

Assessing Successful Land Claims and the Efficacy of Co-Management in Protected Areas

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Abstract

The aim of this paper is to assess successful land claims as well as the efficacy of co-management in striking a balance between community land rights with the goals of conservation for tourism. The study adopted a qualitative approach, using a case of a successful land claim in the Tala Private Game Reserve, KwaZulu-Natal Province. A purposive sample was selected from the claimant community and semi-structured interviews were used to collect data. The findings reflect that co-management may be a logical approach to involving local communities in the management 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 efficacy remains in doubt. This study thus concludes that unless there is a reassessment of the co-management model and the role of the government in providing post settlement support, the rights of successful claimants will not be realised. It is essential that the government recognizes that sufficient time, support, and resources are fundamental to the success of co-management projects.

Keywords: co-management, protected areas, land claims, conservation, tourism

Introduction

In South Africa successful claims on protected areas result in co-management agreements (Kepe 2009). The purpose of co-management is to ensure that protected areas are managed in such a way that they allow for a flow of resources to meet local needs, while ensuring provision for nature-based tourism opportunities. These agreements are based on the promise of economic benefits through tourism. Economic benefits are said to be amongst the main factors that influence claimant communities in agreeing to this settlement option (Cundill *et al.* 2013). Nevertheless, research reflects that co-



management tends to fulfil the mandate of conservation without delivering on economic benefits to the claimant communities (Cundill *et al.* 2013; De Koning 2010; Kepe 2008). The authors are supported by the findings of 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). 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 paper aims to assess the efficacy 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. This paper attempts to identify opportunities and weaknesses of co-management model. Aiming to provide findings that can further guide the settlement of future land claims within the protected area context.

This paper is structured as follows: the succeeding section introduces the literature review through examining land claims on protected areas, co-management, protected area management, and local community attitudes towards co-management, as well as exploring alternatives. Afterwards, the third section outlines the methodology used to undertake the study, fourth section presents the case study area, while fifth section sets out the main findings and discussions. Finally, section 6 ends this paper with the conclusion and recommendations.

Literature Review

Land claims on protected areas in SA

“The 1913 Land Act, No. 27, and the 1936 Trust Act, were the two 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 accounted for approximately three quarters (75%) of the population, were overloaded onto the remaining 13 percent of land. These Acts were not the only rules that established land segregation. The South African Development Trust enforced restrictive conditions, including the requirement that Black South Africans seek permits prior to occupying land. All Black people who owned freehold title deeds outside the 13 percent of land designated to them were dispossessed thereof (Walker 2014). Numerous o protected areas in South Africa were thus established through these removals and dispossessions



during the apartheid era. Therefore, after the Land Reform Programme of 1994 (Blore, Cundill, and Mkhulisi 2013), land claims have affected much of the land set aside for conservation in the country.

The restitution process is based on three broad classifications, based on the consequences of land dispossession, namely: inadequate compensation for the distress, value of property; dispossession leading to landlessness; and deprivations that cannot be measured in monetary value. The Restitution of Land Rights Act makes provisions for the founding of the Commission on Restitution of Land Rights, a structure responsible for receiving, investigating, and mediating on land claims (Republic of South Africa 1994). 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: lodgement, validation, gazetting, facilitation, settlement, and post-settlement.

Approximately 150 land claims have been lodged within protected areas in South Africa, of which 21 are in the KwaZulu-Natal (KZN) Province (Parliamentary Monitoring Group 2013). In KZN, 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 submitting claims from 1998 to December 2018. However, an increase in the number of claims is likely to occur, thus creating more capacity problems for the commission (Restitution of Land Rights Amendment Bill 2013).

Co-management

Berkes (2009: 1963) acknowledges that there is no single and universally accepted definition of co-management). According to Blore et al. (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/communities, such as the Nkumbuleni community as illustrated in this study, who share rights and responsibilities over decisions made in natural resource management. In the same vein, Castro, and Nielson (2011) describe co-management as an approach in which more than two social actors negotiate and define amongst them an equitable sharing of responsibility, executive functions, and power over a set of natural resources. In co-management, resource users are involved in all programmes of the protected area, and the involvement is on equal terms.

Participation and cooperation by resource users is needed for the effective functioning of this model (Nursery-Bray and Rist 2009). Common to all the definitions and understandings



of the co-management concept is that it involves more than one management body (stakeholder) agreeing to partner and work together in the management of natural resources. De Koning (2009) contends 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 can generate enough income to support both the community and conservation needs (De Koning 2010).

- *Co-management: striking a balance between 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 the resolution of land claims in protected areas through an operative national approach. 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 the effective management of protected areas that have been restored to dispossessed communities (DEAT 2010).

- *Co-management models framework presented in the co-management framework:*

Full co-management: in this option there is compensation for no physical occupation of land takes the form of socio-economic benefaction and 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 landowners.

Lease: the state enters into an agreement to lease the land from the land claimants. This is applicable where limited socio-economic opportunities are available and would not result in adequate 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 grouping of co-management and lease agreements is applied based on socio-economic opportunities that exist in that case. This is the most widely used model, allowing the community participation in the management



of land and resources, and access to revenue sharing derived from these. Guaranteed income and security are, however, limited (DEAT 2010).

The framework nonetheless acknowledges there is no one specific approach in the implementation of these co-management models, since their feasibility is based on several factors, such as: the allocation of the protected area; the value of biodiversity within the protected area; the size of the protected area; and the feasibility of eco-tourism projects inside the protected area (DEAT 2010).

Kepe (2009) maintains that “*Integrating land reform and bio-diversity conservation is a multifaceted task, particularly 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 while a lack of understanding between “sectors dealing with conservation and those dealing with local and land rights” exists (Kepe, Wynberg, and Ellis 2005). Such a lack of understanding and empathy leads to mistrust which, in turn, become a hinderance to the development of innovative strategies that could bring about a balance between the aims of land reform and biodiversity conservation for these in credibly rich biodiversity endowments.

Evidence does, however, exist 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) 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 these benefits are a major factor that initially influences communities to agree to this method of settlement.

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

Tourism is viewed as a promising source of income in protected areas (Imran, Alam, and Beaumont 2014). 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. Therefore, protected areas have become crucial in attracting visitors to the country, and when managed effectively, are said to be the best tools to achieve conservation, while also improving the livelihoods of local communities (Imran *et al.* 2014). 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). Chowdhury *et al.* (2014) confirm this when



they explain that local people are interested in conservation when there are perceived benefits from it in the protected area. Tessema *et al.* (2010) reiterate this, stating that the sharing of revenue generated from tourism, infrastructure development, and employment opportunities is crucial in gaining local community cooperation and 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 circumvent post-settlement conflicts that arise in most cases over access to natural resources and the sharing of benefits between the community members and the stakeholders concerned (Mapoma 2014).

Protected areas

According to Eagles (2009), a major focus on the 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 enough protected areas is not an important requirement, nevertheless, the effective management of these areas is essential to ensure 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 endangered species; to create destinations for eco-tourism; and to contribute to human, social and economic development (Restitution of Land Rights Act 2013).

According to Dudley (2008) protected areas belong in four broad categories, chosen to maximize the chances of addressing threats to conservation, with each category indicating a level of conservation or naturalness. The categories are as follows: national parks, special nature reserves, nature reserves and protected areas.

Protected Areas in South Africa face numerous challenges that 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 that regards conservation as a concern of the elite and is influenced by the exclusion approach historically adopted.
- Non-co-operative governance.
- Inconsistent declaration and protection procedures.
- Management problems; and
- Resource constraints (Paterson 2009).

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



However, it can also be argued that co-management addresses some of these challenges, since the authors referenced positives in 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). 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).

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

According to Chowdhury *et al.* (2014), community attitudes and perceptions need to be studied to improve the management of protected areas; to recognise problems and identify possible solutions. The authors point out that local community attitudes and perceptions need to be explored during the 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). Community attitudes towards protected areas were influenced by conservation efforts from the early 1900s that restricted access to resources (Synman 2014). Tessema (2010) 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) suggest that the development of partnerships is an appropriate approach to managing community perceptions and attitudes. 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). Mapoma (2014) proposes the incorporation of a proper definition of land rights, with the benefits to communities included into settlement agreements; this means settlement agreements should be prepared in a transparent and precise manner that forms a solid basis for efficient co-management agreements. De Koning (2009: 76) concedes that claimant communities must thoroughly understand co-management and its implications 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 landowners to understand.

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



Ostrom (2007) argues that co-management is certainly one of the most promising management options we currently have available for dealing with situations of historical redress, conservation, and power-sharing. The author further asserts that there are alternatives such as Deproclamation of a protected, which should be considered alongside co-management. This can be achieved by establishing an alternative protected area elsewhere and restoring land to the claimants. On initial consideration, this appears to be an ideal solution, that allows a historically dispossessed community regain access to their land, without compromising biodiversity conservation goals. Yet, this alternative has not been commonly used, and the one case that could be found is that of Vaalbos National Park in the Northern Cape Province of South Africa. The reality the claimant community and the conservation authority are not tied into co-management agreement offers a potential opportunity for land claimants too. In this case the claim has is settled as claimants have full rights to decide on the use of their land (Kruger, Cundill and Thondhlana 2016).

Methodology

Bless, Higson-Smith and Sithole (2013) state that qualitative research is concerned with the lived experiences of persons and is most appropriately used when studying people. The paper adopts this approach as it seeks to explore people's experiences and understanding regarding land claims and co-management. 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). However, Kelly (2010) indicates that qualitative interviewing is essential when the research seeks to gain access to the knowledge, experience, and perspectives of people. 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, Kruger, and Mitchell (2005), who describe case studies as intensive descriptions and analysis of social units or systems employed to gain meaning for those involved.

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 diversity. This is a method typical in case study methodology (Silverman 2013). 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 *et al.* 2013). 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 the most effective in selecting participants in small populations. Welman *et al.* (2005) advise that when a population consists of 10 cases or less, including all in the sample will ensure satisfactory results.

May (2011) informs that interviews yield rich insights into people's experiences, values, attitudes, and feelings, thus making them a valuable instrument for qualitative studies. Bloomberg and Volpe (2012) also assert that interviews are fundamental to qualitative studies, as they attempt to understand issues from the viewpoint of the people involved, in unpacking their experiences. It was for these reasons that interviews were selected as a data collection method for this paper. Semi-structured, face-to-face interviews were selected as the primary method of data collection. This was based on their potential to provide rich descriptions and 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). The interviews were personally administered to the respondents using only two research assistants, and although this was a time-consuming and costly method, it was found to be the most appropriate for the researcher to be in full control of data collection and management.

Being a qualitative study, data analysis had to begin during its collection by coding data into different themes as they emerged, and as guided by the broader research questions and objectives (Simons 2009). 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 exploration. With the aid of this thematic framework, data were indexed using descriptor texts that were then charted as a way of organising them, thereby providing a refined summary of each of the recurring themes.

It was imperative to put measures in place that ensured credible findings were obtained (Bell 2010). This was achieved through member validation, with the results taken back to the population to confirm whether these represented their actual situation or not. Furthermore, direct quotations from the original data were also included to demonstrate how interpretation of the data had taken place (Bless *et al.* 2013).

- *The case study area*

The 2 092-hectare Tala Private Game Reserve is situated between Durban and Pietermaritzburg in the small farming town of Eston in KZN. The game reserve is home to many 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). The Tala Private Game Reserve offers an excellent game viewing opportunity to tourists, and due to the variety of bird species 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). The game reserve is located within the KZN province which boasts a moderate climate, with relatively high summer rainfall and dry winters. The area is known to have Mediterranean weather, where all seasons can be experienced in a single day.

As with many protected areas in South Africa, the Tala Private Game Reserve has been affected by the Restitution of Land Rights Act, which gives the right to people dispossessed of their land resultant to racially discriminatory laws, to reclaim it (Restitution of Land Rights Amendment Bill 2013). 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 like many in South Africa such as 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). These protected areas do not generate enough income to provide substantial monetary benefits to communities. In cases where some benefits were realised, it was limited to the trustees, not the community at large.



Map 1: Tala Private Game Reserve location



Adapted from: SA Places 2013

Main Findings

Land restitution is one of the pillars of land reform in South Africa, that aims to redress the injustices resultant to the policy of forced removals. The primary aim of the process is to restore land rights to South Africans who had been dispossessed through unjust legislation since 1913 (Republic of South Africa 1994). The restitution process is constituted by three main categories pertaining to the effects of land dispossession, i.e.: dispossession leading to landlessness, insufficient compensation for the value of property seized, and hardships that cannot be measured in financial or material terms. (Republic of South Africa 1994). When asked about their experiences of land dispossession, one Nkumbuleni land claim beneficiary had this to say: *“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”*. From the responses it was established that the removals had been very painful and difficult, and, to some extent, even brutal. Most elderly people were filled with despair at being requested to reflect on their experiences. While others remembered these events vividly, some recalled the exact year and season when they lost their homes and belongings.



Their problems began with restrictions imposed on the number of houses and children they could have, and how they should live their lives. An elder from Sankontshe was quoted saying: *“Their problem was that we owned livestock and wanted to limit us on the amount of cattle we could have. 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”*. This, however, did not seem to force many of the Nkumbuleni people to leave their homes. Some even stayed after the 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 the people shared. 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.

Preferred settlement options

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 characterized by elderly 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 they had built new lives in their present townships and settlements, and some had been born there. There was also the perception that financial compensation for the land would assist in providing good education for their children. When the respondents were asked about their preferred settlement option, one elderly beneficiary had this to say:

“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 is mainly for residential purposes”. A younger beneficiary added this: *“I wanted money, it would have helped so much to educate my siblings 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 did write on the*

application form that I wanted money. I had built a life already here and I came here at a very young age, so I do not have much recollection of Nkumbuleni, I know just what my father used to tell me. It would have been very difficult to start over”.

From the responses provided by the beneficiaries it was established that there seemed to be many who were not aware of the different options for settlement available to them. Some were even 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, which shows a breakdown in the 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 the 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. Therefore, it makes sense they should be part of this process to fully understand the agreement's goals. An officer from the Land Claims Commission explained:

Perceptions and views regarding co-management and neglect of co-management conditions

The co-management framework posits 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, and it is concluded that; while not easy to measure, field work at Nkumbuleni indicates that local communities 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 and the management authority concerning the financial state of the game reserve, the mistrust is mainly historical.

Ecologists have conventionally believed that local people practiced environmentally destructive livelihood activities that needed to be controlled. Similarly, local communities have been suspicious of state 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 et al. 2005, 2008). However, the mistrust is not unique 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.* 2010; Kepe 2008).

Tangible economic 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). When asked about any benefits they had received from co-management of their land, approximately all 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”.

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 materialize. 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”.

These results indicated that very few benefits have accrued to the Nkumbuleni community. Furthermore, there is a view from some respondents that there might never be any tangible benefits accruing to them. This view arises from issues surrounding the functioning of the game reserve, which include high operational expenses. There is also the issue of large families, where, even were dividends 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 stated in the literature, for a Case in Botswana whereby benefits derived by local communities need to exceed the costs they incur for them to feel obligated to conserve biodiversity (Mbaiwa and Stronza 2011).

Post-settlement support

The restoration of land or a right is multifaceted and has severe consequences on several levels. Most notable are the strict existing financial restrictions experienced when land must be expropriated from current owners and the reality that successful claimants need post-settlement support and economic assistance of differing forms. Berkes (1997, in Kepe 2008) raises an important question: “do we have appropriate institutions, both local and governmental” to provide the required capacity building, training, and funding for the new landowners? For South Africa’s young democracy, and with the governance status quo as it is in rural areas, this seems to be a pertinent question. The Nkumbuleni community felt they were not well-equipped to manage the business of the game reserve, with the added expectation that government should intervene to ensure the smooth operation of the business. In addition, there is a school of thought 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 through 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 had proper training been provided.

A manager is quoted as saying, “...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 it has only four post-settlement officers responsible for all land claims lodged in KZN. The commission says other government departments should be involved and should provide them with their expertise. When studying the available documents on the case, especially the Nkumbuleni Claim Settlement Agreement, various themes emerged almost universally: conservation in perpetuity, shared decision-making, optimisation of benefits to claimants, and the sustainable use of biodiversity.



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 propounded in the literature.

Discussions

Delivering economic benefits to local people as incentives to practicing conservation have been widely documented (Carlsson 2005; De Koning 2009; and Imran *et al.* 2014). 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 are based on the ability of co-management projects to provide economic benefits in return. In cases such as Nkumbuleni, where a perception of benefits was the reason why the local community entered into an agreement regarding a protected area, it should be made mandatory that there are tangible benefits, 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 livelihoods, 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 best suited to them is therefore the one that could most improve their livelihoods. The data collected indicate 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.

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 (keep 2008). 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.



What remains unclear is to what an extent is the current co-management model a threat to biodiversity or the state itself from people who seek to regain their land rights.

Tourism: reconciling conservation goals with land rights

Research recognizes that tourism is a promising source of revenue for protected areas (Plumber et al., 2008; Sandbrook et al., 2012). 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 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 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 organizing of weddings and other events, a conference centre, Latala restaurant, and picnic sites, as well as game drives, guided walks, and lodging facilities. The potential for tourism in the game reserve is evident, nonetheless, 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 the required furniture. 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 games 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. Furthermore, 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 negatively impacted 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 revenue available. The importance of addressing all these issues to increase the tourism potential of the park cannot be overemphasised.

Discontent and conflicts

Discontent from the community with the original settlement option chosen, and with the subsequent management record of the protected area is evident in the data collected, beginning with the settlement option chosen being at odds with what most 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 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 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.

Deriving tangible benefits

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 poses 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. 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. However, this challenge is not unique to Nkumbuleni, 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 such as revenue-sharing from tourism activities, the development of infrastructure, 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 finalizing settlement agreements to avoid later hostility and conflict.

Conclusions

From the findings of the study, although the Nkumbuleni Trust now has legal ownership of the land, there is still little understanding of the rights the community has to the land and its resources. Findings further indicated the community has 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. This paper has argued that the co-management model being supported and implemented by the government is not appropriate to find a balance between land restitution and conservation goals. The case study of Nkumbuleni's co-management arrangement points to several issues that undermine community land rights. First, there is the issue of inadequate options for settling land claims in protected areas. While it should be noted that conservation is a nationwide imperative, the current co-management model has emphasized conservation aims over claimants or local community land rights. Second, even if co-management was a suitable model for striking a balance between land claims and conservation, the apparent neglect of factors that make co-management work remains a challenge. Tangible economic benefits and post settlement support in Nkumbuleni were the major drawback cited by all stakeholders. The potential exists to increase revenue into the game reserve through tourism development, which could result in benefits for the community. At the same time, however, there is a need to provide funding for adequate support structures and capacity building for the community.

Recommendations

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

- There is a need for the state recognise that sufficient resources and time are fundamental to the success of co-management projects and ensure commitment to and funding for such projects are in place, including adequate structures and facilities to provide support and training.
- 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, such as lease-back or financial compensation, could provide better alternatives for communities.



- The community must be advised that co-management does not provide immediate benefits but involves risk-taking and benefit-sharing for all parties involved.

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