

03

AWARD
Tech Report
Series

Co-Management: Reconciling Land Restitution, Biodiversity Conservation & Poverty Alleviation in Olifants Catchment

Karen Kotschy
with Sarah Findlay & Chris Williams
August 2015



USAID | **SOUTHERN AFRICA**
FROM THE AMERICAN PEOPLE



Acknowledgements

The USAID: RESILIM-O project is funded by the U.S. Agency for International Development under USAID/Southern Africa RESILIENCE IN THE LIMPOPO BASIN PROGRAM (RESILIM). The RESILIM-O project is implemented by the Association for Water and Rural Development (AWARD), in collaboration with partners. Cooperative Agreement nr AID-674-A-13-00008.

© Association for Water and Rural Development (AWARD)

Authors

Karen Kotschy

Based on reports by Sarah Findlay & Chris Williams

August 2015

Association for Water and Rural Development (AWARD)

P O Box 1919

Hoedspruit 1380

Limpopo, South Africa

T 015-793 0503

W award.org.za

Company Reg. No. 98/03011/08



Background

Since the dawn of democracy in 1994 the South African government has struggled to reconcile the issue of land restitution with two of its other primary concerns, namely widespread poverty and biodiversity conservation. The emerging global discourse on community-centred conservation and co-management, with its strong ties to poverty alleviation and rural economic development, provides a framework within which all three of these seemingly conflicting problems can be addressed, with clear benefits for sustainable development and resilience.

Historically, paradigms of conservation centred on ‘preservationist’ or ‘fortress conservation’ approaches (both in South Africa and globally). The objective of these models was to create reserves in which ‘nature’ remained ‘pristine’ and ‘wild’, primarily by evicting and excluding local people, who were seen as exploiters and degraders of the land. As a result, the establishment of protected areas throughout the twentieth century was associated with the forced removal and separation of indigenous resource-dependent communities from the land. The negative impacts on communities included loss of access to important materials and resources, reduced livelihood security, increased risk of human-wildlife conflict, disruption of community cohesion and psychological distress. The magnitude of dispossessions was further exacerbated by the racially-based Apartheid policies that sought to undermine all non-white populations, and specifically local black communities. Protected areas and game reserves were created primarily for the benefit of the white public as a source of recreation and leisure, and access to the parks for other demographic groups was extremely limited.

Following South Africa’s first democratic elections in 1994, the new ANC-led government instituted a suite of policy and legislative changes that sought to redress the race-based inequalities created by the previous government as well as centuries of colonial dispossession. One of its top priorities was to reverse the legacy of historical land dispossessions and forced removals that commenced with the Native Land Act of 1913 and was later expanded by other legislation, including the Group Areas Act of 1950. These discriminatory

laws resulted in the forced removal of more than 3.5 million people, producing the vastly skewed land ownership and widespread tenure insecurity that characterises much of the rural South African population today. South Africa’s land reform programme was therefore one of the first major programmes instituted by the new government in 1994.

As a result of the above historical context, land claims affect many protected areas in South Africa today. South Africa has a wealth of biological assets and environmental resources, and made a formal commitment to reduce biodiversity loss and support conservation by ratifying the Convention on Biological Diversity (CBD) in 1996. In line with this agreement, and with the Constitutional imperative to ‘secure ecologically sustainable development and use of natural resources’, South Africa has completely revised its environmental legislation. The National Environmental Management: Protected Areas Act (NEM:PAA) (Act No. 57 of 2003) recognises that protected areas can and should contribute positively to the livelihoods of local people. Both national and provincial government and conservation bodies have identified co-management as a key mechanism for overcoming the highly contentious issue of land claims on protected areas.

Under a co-management agreement, existing nature reserves remain under conservation, but beneficiaries who have successfully won claim to their land are reinstated land ownership rights, afforded the opportunity to jointly manage their land with the conservation agency, and receive benefits including job creation and resource use



rights. In this way, the three national priorities of land reform, environmental conservation and socio-economic upliftment can be reconciled (a “win-win” on all fronts).

However, co-management has not had a good track record so far in South Africa. The settlement of land claims on protected areas was extremely sluggish up until the late 2000’s. The government published a National Co-Management Framework in 2010, which sought to clarify the creation and implementation of co-management strategies and speed up the settling of these often contentious land claims. The framework identifies three potential models of co-management, namely full co-management, full lease, and part-co-management/part-lease. However, the implementation of co-management agreements has remained slow and ineffective at a national level and the potential benefits are seldom realised.

The recent re-opening of the land claim submissions process until 2019 (previously closed

in December 1998) by the Department of Rural Development and Land Reform (DRDLR) has the potential to further impede the successful implementation of co-management agreements in protected areas. A number of land rights NGOs have raised concerns about conflicts erupting between older claimants and newer claimants as well as conflicts between tribal authorities on overlapping claims in their areas.

The RESILIM-O programme recognises the potential benefits of co-management for fostering local economic development, improving local livelihoods and alleviating poverty in the Olifants River catchment. Successful implementation of co-management agreements in the catchment would contribute directly to the RESILIM-O goal of improving resilience by reducing the vulnerability of people and ecosystems. However, as the above context suggests, getting co-management to work is a complex problem requiring a systemic approach.

TABLE 1: TYPES OF CO-MANAGEMENT AGREEMENTS

Full Co-Management	Full Lease	Part Co-Management / Part Lease:
<p>The title deeds are completely restored and the successful claimants are fully involved in the management of the reserve. The “existing management authority”, such as a provincial conservation agency, continues to deal with the day-to-day management of the protected area. However, a Co-Management Committee (CMC) which includes the successful claimants, is active in the bigger operational decisions of the reserve and in the development of potential tourism opportunities. The new owners can therefore actively engage in the growth and progress of the reserve and derive benefits such as access to natural resources and revenue sharing.</p>	<p>The state restores the title deeds to the claimant community and then rents the reserve back to the old landowners. This type of agreement is appropriate in situations where the possibility of local economic development through tourism is limited, and implementing full co-management would provide inadequate restitution. The current management agency maintains all authority in running the reserve and the new landowners have no role in the management and development thereof. Rent, often in the form of a community levy, provides direct financial compensation to the claimants for the period of the lease agreement. There are multiple options for lease contracts including fixed cash leases, flexible cash leases, percentage share leases and share of income leases.</p>	<p>A combination of the above two models. Here, the circumstances around the land claim call for a tailored contract in which elements of both co-management and lease agreements are included. The National Co-Management Framework suggests that these agreements should be seen as a falling on a continuum between full co-management and full lease.</p>



Land claims & protected areas in the Olifants catchment

The Olifants River catchment includes a large number of protected areas, from national to provincial to municipal reserves, as well as part of the Kruger to Canyons Biosphere Reserve. Most of these protected areas are in the middle and lower parts of the catchment. There is also significant poverty and dependency on local natural resources (water, fuelwood and building materials) in these parts of the catchment, particularly in the former 'homelands' or 'Bantustans' (areas to which black people were resettled by the previous government).

With 19 and 56 unresolved claims on protected areas in Limpopo and Mpumalanga respectively (DRDLR, 2013) and with the re-opening of land claim submissions until 2019, RESILIM-O acknowledges that understanding the issues around co-management is critical to ensuring (and enhancing) the resilience of both the protected area network and local community livelihoods in the Olifants River basin.

A first step for the RESILIM-O programme was to consolidate information on land claims and co-management agreements on protected areas in the Olifants catchment. This was more difficult than expected, due to the fact that comprehensive databases on land claims were not available from the DRDLR. Information from the three provinces varied widely in format, level of detail and data fields provided. Furthermore there appeared to be a significant amount of human error within the data (e.g. misspelling of farm names, incorrect Land Parcel Identification Numbers and incorrect registration divisions). Continuous effort will be needed to track down additional data from these offices as well as investigate whether additional information exists at the DRDLR's national office. Information on the proclamation status and ownership of protected areas held by the various provincial conservation

bodies (MTPA, LEDET and GDARD) was likewise fragmented, with many gaps and inconsistencies. RESILIM-O has made substantial contributions to cleaning and collating the data on protected areas and land claims in the Olifants catchment. These data are the foundation for planning, implementing and evaluating effective protected area management and co-management.

A study commissioned by RESILIM-O on the past and future extent and nature of land claims in the catchment has predicted that the extension of the land restitution process to 2019 will significantly increase conflicts associated with co-management agreements. Conflict is expected between old and new groups of claimants, and also between traditional councils and Communal Property Associations (CPAs). The recent comments by President Zuma (October 2014) encouraging traditional councils to become involved in the land claims process has been seen by some commentators as an attempt to undermine CPAs and replace them with traditional councils. This may have implications for co-management and governance of protected areas. Increased conflict during the land restitution process will further slowdown the rate of implementation of co-management agreements.



TABLE 2: STATUS OF CO-MANAGEMENT AGREEMENTS ON CLAIMED LAND IN PROTECTED AREAS IN THE OLIFANTS CATCHMENT.

Protected Area	Conservation agency	Under land claim?	Year land claim finalised	Outcome of land claim
Andover NR	MTPA	Yes	2013/2014	Agreed to co-management. Conflicting information on finalisation of agreement.
Bewaarskloof NR	LEDET	Yes		Outcome of claim unknown.
Blyde Canyon NR	MTPA	Yes (Moletele CPA, Mahubahuba a Bokone CPA, Sethlare CPA)	2013/2014	Co-management agreement in final stages. Provisional Advisory Committee in place.
Bronkhorstspruit Municipal NR	Municipal	No land claim		Awaiting information.
De Bad NR	MTPA	No land claim		Awaiting information.
Hartebeesvlakte	DWAF?	No land claim		Awaiting information.
Kruger National Park	SANParks	Multiple land claims		No co-management agreements allowed according to Cabinet decision in 2005.
Kwaggavoetpad NR	LEDET	No land claim		Awaiting information.
Lekgalameetse NR	LEDET	Yes (Mamashiane, Mangena, Sekororo)	2005	Signed agreement for part co-management/part-lease. Land ownership not yet finalised.
Leswena NR	LEDET (Community-owned)	??		Co-management agreement with the Limpopo Tourism and Parks Agency (LTP) entered into in 2007. Functioning Leswena Ranch Co-Management Committee.
Loskop Dam NR	MTPA	Yes (Rampholodi CPA, Dindela CPA, Mmamarumo CPA)	2013/2014	Agreed to co-management but agreement not finalised. Provisional Advisory Committee in place.
Mabusa NR	MTPA	Yes (Somakhala CPA, Mmamatsedi Magwari Trust)	2010/2011	Signed co-management agreements (Mmamatsedi Magwari Trust has not yet signed or received its payout as bank details are still outstanding). Co-management committees are running, made up of reserve managers and landowners. Title deeds yet to be transferred to the communities.
Manyeleti NR	MTPA	Yes (Manyeleti Conservation Trust)	2010	Signed co-management agreement. However, there are now new claimants and the new land claimant verification process is not finalised. No co-management committee currently exists.



PROTECTED AREA	CONSERVATION AGENCY	UNDER LAND CLAIM?	YEAR LAND CLAIM FINALISED	OUTCOME OF LAND CLAIM
Mdala NR	MTPA	Yes (Moutse CPA, Mmahlabane Trust)	2010/2011	Signed co-management agreement. Co-management committees are running, made up of reserve managers and landowners. Title deeds yet to be transferred to the communities.
Mkhombo NR	MTPA	Yes (Moutse CPA)	2010/2011	Signed co-management agreement. Co-management committee has been set up. Title deeds yet to be transferred to the communities.
Morgenon	DAFF?	No land claim		Awaiting information
Moutse	LEDET	No land claim		Awaiting information
Ohrigstad Dam NR	MTPA	No land claim (expected claims with re-opening of process)		
Schuinsdraai NR	LEDET	Yes	Not yet finalised.	Claim gazetted but currently still in process.
SS Skosana NR	MTPA	Yes (2 communities)	Not yet finalised.	Claim lodged, still being verified.
Sterkspruit NR	MTPA	Yes	Not yet finalised.	Claim lodged, still being verified.
Tweefontein	DAFF?	No land claim		Awaiting information
Verloren Vallei NR	MTPA	No land claim (expected claims with re-opening of process).		
Witbank NR	MTPA	No land claim		Awaiting information
Wolkberg Wilderness Area/NR	LEDET	Yes (Serala and Kgopa communities)	Some portions have been settled.	No co-management agreement signed. Reserve remains managed by LEDET as there is confusion as to the existing status of the co-management agreement.
Wolkberg Caves NR	LEDET	Two properties, one claimed and one unclaimed		Outcome of claim unknown.



Co-management: Conflicts, Complications & Concerns

Unfortunately, the economic and social benefits to communities from co-management of protected areas in the catchment remain largely unmet, for a number of reasons:

- Many nature reserves are not sufficiently profitable to support co-management agreements, because they are too small, poorly funded or cannot compete with other reserves and attractions in the same area.
- Co-management agreements are implemented in a generic manner, with insufficient exploration of other options besides ecotourism. This often results in a misalignment of co-management to the specific needs and resources of individual protected areas.
- Access to natural resources is often restricted in practice (for example by fences, permit requirements etc.), so promised benefits are never realised.
- Co-management committees are often weak and ineffective due to low social capital (conflicts and lack of trust between parties, lack of skills and capacity and little support for claimants once agreements have been signed). Persistent unequal power relations between the parties are also extremely problematic.
- The process of handing over the title deeds is often extremely lengthy, leading to frustration and disillusionment.

The consequences of this lack of beneficiation are often similar: community disillusionment, reduced buy-in from all parties, strained co-operative relations, and in some cases, complete dissolution of agreements.

A tale of two nature reserves

Lekgalameetse Nature Reserve

Lekgalameetse is an 18 000 ha mountain wilderness area of protected escarpment, scenic landscapes, mountain vegetation and wildlife. It is located between Tzaneen and Hoedspruit in Limpopo province, in the middle part of the Olifants catchment. The reserve falls within the Kruger to Canyons Biosphere Reserve.

In 1996, the Mamashiane, Mangena and Sekororo communities all submitted land claims on the Lekgalameetse Nature Reserve. A part co-management/part lease agreement was signed with the then Limpopo Tourism and Parks Agency (LTP) in 2007. This part co-management/part-lease agreement stipulates that the Limpopo

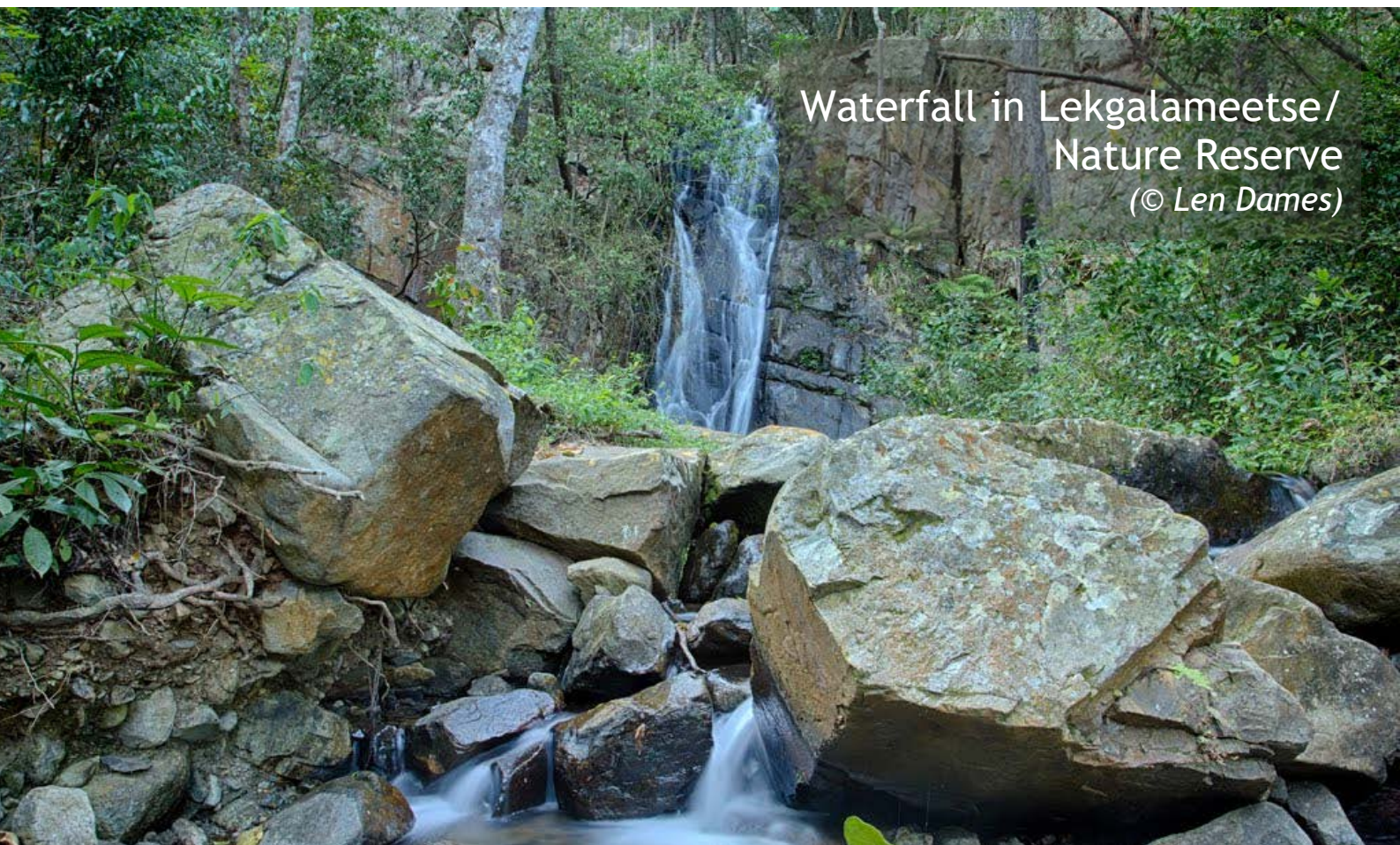
Tourism Agency pays the communities R5 per hectare per annum for occupational rent. In addition, the communities are to be involved in tourism development opportunities, the sharing of the reserve's net profit (50:50), and local job creation. The co-management agreement also details the communities' access to reserve biological resources, such as wood, grass and medicinal plants. It was agreed that there would be an upgrade in fencing infrastructure to curtail poaching and more effectively manage livestock grazing. However, the ownership of land has not been finalised, and not all communities are currently receiving rental income.



In a study conducted by Mashale et al. (2014), beneficiaries from the Lekgalametse Nature Reserve co-management agreement were interviewed. Most agreed that they had been actively involved in the development of the partnership between the community and government (in this case, LTA and LEDET) and that this agreement had the potential to bring about large changes in the area both in terms of socio-economic benefits and conservation.

However, several problems have been noted with the implementation of the co-management agreement:

- Two provincial agencies (LTA and LEDET) have been operating in the reserve for several years, which has resulted in much tension and confusion over roles (as in other Limpopo-run reserves). However, a decision has recently been taken by the provincial EXCO to return the responsibility for tourism within reserves to LEDET, with LTA only remaining responsible for generic marketing of the province. The reserve will therefore be managed by only one authority, which will hopefully resolve some of the tensions.
- Some respondents in Mashale's study thought that the decisions made at the co-management committee meetings were not being applied in the field and that the 'Managing Authority' maintained all power in such decisions. The absence of participatory decision-making defies the very nature of the agreement and could indicate some level of intolerance and little tangible devolution of power in terms of management decisions. As is common in co-management committees across South Africa, many conservation authorities and reserve managers remain reluctant to incorporate community ideas into reserve activities and try to 'hold on' to 'their' reserve for as long as they can (M. Marais, pers. comm., 2015; E. Ramatsea, pers. comm., 2015). In this reserve it has led to clear frustration on both sides.
- Lekgalameetse has been a focal point for infrastructure upgrades, natural resource use programmes and government funding, with both Working for Water and Working on Fire operating projects in the reserve. However, some claimants were frustrated that those positions were being filled by 'outsiders' and they were not being given preferential employment opportunities, as stated in the co-management agreement. Linked to this were concerns that even those jobs were only temporary and/or seasonal and that more permanent job prospects had yet to be created. This ongoing hostility has recently resulted in the WfW programme choosing to withdraw their operations from the reserve.



Waterfall in Lekgalameetse/
Nature Reserve
(© Len Dames)



Mabusa Nature Reserve

Mabusa Nature Reserve is a formally declared provincial nature reserve in Mpumalanga, 60 km north of Bronkhorstspuit in the upper Olifants catchment. It was identified by the MTPA as a priority area for possible co-management success. Two communities (represented by Somakhala CPA and Mmamatsedi Magwari Trust) lodged land claims on different portions of the reserve before the 1998 claims deadline. In 2010, both CPAs were awarded their respective lands back by the RLCC. After extensive enquiry, both groups agreed to a co-management strategy as part of their settlement. These co-management contracts closely follow suggestions outlined in the National Co-Management Framework (2010) and include clauses such as:

- the MTPA will remain the reserve Management Authority,
- net profit generated from reserve activities will be shared among claimants (based on the percentage of land successfully claimed),
- use and access to resources within the reserve will be in accordance with the reserve management plan and
- employment opportunities (below that of a Chief Field Ranger) will be shared 60:40 between the claimant CPA and the neighbouring communities (i.e. any individual from local villages). The claimants opted for full co-management, with the hope of reviving Zithabiseni Lodge on the property (although this remains owned by an outside party), despite predictions of net financial losses by the reserve of -62 379 USD in 2009/2010, rising to -251 515 USD in 2016/2017. Data on net income since 2010

were unavailable at the time of publication, but it will be interesting to see whether community beneficiation has occurred despite the financial projections to the contrary, and whether the communities' expectations of profits from the lodge have been realised.

A functioning co-management committee has been established, with a good relationship between land claimants and the MTPA as well as with local and district municipalities. This reserve therefore provides a hopeful exception to the general rule around relations within co-management committees.

It will be important to maintain these good relations by addressing the delays in transferring the title deeds to the new owners (one of the two communities has yet to receive their title deeds five years after the contract was signed).

One of the biggest stumbling blocks to effective management and profitability in Mabusa Nature Reserve is the small budget, and the centralised MTPA budget system has been blamed for lengthy delays in procuring equipment. Issues such as prohibited fires, illegal natural resource harvesting (specifically firewood) and game fence vandalism are all common on the reserve, and the increase in these activities is said to be linked both to the weak associations with neighbouring communities as well as to the shortage of field rangers and the lack of equipment and infrastructure.

How can RESILIM-O help?

Research & information management

Information on the status of nature reserves, land claims and co-management agreements in the catchment still needs to be further consolidated and verified. The RESILIM-O team has already assisted the provincial conservation agencies significantly in this regard and will continue to do

so. There is also a need for case studies on co-management in private reserves, municipal reserves and reserves in Gauteng, to identify further benefits and challenges of co-management in these different contexts.

Development of tools for audit & assessment of co-management agreements

An MTPA official has suggested that RESILIM-O could help to develop a tool for evaluating the effectiveness of co-management agreements from a social perspective. Currently, assessments of co-management successes and failures are based on case studies, individuals' perceptions, anecdotes and evidence of physical development

(infrastructure upgrades, profit-sharing etc.). There is no standard model for assessment and no way to track how implementation changes through time. Additionally, RESILIM-O representatives could serve as independent auditors in the evaluation process.

Training & mediation

RESILIM-O could assist in the training and capacity-building of community members in various aspects of reserve management, administration, conflict resolution, seeking out development opportunities and the like. This would not only increase their potential contributions to co-management and possible beneficiation from the agreements, but it might also reduce the burden on reserve management who would otherwise be expected to do this.

As has been seen across the basin, tensions, conflicts and politics have the potential to dominate co-management agreements. The many examples of ineffectual co-management serve as important reminders that principles of open

communication, negotiation, conflict resolution and trade-off management are essential to the success of these agreements. It has therefore been suggested that RESILIM-O act as an independent advisor that sits on reserve co-management committees. As neutral members, they could provide a potentially useful means of brokering discussions and bridging the divide between claimants and conservation officials in situations of conflict, specifically around contract implementation and beneficiation. Although this has long-term consequences in terms of time and resource commitments, it provides an important opportunity to improve the chances of success of co-management strategies in the catchment.

Acronyms used

CPA	Communal Property Association
DRDLR	Department of Rural Development and Land Reform
GDARD	Gauteng Department of Agriculture and Rural Development
LEDET	Limpopo Dept of Economic Development, Environment & Tourism
LTA	Limpopo Tourism Authority
MTPA	Mpumalanga Tourism and Parks Authority
WfW	Working for Water



award

The Association for Water and Rural Development

AWARD is a non-profit organisation specialising in participatory, research-based project implementation. Their work addresses issues of sustainability, inequity and poverty by building natural-resource management competence and supporting sustainable livelihoods. One of their current projects, supported by USAID, focuses on the Olifants River and the way in which people living in South Africa and Mozambique depend on the Olifants and its contributing waterways. It aims to improve water security and resource management in support of the healthy ecosystems to sustain livelihoods and resilient economic development in the catchment.

P O Box 1919, Hoedspruit 1380, Limpopo, South Africa

T 015-793 0503 **W** award.org.za

Company Reg. No. 98/03011/08

Non-profit org. Reg. No. 006 - 821

About USAID: RESILIM-O

USAID: RESILIM-O focuses on the Olifants River Basin and the way in which people living in South Africa and Mozambique depend on the Olifants and its contributing waterways. It aims to improve water security and resource management in support of the healthy ecosystems that support livelihoods and resilient economic development in the catchment. The 5-year programme, involving the South African and Mozambican portions of the Olifants catchment, is being implemented by the Association for Water and Rural Development (AWARD) and is funded by USAID Southern Africa.

Copyright © 2018 The Association for Water and Rural Development (AWARD). This material may be used for non-profit and educational purposes. Please contact the authors in this regard, at:

info@award.org.za

The content of this publication does not necessarily reflect the views of AWARD, USAID or the United States Government.

Acknowledgements: Project funding and support

The USAID: RESILIM-O project is funded by the U.S. Agency for International Development under USAID/ Southern Africa RESILIENCE IN THE LIMPOPO BASIN PROGRAM (RESILIM). The RESILIM-O project is implemented by the Association for Water and Rural Development (AWARD), in collaboration with partners. Cooperative Agreement nr AID-674-A-13-00008



USAID
FROM THE AMERICAN PEOPLE

SOUTHERN AFRICA