



Map showing the location of the Makuleke Region of the Kruger National Park and the old and new Makuleke villages.

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## People and Parks: Cracks in the Paradigm

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### Introduction

Since peace and democracy broke out in South Africa, the country has demonstrated a firm commitment towards biodiversity conservation and environmental management. In the past few years the conservation authorities have also committed themselves to progressive policies aimed at providing neighbouring communities with a share in the perceived benefits associated with conservation areas.

To this end the South African National Parks (SANP) launched a dedicated Social Ecology unit and a people and parks programme that would create economic linkages between parks and their neighbours. These encouraging developments took place in a context shaped by clear signals from Government that conservation bodies have to meet their conservation objectives and provide benefits to their neighbours in a financially efficient manner. The SANP responded with a commercialisation process that sees several tourism-related aspects of Parks being concessioned to private sector operators in return for fees.

Are, however, these expectations of the SANP realistic and fair? While dealing with pressing internal issues, diminishing incomes and the commercialisation process, park authorities are simultaneously expected to deal meaningfully with the complex relations with neighbouring communities. Can the state's obligations to fix the 'mistakes of the past' and maintain adequate biodiversity conservation realistically be met by 'forcing' SANP, essentially a conservation body, into a situation where it is required to be financially competitive *and* act as a quasi rural development agency?

Despite genuine commitment on the part of some SANP personnel, experience over the past few years indicates that SANP is still grappling with the challenge and that some fundamental problems exist.

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## Case studies: Makuleke, Kruger and Kalahari Gemsbok

The establishment of a contractual national park in the northern section of the Kruger National Park (KNP) on land returned to the Makuleke community after a successful land claim was heralded as the beginning of a new chapter in the country's conservation history. The agreement between the community and the South African National Parks (SANP) was presented as a clean break with the legacy of apartheid and a template of how to reform the relations between parks and people. Some three years later, it is appropriate to examine progress made in the implementation of this agreement and to assess how the expectations of the various parties have been met.

On the surface the Makuleke Agreement appears to be a sensible one. Restitution of the land redressed a major wrong committed during a painful part of the KNP's history: the forced removal in 1969 of the Makuleke tribe from the Pafuri Triangle, a tract of some 22 thousand ha of land between the Limpopo and Luvuvhu Rivers. It simultaneously retained the land for conservation under a formally proclaimed Contractual National Park, valid for 25 years. To address concerns about the continuation of the land's conservation status should the agreement not be renewed after the mandatory 25 years, the title deed handed over to the Makuleke further prohibited them from using the land for any purpose other than that of conservation.

This compromise acted as a signal of the government's intention to deal with the past within a rational and flexible policy framework. As the largest restitution case brought to conclusion at the time (1998), it further acted as a clear statement of government's intention to deliver. Not only the politicians, but especially the SANP benefited. The *de facto* size of the 'greater' KNP was expanded by the addition of 3000 ha of Makuleke land that previously fell outside of the park's borders in the adjacent Madimbo Corridor. This placed the Banyine Pans, a valuable wetland along the Limpopo River, under proper conservation management for the first time.

This extension of the park also allowed the SANP to continue with long-standing plans to develop a link between the KNP and the newly established Limpopo National Park along the Botswana border, by consolidating the conservation status of the greater Limpopo River valley. Through the Pafuri the KNP also retained a link with Zimbabwe and, through a large stretch of CAMPFIRE managed land, with the Gona Rhe Zhou National Park further inland. The Pafuri thus represented a strategic section of the much larger tri-nation International Peace Park envisaged to encompass also large tracts of land and three protected areas in Mozambique.

What the SANP lost as a result of the agreement with the Makuleke was *exclusive* control over the Pafuri Triangle as the land was forthwith to be managed by a Joint Management

Board (JMB) with equal representation from the SANP and the community. The Makuleke also gained a range of use rights. This included items such as the right to visit the land for religious and cultural purposes - standard components of people and park agreements internationally. More importantly the Makuleke gained the right to make sustainable use of the region's natural resources and to develop the region's commercial potential.

The Makuleke Agreement is a progressive one that compares well with similar cases internationally. In some respects, such as the commercial rights granted to the Makuleke, it even surpasses better known international cases such as the Kakadu and Uluru National Parks in Australia. It is therefore not surprising that the SANP and the politicians presented it as a 'world class' agreement that had established a new 'harmony of interests' between the park and the people.

To a degree, the images of harmony and transformation are misleading. Though the representatives on the JMB quickly developed an amicable working relationship, tensions came into being whenever Makuleke interests were perceived to stand in conflict with those of various state-based actors. Predictably this revolved mainly around Makuleke commercial rights. In the course of the negotiations the SANP accepted the notion of private sector involvement in the commercial development of the Makuleke Region. In line with the thinking around Community-Public-Private Partnerships, they however insisted on SANP participation as a partner in any such ventures. The Makuleke nonetheless successfully negotiated for *exclusive* commercial rights to be exercised independently of the SANP.

The Makuleke's reasons for doing so related to a weakness inherent in the CPPP-concept. Depending on the situation, at least two of the so-called partners, the state and the community, may be faced with rather fundamental sets of conflicting interests. This was particularly the case in the Makuleke Region where the SANP strove to retain the 'wilderness' status of the land, whereas the Makuleke intended to maximise its commercial potential. From a Makuleke perspective SANP participation in any ventures would therefore not only reduce their potential income, but also exposed them to the risk that the SANP would influence commercial decisions to indirectly achieve their conservation objectives.

This problem was dealt with by granting the Makuleke the independence they demanded, while simultaneously requiring that commercial activity is restricted to a pre-negotiated conservation management framework for the region. It was accordingly accepted that a commercial decision by the Makuleke, once tabled at the JMB, was deemed a decision of the JMB. The SANP were given the right to object to any such commercial decisions

only on the grounds that they clashed with the region's conservation management objectives.

In the interim the conservation framework was provided by relevant sections of the draft management plan of the KNP, and it was agreed that a Master Plan specific to the region would be developed after the signing of the agreement. This master plan came about as part of the commercial development planning process and the Makuleke submitted a first draft to the JMB for approval toward the end of 1999. As the SANP participated closely in the development of the plan, no difficulties with the ratification of the document were expected and it was referred back to the Makuleke with minor comments.

Shortly before this the Makuleke had also submitted their first commercial proposal to the JMB: a hunting safari involving two elephants and two buffalo. There were no objections from the SANP members of the JMB, other than the request that the hunt had to be given a low profile. South Africa wanted to apply for the right to sell off the KNP's ivory and elephant hide stockpile at the upcoming Convention on the International Trade of Endangered Species (CITES) conference. Elephant featured high on the agenda and a showdown between sustainable use groups and animal welfare/rights groups loomed.

Inevitably the story did hit the media and an article in the Weekly Mail and Guardian informed the public about divisions in the SANP about a 'controversial scheme' to hunt elephant 'inside' the KNP. Though factually incorrect, the article placed the South African CITES proposal at risk and news of the political fall-out reached the hunters convention in America where the Makuleke were in the process of selling their safari. Shortly afterwards a senior SANP official informed the Makuleke team that it was 'illegal' to hunt elephant and 'instructed' them to cancel the safari.

The agreement was clear about the fact that the Makuleke could make sustainable use of 'specified natural resources' and as a commercial activity the SANP would only be able to object on conservation grounds. The SANP representatives to the JMB now argued on a technicality that the new Master Plan had not yet been formally accepted by the JMB. In consequence the original Draft Management Plan of the KNP still applied and, as hunting was not *explicitly* permitted, the Makuleke elephant hunt could not proceed (despite the fact that the Agreement explicitly provided the Makuleke with consumptive use rights). Somewhat strangely, there was however no objection against the hunting of buffalo, an apparent contradiction in the logic of SANP's argument.

This represented a clear inconsistency and turnaround on the SANP's initial approval of the elephant hunt. In the words of one of the Makuleke elders: "In 1969 John Vorster took our land away. In 1998 Mandela gave it back to us and in February 2000 SANP tried to take it away again." Amid these conflicting signals from the SANP, its CEO Mavuso Msimang, supported by mainstream conservation NGOs like the Endangered

Wildlife Trust, confirmed in public that the Makuleke had the right to hunt elephant on their land. A high-powered delegation consisting of the senior SANP officials and the Department of Environment Affairs subsequently visited Makuleke where this was confirmed.

A request was nonetheless made to postpone the hunt until after the CITES conference. This the Makuleke could not agree to as they were contractually obliged to provide the hunts within a specified time period. After some prevarication the Master Plan was duly accepted by the JMB. This removed any possible disagreement over the 'legality' of the elephant hunts, which proceeded without incident.

One year later the Makuleke tabled notice at a meeting of the JMB for their next safari hunt. This time the response was that they could hunt elephant and buffalo, but no eland or njala, both of which occur in the Makuleke Region. As the SANP did not provide any conservation-based reason for their veto on the hunting of one eland and four njala antelope, the Makuleke declared a deadlock. In accordance with the agreement the matter was thus referred to the SANP CEO and the chairperson of the Makuleke Communal Property Association for resolution.

In the unlikely event that this step should fail to resolve the matter, the Makuleke have final recourse to the court to mediate. Technically they would also be in a position to obtain a court order obliging the SANP to allow the hunt to proceed, if necessary to do so. A commercial decision by the Makuleke, once tabled at the JMB, is deemed a decision of the JMB, and the SANP has not provided a legitimate, conservation-based reason for their objection.

Regardless of its eventual outcome, the new dispute does point in the direction of a general pattern. Despite strong commitment on the part of senior SANP officials to making the Makuleke Agreement work, disquiet about the extent of the powers and rights granted to the Makuleke permeates much of the organisation. As before, powerful roleplayers within the organisation retain the basic imperative of retaining and maximising control over the conservation estate. This is particularly evident on the park level where resistance to the implementation of the Makuleke agreement is at its most prevalent.

Similar problems emerge also in other instances. The well-intentioned Social Ecology Programme for example has not been without its teething problems. Here too there are indications that the programme was not always understood or enthusiastically embraced by park-based personnel. This much is expressed by the process that unfolded when the KNP invited tenders for licences to operate open game-viewing vehicles within the park. A number of these were reserved for local communities, a good example of the SANP's

policy of 'local economic empowerment' in action. Major problems however appear to have emerged in the implementation phase.

After winning a tender application a community near the Numbi gate of the KNP initiated a joint planning process with the KNP management. This took place expensively with donor funded expert inputs into the development of a commercial plan that would be acceptable to the KNP and simultaneously provide the community with commercially viable returns. Two years and many versions of the commercial plan later, the KNP management after much prevarication finally decided to reject the community's application. The private sector applicants in contrast experienced little in the way of obstacles and a number are already operating in the park.

In at least this instance it would appear that Social Ecology experienced difficulties in achieving its objectives in relation to community 'economic empowerment'. Part of the reason may well be that Social Ecology was never accorded the standing it needed to do what was at best a difficult task. Staff turnover, a series of ad hoc interventions by donor agencies and limited funding exacerbated the situation and reinforced the notion that this was a 'nice to have' activity, but essentially always peripheral to the core business of the SANP. Given recent changes at senior management level within the SANP, it is currently not clear who heads the Social Ecology programme or where its future lies.

Problems of this nature are not merely restricted to park-level management, but also emerge in broader processes. Similar difficulties are evident, for example, in the manner in which the SANP has dealt with the Bushman claim for the restitution of land inside the Kalahari Gemsbok Park. Shortly after the resolution of the Makuleke claim, the Bushmen were coerced into accepting a hastily negotiated agreement. They received 25 thousand ha. of the most arid land in the southern tip of the park and undefined symbolic and other rights inside the main body of the park.

Once measured up against their needs, the Bushmen found this offer to be completely inadequate. In the words of a Bushman elder, what the park gave them was like "giving a dummy to a child to get it to keep quiet". With renewed negotiations pending, the bushmen were nonetheless totally excluded from discussions with Botswana relating to the proclamation of the Trans Frontier Park. This, in the opinion of their legal representative, was a flagrant violation of the relevant Act on Land Restitution. The SANP further went ahead and requested proposals for the development of a tourism facility close to the proposed Contract Park, again before negotiations had commenced. Intervention by the Bushmen led to the suspension of this process, and the SANP and bushmen are still to finalise the approach to future concession plans in the affected area.

## Conclusions

The new paradigm that is emerging from between the cracks, looks remarkably like the one which the SANP professes to have left behind in the old National Parks Board. Particularly on park level, but also on other levels of the organisation, SANP actors continue to act in a manner aimed at maximising their control over the conservation estate. This is particularly the case when it comes to the less than lucrative relations with neighbouring communities and flies in the face of any notions of community empowerment.

It is neither surprising, nor is there anything particularly wrong, with SANP officials promoting the perceived interests of their organisation. In general the emerging paradigm translates into the continuing marginalisation of the rural people upon which much of the social and political sustainability of conservation depends. Particularly disturbing are examples of rather arbitrary decision-making despite unambiguous rights having been granted to community concerned through the land restitution process.

The continued existence of areas such as the Makuleke Region of the KNP as a contractual national park, as opposed to a community-owned private game reserve, ultimately depends on the maintenance of good will between the community and the SANP. Here the persistence of a patronistic, hegemonic approach is ultimately self-defeating. The same may soon be the case with parts of other national parks such as the Kalahari Gemsbok.

The SANP has achieved much since the first democratic elections in 1994. With respect to community relations it is nonetheless facing a situation in which the contradictions between formal policy and practice on the ground has become too obvious to ignore. In this regard, among the most harmful of attitudes within the organisation is ironically to be found in the propagation of the old notion that there are "no conflicting interests" between the conservation authority and its neighbours. Claims that the relationship is instead characterised by "harmony" hark back to the semi-feudal patron and client characteristics of pre-democracy people and park relations.

The reiteration of expressions of goodwill and the need for harmony between people and parks will not be sufficient to establish a constructive relationship between communities and parks. Achieving synergies requires that conflicting interests are explicitly accepted and dealt with transparently. Only once this happens will it be possible to deal rationally with the next major issue, namely the complex political dynamics that come into being within communities once they gain access to resources within parks.