis of the socio-economic opportunities.

These categories should be viewed as a continuum, rather than discreet models, with the circumstances of each Protected Area considered when defining the co-management model.

#### **5. PROS AND CONS OF EACH MODEL**

##### **5.1 Full co-management –**

- Pros:** Participation in
- management Empowerment
- Consultation
- Access to land
- Access to and use of biological resources

- Delegation (other than where WHC applies)
- Beneficiation
- Developmental rights
- Revenue sharing (Gross)
- Economic opportunities
- Mandatory partner in development
- Consultation on all aspects and broad representation

**5.2 Full co-management – Cons:**

- No immediate benefits for land owners
- Management structures – cost
- Added work load
- Long process to finalise agreement

**5.3 Full lease – Pros:**

- Freedom to manage by management authority
- Immediate income to community
- Guaranteed stable income for period of lease
- agreement Shorter process

**5.4 Full lease – Cons:**

- Land owners do not have:
  - Decision rights with day-to-day management
  - Guaranteed Equity (in business) rights
  - Inherent commercialisation rights
- Treasury approval needed
- Community financial mechanism

**5.5 Part lease and part co-management – Pros:**

- Participation in management
- Empowerment
- Consultation
- Access to land
- Access to and use of biological resources
- Delegation of limited functions at the discretion of management authority (other than where WHC applies)
- Beneficiation
- Developmental rights
- Revenue sharing (Net)
- Rental income
- Mandatory partner in development
- Consultation on all aspects and broad representation

**5.6 Part lease and part co-management – Cons:**

- Treasury approval needed
- Limited guaranteed income – limited security
- Long process to conclude agreements
- Increased management costs
- Land-owners financial mechanism
- Legitimate representation (across)

**6. LEASE AGREEMENT**

**6.1 What is a lease?** Contract between a Lessor and Lessee for the use of the property for a fixed amount of time.

Lease amount – this is the presumed value of the asset being leased at the time that the lease is signed. It is the present value of the future payments.

### **6.2 Aspects to consider**

- How much variability can the Management Authority tolerate in the rental income?
- How much record keeping and accountability is the Management Authority willing to provide to fulfil the lease agreement?
- Is the lease equitable to the claimant community and the Management Authority?
- How much is the Management Authority willing to interact with the claimant community?
- How can the Management Authority make sure that its conservation goals are met?

### **6.3 Types of leases**

- Fixed cash lease – most common.
- Flexible cash lease – is similar to above except the final rent is adjusted based on the actual income.
- Percentage share lease – the claimant community does not contribute to any costs but receives a percentage of the income.
- Share of income lease – total income is divided between the claimant community and the Management Authority according to their contributions.

### **6.4 Methods of calculation**

A number of methods are available to use for the calculation of a lease value. The different methods are indicated below:

- Current market approach
- Landlords cost approach
- Income approach – income and expenses for a given situation are estimated and the net income is calculated.
- Contribution approach – each party shares in the income in the proportions as they contributed to the costs.

### **6.5 Formula**

As no standard formula could be found or is being used for the calculation of a lease value between community owners of a protected area and the state party, the following formula is proposed. This is a standard formula that is in use to determine market-related rental values:

1. Land Rental Value (Lease Value) = Market value X Capitalisation rate; e.g. R 50 000,000.00 X 9% = R4 500,000.00

(Capitalisation rate = The rate of interest which is considered a reasonable return of an investment,)

2. Future value of the land

To take into account the escalation in the value of the land the following formula is proposed:

$FV = PV (1 + i)^n$  where:

FV = Future value of the area

PV = Present value of the area

i = interest

n = number of years

## **7 BENEFICIATION PACKAGE**

7.1 The table below demonstrates which type of benefit applies to the three broad categories of co-management. Please note that the purpose, economic circumstances, characteristics and type of Protected Area will affect which activities are ultimately selected for co-management.

7.2 Co-management will increase the cost of managing Protected Areas regardless of the co-management option adopted.

7.3 In terms of the MOA, beneficiation of the Claimants should be structured in such a way that it is tangible, realistic and optimal though not compromising the financial sustainability of the said Protected Area.

**Notes to table:**

1. **Revenue sharing:** A percentage of revenue that will be paid out by the Management Agency to the Land Claimants. This can comprise revenue from gates, game sales and concession fees. It is not clear what the economic argument for net revenue is in part co-management/part lease. Agreement of the use of either gross or net income needs to be further explored.

2. **Rental income:** Income derived by claimants from the State. This income could comprise a fixed rental or a fixed rental plus an amount based on revenue earned.

3. **Capacity Building:** This includes skills development, transfer and empowerment in tourism and conservation-related jobs and entrepreneurs, a long term tertiary education programme and fund which builds capacity of land claimants to take up jobs in tourism and conservation, transaction advisors and mentoring for mandatory partners, skills development for LED.

4. **Development rights:** This refers to the identification of a development site on the restituted land in the Protected Area. This identification of the sites takes place within the framework of the Protected Area Managers' planning processes, including the Integrated Management Plans and Local Area Plans.

5. **Mandatory partner status:** Land claimants are considered to be the beneficiaries of any tourism and conservation-related work or economic opportunity on the restituted land, including the establishment of equity partnerships with the private sector in tourism concessions.

6. **Equity partnerships:** This refers to private sector tourism investment in the park. These partnerships provide the land claimants with equity shareholding in the business, jobs and skills development opportunities, and the procurement of goods and services.

7. **Access rights:** Land claimants have regulated rights of access to the Protected Areas for general purposes, community or individual functions and to sacred/burial sites in line with the Protected Area Management Plans.

8. **Natural resource use:** Land claimants have access to sustainable biological resources where limits are determined through the Protected Area planning process, such as the Local Area Plan for that area. Assistance could be provided for creation of community "medicinal nurseries" on communal land to allow communities access to such resources.

9. **Tourism LED:** Includes tourism activity concession opportunities; e.g. craft, etc.

10. **Conservation LED:** Includes land care, maintenance and infrastructure opportunities for contractors and work-seekers.

11. **Consultation primarily through Land Owners' Association:** Formed in terms of the MOA to provide a forum for consultation and nominate Board (if applicable) representatives to the Minister. This could include acknowledgement of the history of communities when naming facilities, camps and renaming parks and world heritage sites.

12. **Representation on liaison structures at protected area level:** Each Protected Area will determine how best this representation must occur.

13. **Delegation of function:** The Management Authority may delegate certain functions. This delegation is a contractual delegation which means that the Management Authority never loses its statutory liability and responsibility to manage the Protected Area. Delegations are not permitted in terms of the World Heritage Convention Act.