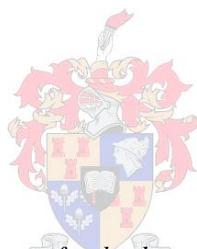


# **Of Nature and People: Community-Based Natural Resource Management and Land Restitution at Makuleke**

by

Francois Johannes Louw



*Thesis presented in fulfilment of the requirements for the degree of Master of Social Anthropology at the  
University of Stellenbosch*

*Supervisor: Prof Kees van der Waal*

*Social Anthropology*

*Department Sociology and Social Anthropology*

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## Declaration

By submitting this thesis electronically, I declare that the entirety of the work contained therein is my own, original work, that I am the owner of the copyright thereof (unless to the extent explicitly otherwise stated) and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

Date: 28 October 2010

## **Afrikaanse Opsomming**

### **Oor Natuur en Mense: Gemeenskapsgebaseerde Natuurlike Hulpbronbestuur en Grondhervorming te Makuleke**

*Hierdie tesis is 'n verkenning van hoe 'n nuwe ontwikkelingskultuur gekweek is aan die einde van die 20ste eeu deur die 'krisis van ontwikkeling' en die noodsaaklikheid om verligting te bring aan verarmde gemeenskappe op 'n omgewings-volhoubare wyse. Ek lig die beperkings en kerneleenthede tot volhoubare ontwikkeling en Gemeenskaps-Gebaseerde Natuurlike Hulpbronbestuur uit wat in grondhervormingseise in bewaringsgebiede in Suid-Afrika na vore gekom het. Ek kyk na hoe die historiese sosio-politiese erflating rolspelers posisioneer en verhoudings en interaksies tussen hulle beïnvloed, hoe die huidige natuur-toerisme industrie tot die nadeel van sommige en voordeel van sekere ander rolspelers werk in terme van die verkryging van ekonomiese sukses en uiteindelik hoe hierdie twee faktore bewarings-gebaseerde GBNHB beïnvloed. Ek bestudeer drie gevallestudies, naamlik die Inboorling-gemeenskap in die Kakadu Nasionale Park, die Khomani San in die Kalahari Gemsbok Nasionale Park en die Makuleke in die Nasionale Kruger -Wildtuin. Analise lei my tot spesifieke gevolgtrekkings: die nagevolge van rasse-segregasie-beleid plaas gemeenskapsakteurs in 'n benadeelde posisie wanneer hulle in interaksie is met hulle vennote; die spesifieke dinamika van die toerisme-industrie bedreig die sukses van GBNHB projekte omdat die verwagte noemenswaardige voordele nie altyd gewaarborg kan word nie; en die gebrek aan effektiewe plaaslike bestuur belemmer volhoubare ontwikkeling op gemeenskapsvlak.*

**KERNWOORDE:** Ontwikkeling, volhoubare ontwikkeling, Gemeenskap-Gebaseerde Natuurlike Hulpbronbestuur, grondhervorming, bewaring, Makuleke, Nasionale Kruger-Wildtuin.

## English Abstract

### **Of Nature and People: Community-Based Natural Resource Management and Land Restitution at Makuleke**

*This thesis is an exploration of how a new development culture has been cultivated at the end of the 20<sup>th</sup> century in reaction to the 'crisis of development' and the need to bring relief to impoverished communities in an environmentally sustainable manner. I uncover the key constraints on and opportunities for sustainable development and Community-Based Natural Resource Management that have emerged in land restitution claims in conservation areas in South Africa. I look at how inherited socio-political pasts poise actors and influence the relationships and interactions between them, how the current nature-tourism industry works to the detriment of some and the benefit of other actors in terms of gaining economic success and ultimately how these two factors influence conservation-based CBNRM projects. I examine three cases, namely: the Aboriginal community in Kakadu National Park, the Khomani San in the Kalahari Gemsbok National Park and the Makuleke in Kruger National Park. Through this examination I draw specific conclusions: the repercussions of racial segregation policies puts community actors at a disadvantage when engaging with their partners; specific dynamics of the tourism industry threatens the success of CBNRM projects because the expected substantial benefits are not always guaranteed; and the lack of sound local governance impedes sustainable development at community-level.*

**KEY WORDS:** Development, sustainable development, Community-Based Natural Resource Management, land restitution, conservation, Makuleke, Kruger National Park.

## **Acronyms**

ALRA - Aboriginal Land Rights Act  
ANC – African National Congress  
BOT – Built-Operate-Transfer  
BTC – Belgian Technical Cooperation  
CAMPFIRE - Communal Areas Management Programme for Indigenous Resources  
CARE - Cooperative for Assistance and Relief Everywhere  
CBNRM – Community-Based Natural Resource Management  
CBO – Community-Based Organisation  
CLARA - Communal Land Rights Act  
CPA – Community Property Association  
DLA – South African Department of Land Affairs  
EPBC - Environment Protection and Biodiversity Conservation Act  
GLTP - Great Limpopo Transfrontier Park  
GTZ - Deutsche Gesellschaft für Technische Zusammenarbeit  
Ha - Hectare  
ICT- Information Communication Technology  
IGA – Income-Generating Activity  
JMB – Joint Management Board  
KGNP – Kalahari Gemsbok National Park  
KNP – Kruger National Park  
MCC&H – Makuleke Community Centre and Homestay  
MEC - Member of the Executive Council  
NAPC - National Parks and Wildlife Conservation Act  
NGO – Non-governmental Organisation  
NPB – National Parks Board  
PHASA - Professional Hunting Association of South Africa  
PLAAS - Programme for Land and Agrarian Studies  
LRC - Legal Resource Centre  
RDP – Reconstruction and Development Programme  
RLCC - Regional Land Claims Commission  
SANParks – South African National Parks  
SASI – South African San Institute  
SDC - Swiss Agency for Development and Corporation  
TCA – Transfrontier Conservation Areas  
UNIDO - United Nations Industrial Development Organization  
WWF – World Wildlife Foundation

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# CHAPTER 1: INTRODUCTION

## 1.1 SCOPE OF THE STUDY

In the hallway of the Makuleke Communal Property Association's (CPA) office stood an enormous three-legged cast iron pot. It was presented to Chief Makuleke by Colin Bell, managing director of Wilderniss Safaris, at the signing of the eco-tourist concessional agreement between the Makuleke community, South African National Parks (SANParks) and Wilderniss Safari in 2003. Through the use of a Tsonga translator, Bell told Chief Makuleke:

The pot is important because it has three legs. Each of these legs needs to be strong for the pot to stand upright. Without three strong legs it will fall over. If each leg is strong, the pot can create the most fantastic food which we all can feed on. The first leg, he continues, represents the environment. If that is strong and well taken care of, it can bring guests to the three lodges that are to be built. The second leg is the tourist who will stay at the lodges, which need to be well run to ensure that the guest is happy and will come back or advise others to visit. In the old South Africa, all we had was two legs. That's partially the reason why the pot fell over. But in this agreement, we are introducing the third leg, which is the community. This is a foundation for a fantastic cooking pot (Kgosana, 2003:1).

The end of the 20<sup>th</sup> century marked a distinctive shift within development discourse: the dominant model of development proved to be fallible while the case for the conservation of nature grew in global prominence. Wedged between these two daunting realities, could the new development-conservationist strategy, Community-Based Natural Resource Management (CBNRM), be a viable and sustainable prospect for conservation-based community development projects in the near future?

Never before has such emphasis been placed on conserving nature and finding innovative ways of merging environmental ethics with the workings of the development discourse, as during the turn of the 21<sup>st</sup> century. With issues surrounding the fragility of the earth's biosphere enjoying global political significance, numerous development projects have been set up to merge poverty alleviation strategies with strategies of environmental sustainability. With conservation areas as the setting and previously removed communities, national park management, development organisations, non-government organisations (NGOs) and private businesses as the role players, CBNRM projects focused on eco-tourism have emerged as initiatives that promise sustainable economic benefits whilst also conserving national park land. Are these promises hollow or can the general optimism among the conservation community, media, etc. be substantiated? Are the communities involved receiving substantial benefits and do they have equal bargaining rights when engaging with external private businesses and organisations? What is the situation at community level with regard to the implications of CBNRM projects?

This thesis is an exploration of the key constraints to and opportunities for sustainable development and CBNRM that have emerged in land restitution claims on conservation land in South Africa. Against the backdrop of the Restitution of Land Rights Act 22 that was promulgated in 1994, claims within conservation areas have always been a worrying concern for the Land Claims Commission and the Land Claims Courts. The reasons for concern relate to the management issues experienced with park operators and the sensitive natural environment of these areas. Finding a feasible and sustainable CBNRM approach to land that is claimed within conservation areas and providing substantial benefits to community members and private sector businesses alike would be invaluable to the Department of Rural Development and Land Reform, development practitioners and participating communities.

Numerous development analysts, theorists and practitioners praise CBNRM projects for their potential to merge biodiversity conservation with rural development ideals (see Kellert et al, 2000; Ayoo, 2001; Skyer, 2004; Ogbaharya, 2006; Kay, 2006). Such individuals view CBNRM projects as the key project framework within today's new development culture upon which to base future development projects. For such individuals, CBNRM projects will not only promote sustainable development, empower local communities through decentralisation and capacity building, and ensure that the ecological integrity of conservation areas are maintained, but will also guarantee that substantial economic benefits reach local community members. In this way, CBNRM projects are seen as 'win-win solutions' for the parties involved; namely marginalised communities, government and national park administrators. However, many critics have cited numerous practical pitfalls of the CBNRM approach to development. Critiques include (amongst other) enforcing government control over already marginalised communities, not being able to ensure substantial economic benefits for community members, naïve assumptions about the custodianship of local communities, intra-community conflicts and weak local institutions (see Agrawal and Gupta, 2005; Koch, 2004; McDermott, 2001; Fabricius, 2004; Cousins, 2000; Spinage, 1998; Turner, 2006). I tend to be in agreement with Kepe, Cousins and Turner:

As in much of Africa, the resource tenure frameworks and the power dynamics are far too complex to permit even the most resourceful of individuals to drive a straight line through them (undated: 19).

In this thesis I look at how socio-political pasts situate actors and influence the relationships and interactions between them. I also evaluate how the current nature-tourism industry works to the detriment of some and the benefit of other actors. I consider how these two factors influence the effects of conservation-based CBNRM projects for the principal actors involved (see Turner, 2006).

The main case in focus is the Makuleke CBNRM project in the Kruger National Park (KNP). In 2002, the Makuleke community signed a co-management agreement with the parastatal organisation, SANParks, which allowed the Makuleke to regain title of their 'ancestral' home, Pafuri. Pafuri is set within the northernmost part of the KNP. The land had to be used for commercial, eco-tourism based economic development. The agreement saw the erection of two luxury lodges, The Outpost and Pafuri Camp, with projected community revenues

reaching R2 million annually from lease fees as well as wage income of R2,4 million per year (for roughly 100 community members) (Collins, 2008). As promising as these projections were, the reality was that the Makuleke case was riddled with gross institutional incapacity, disrupting power relations, intra-community differentiation and, as a result, the community received meagre economic benefit from the CBNRM project. In addition, the community had to rely heavily on external support and funding since the signing of the agreement in 2002.

I evaluate two secondary cases in order to deepen my analysis of the main case. These cases are the Aboriginal community in the Kakadu National Park in Australia and the ꞆKhomani<sup>1</sup> San in the Kalahari Gemsbok National Park (KGNP) in South Africa. At Kakadu National Park, a significantly strong position was awarded to the Aboriginal people residing within the park in 1991, giving them more financial security, clearer responsibilities and more direct participation in the management of the park. While notable sustainable development inroads were made through this CBNRM project, many traditional owners had trouble functioning within an entirely Western policy and management framework and most community members had not benefited from employment opportunities. Other unresolved issues related to usage restrictions placed on traditional resources and the inability of many community members to come to grips with the fact that they had to share their ancestral land with Parks Australia and vast numbers of visitors. Nonetheless, the CBNRM project at Kakadu National Park is still regarded as a highly successful project that managed to dovetail broader rural development goals with nature conservation principles.

The case of the ꞆKhomani San in the KGNP was significantly different. Through a successful land claim in 1999, the ꞆKhomani San was awarded 43 000 ha outside the KGNP and an additional 25 000 ha inside the park. Land usage of the area inside the park was subject to a joint management agreement with SANParks. The total land claim was estimated at R15 million and saw the ꞆKhomani San become the richest land owners in the area. NGOs became actively involved in the CBNRM project and many saw the case as invaluable to the revitalisation of the culture and identity of Africa's 'First People'. However, the development of the project dwindled due to the lack post-resettlement planning on behalf of the government and ambiguous support from NGOs and donors. The result was the unforeseen splintering of the community between the 'traditionalists' and the 'western bushmen' resulting in a severely complex state of affairs. Furthermore, the ꞆKhomani San CPA's lack of institutional capacity to support and manage land use activities further restricted the sustainable development of this hopeful CBNRM project.

Examining these cases provides specific international and local insights into each initiative and unveils larger development trends and project challenges within CBNRM initiatives, especially within the context of land reform strategies. After comparing these three cases I firstly conclude that the repercussions of past racial segregation policies put community actors at a disadvantage when engaging with their partners. Secondly, I deduce that there are specific dynamics of the tourism industry that may threaten the success of CBNRM projects as substantial benefits cannot always be guaranteed. Lastly, I argue that the lack of sound local governance hampers sustainable development at community-level (see Turner 2004, 2006). While the Makuleke

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<sup>1</sup> The Ꞇ punctuation refers to a specific click consonant characteristic to the language used by the ꞆKhomani San.

case has often been described as a win-win situation, I propose that a deeper analysis shows that the cause for celebration is premature as numerous issues threaten the promotion of sustainable development.

## 1.2 METHODOLOGY

In this section I highlight the research methodology used in this study and reflect on my role as a researcher in the field.

The thesis is an ethnographic study that consists largely of qualitative research aimed at describing and understanding the various processes (Babbie and Mouton, 2001) that culminated in the Makuleke land claim and the post-claim developments that have come as a result of this agreement. An ethnographic study was chosen as I sought to uncover the different relationships present in the Makuleke case and the power relations inherent to them. I uncovered some of the complexities of the project by focusing on the different processes within the community, and between the community, SANParks, the government and external actors like private businesses and NGOs. In doing so, I endeavoured to include perspectives from across the social spectrum of the research field to broaden my understanding of the Makuleke CBNRM project.

In my research, I have tried to gain an 'emic' (insider) perspective by using the key anthropological qualitative method of participant observation. De Walt and De Walt describes participant observation as "a method in which a researcher takes part in the daily activities, rituals, interactions, and events of a group of people as one of the means of learning the explicit and tacit aspects of their life routines and their culture" (2002:1). I attended and took part in numerous community events and meetings and interviewed people at their place of work or at home (not at the place where I was residing in the village). I also took part in more casual social events such as going to the local tavern with friends from the community, watching soccer games with community members and taking strolls through the community. This method of immersing myself to some extent within my social surroundings helped me to understand the physical, social, cultural and economic contexts in which the study participants live. It also promoted my understanding of the relationships among and between people, contexts, ideas, norms, and people's behaviours and activities (Bernard, 1998). Actively participating in community activities also allowed me access to a wide variety of people and, in a sense, allowed me to gain the trust of many community members (inside and outside the community).

Research in the field was conducted for a total of five weeks over a period of nine months during 2008 and 2009. Having arranged field trips well beforehand, the duration of my fieldwork was intense and multifaceted. I was privileged to attend and partake in a number of social occasions and there were always a number of other researchers in the area with whom I was able to coordinate and discuss my fieldtrips. For the duration of my fieldwork I resided at the local bed and breakfast facility at Makuleke, which served to be a well-situated location from which I could identify, meet and locate a range of different individuals. The bed and breakfast facility forms part of the Makuleke Cultural Centre and Homestay (MCC&H) which is situated next to the chief's residence, the tribal court and the offices of the Makuleke CPA. The 'rondavel' in which I stayed

overlooked a large dam and a bushed area which was used for cattle grazing and a community-run vegetable garden.

During my stay, I conducted twenty in-depth and thirty-five open-ended interviews with people from the community, ranging from the chief, members of the CPA, school staff, a local reverend and school pupils to the manager and staff of the MCC&H. Interviewees were selected based on their perceived position within the community (where I endeavoured to gather information from a range of different community leaders and actors) and through a 'snowballing' referral system. This 'snowballing' system used meant that one interviewee would often suggest two or three other interviewees to meet with and so forth. I would then use this reference to gain access to a wide variety of community members which added depth to my research.

I attended three community meetings: one was a CPA meeting with a representative from the Department of Land Affairs and two were workshops with Namibian delegates (Ministry of Environment and Tourism and the Strengthening the Protected Area Network project<sup>2</sup>) and SANParks representatives coming to learn more about the joint management arrangement between the Makuleke community, SANParks and the private tour operators. Both workshops were also attended by members of the Makuleke Royal Family. I was also present at a number of public events: the funeral and memorial service of a well-known community member, cultural shows at the MCC&H which were held for tourists and I participated in village soccer matches. Lastly, I was privileged to enjoy dinner with the chief, other royal family members and friends of the family together with a colleague, Izak van Zyl and Professors Kees van der Waal and Steven Robins from Stellenbosch University.

Given Chief Makuleke's consent (by officially meeting him and him declaring that I am free to do my research within the Makuleke region) and the presence of researchers previously, gaining access to the community (for meetings, events, etc.) was fairly unproblematic. Most community members were very open to discussions and often invited me into their homes to talk with them. Most of the local people interviewed were fluent in English and keen to share their experiences and thoughts on a range of issues. Topics of discussions ranged from personal life histories and livelihoods, to thoughts on what role community institutions should be playing within the community. Apart from basic inquisitive questions relating to the CBNRM project, interviews were fairly open and interviewees were allowed to lead most of the discussions. However, I would guide the conversation towards more specific topics when I felt interviewees were drifting into topics that were unrelated to my research.

Often accompanying me on my research trips was James Maluleke, manager of the Makuleke bed and breakfast facility. When needed, James Maluleke translated information from Shangaan (the home language of most of

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<sup>2</sup> Funded by the Global Environment Facility through the UNDP, the Strengthening the Protected Area Network is a Namibian-based project that was launched in 2006. The project is set to run for six years and is undertaken by the Ministry of Environment and Tourism and housed within the Directorate of Parks and Wildlife Management. The aim of the project is to improve management effectiveness of Namibia's state protected areas for biodiversity conservation (Strengthening the Protected Area Network project, 2010).

the Makuleke members) to English and acted as a key social and cultural interpreter of events that took place within the Makuleke community.

Two trips were made outside the tribal headquarter: (1) an excursion with a member of the Makuleke Royal family to Pafuri Camp (one of the tourist lodges), the old Makuleke area in Pafuri, Crook's Corner (where the borders of South Africa, Zimbabwe and Mozambique meet) and a short visit into Mozambique; and (2) a research trip with James Maluleke and two colleagues into Mhinga, the area adjacent to the Makuleke area where the Mhinga community was resident.

The first trip was significant as the royal family member who led the excursion acted as a keen (and somewhat nostalgic) narrator on how life was in Pafuri before the forced removal. He also conveyed his hopes on what possible economic and symbolic benefits could stem from the CBNRM project for the Makuleke community. This not only contributed to my understanding of the larger context in which the Makuleke CBNRM project was situated, but also allowed me to compare the different micro-contexts in which the project took place and how they and the different role-players formed part of the project (i.e. the KNP and the luxury lodges, and the Makuleke region and its neighbouring villages).

The second research trip was noteworthy because of the current situation where Chief Mhinga was demanding the inclusion of the Makuleke community in his tribal area. At first I was anxious to go into the Mhinga area as I believed that Mhinga community members would be very hostile towards people coming from the Makuleke community. However, this was not the case. Most Mhinga community members were very friendly and helpful throughout our trip. Moreover, I established that many Makuleke members had friendship ties with people staying in Mhinga and that some Mhinga community members worked within the Makuleke area (and vice versa). Therefore, despite the conflict situation between the Makuleke and the Mhinga tribal authorities, community members still engaged and interacted with each other on a regular and conflict-free basis.

In addition, with the Makuleke case being a renowned one (see Robins and Van der Waal, 2008; Collins, 2008; De Villiers, 1999; Steenkamp and Uhr, 2000; Tapela and Omara-Ojunu, 1999), I was privileged to share insights and opinions with various research groups and individuals who came to study the community: horticulturalists from Zimbabwe, development workers from Germany, research groups from America and Namibian delegates coming to learn from the CBNRM project. Importantly, because most of these researchers resided at the bed and breakfast at the MCC&H, it made for regular meetings and discussions (mostly around the dinner table) on a variety of research foci within the community.

Research trips were done together with my close friend and co-Masters student, Izak van Zyl, while professors Van der Waal and Robins also accompanied us for one week. In addition, I was part of a research group from Dalhousie University (Canada), headed by professor Victor Thiessen and Barbara Cottrel, that was exploring the impacts of information and communications technologies (ICT) at N'wanati High School in Makuleke. The research group experience was valuable to my own research as it gave me access to the high school system in Makuleke, the curriculum and the nature of the education system. It also allowed me to befriend many of the

teachers and students at the high school. As such, I was able to interview and build a relationship with many teachers and students later on in my research.

In addition, I have included a number of photos into my report, not to create a fixed representation of people, settings or events, but to aid the reader in visualising specific surroundings. In this sense, the photos (and figures) included should be seen as supplementary (together with the text) and illustrative additions to aid the reader in familiarising them with the areas and settings in question.

Overcoming the language barrier and finding sufficient anecdotes from different community members were some of the minor challenges faced during my research. What I did, however, find challenging relates to the much debated ethical issue of philanthropy versus anthropology (see Trundle and Mathur, 2008; Wax, 1991). Because of my perceived socio-economic status and because I was conducting research in a relatively impoverished area, many community members approached me with business offers, requested donations for particular community causes (for example helping out a local soccer team with attire and equipment), enquired about possible job opportunities or asked for personal monetary donations. Given these requests and expectations, it was often challenging to put across my reasons for doing research in the area and to keep a non-problematic relationship with members of the community without creating false perceptions about my role in the community. For the most part, such philanthropist expectations were expressed by community members whom I met on a casual basis whilst doing fieldwork, e.g. walking through the village or attending public events like soccer matches or voting at the polls in the national election on 22 April 2009. Such monetary requests were not made by, for example, CPA members, teachers, etc.

In contrast, conducting interviews with members of the CPA, the joint management board (JMB) and other community institutions had different implications for my role as a researcher in the area. During interviews with members from such community institutions, the person being interviewed would often point out the importance of such exchanges with outside researchers and how valuable they regarded such interactions. In other words, community members in formal institutional positions emphasised the significance of nurturing 'mutual learning relationships' for their development as 'community leaders who have still a lot to learn'. This general openness to interviews, information sharing and discussions on core issues was invaluable to my research findings and I am highly indebted to these members for their generosity.

Interestingly though, my role as a local researcher (coming from South Africa and having done some research in the area) had different implications when engaging with international researchers also staying at the bed and breakfast facility. From the start of my fieldwork, many international researchers visiting the area for the first time would value my opinion on a range of community-related issues very highly and often enquire about very specific facts that I sometimes did not have the answers to. During such instances I became aware of my role as an informant and how my views and insights too can become part of other researchers' knowledge base. I managed such relations very carefully so as not to enforce my personal ideas or to give false information.

### 1.3 ORGANISATION OF THE STUDY

In this section I describe the organisation of the study and the structure of each chapter.

In Chapter Two I highlight the salient environmental critiques of the conventional model of development and outline the growth of the environmental movement in recent years. I discuss the notion of sustainable development and show how it came to be adopted by environmental- and development practitioners. Next, I set out the general objectives and practical implications of CBNRM initiatives and how they attempt to merge biodiversity conservation projects with rural development objectives. I also show how lessons learnt from private wildlife parks spawned ideas around CBNRM in South Africa. Finally, I put forward an analytical framework for uncovering many of the complexities that are often associated with CBNRM projects. As such, I discuss themes that are related to property rights, institutions and capacity building, power relations, intra-community differentiation, state-community relations and community identity and how these come into play in CBNRM projects. This (non-exhaustive) list of common themes present in CBNRM projects then serves as an analytical framework for uncovering many of the complexities and issues experienced in all three the case studies being put forward in this thesis.

In Chapter Three I provide some background material on land reform policies and land claims in Australia and South Africa, and discuss CPAs and the problems associated with them in South African land reform. This is done to better my understanding the national context of each of the case studies. Next, I examine the Aborigines and †Khomani San cases by looking at the background, the CBNRM agreement and evaluate the current status and complexity of each case by using the analytical framework put forward in Chapter Two. Lastly, I compare the two cases to gain specific insights into the analysis of the Makuleke case evaluated in Chapter Four.

In Chapter Four I turn my focus to the primary case study: the Makuleke community in the KNP. I discuss the history of the Makuleke restitution case by providing a brief background to the Makuleke settlement within the context of the KNP and draw attention to the key events that led to the eventual joint management agreement in 1998. Next, I stipulate the specifics of the joint management agreement concluded between the Makuleke CPA and SANParks, define who the intended beneficiaries were and delineate the rights, expected requirements and responsibilities given to each of the parties. Lastly, and as with the two previous cases discussed in Chapter Three, I evaluate the main socio-economic development issues at play concerning how the community and SANParks have responded to the practical implications of the joint management agreement and how this reflects on the position of the community by applying the analytical framework put forward in Chapter Two.

In Chapter Five, I summarise the arguments put forward in this thesis, compare the three cases and draw further conclusions regarding CBNRM projects and their context within land reform, nature-tourism and the ‘new development culture’. Lastly, I suggest possible future themes of exploration regarding environmentally conscious development, sustainable development and land reform.

## CHAPTER 2: FROM THE GOLDEN TO THE GREEN ERA

Any new long-term strategy, to be credible, should be based on a hard-headed examination of the lesson of the past. The first generation after independence assumed that development meant achieving Northern standards of living...The strategy failed...because it was based on poorly adapted foreign models. The vision was couched in the idiom of modernization...In recent years, however, many elements of this vision have been challenged. Alternative paths have been proposed. They give primacy to agricultural development, and emphasize not only prices, markets and private sector activities but also capacity building, grassroots participation, decentralization and sound environmental practices...The time has come to put them fully into practice (World Bank, 1989: 36).

As illustrated by the above quotation, the World Bank foretold a radical shift within the development discourse. Development, as an ideal, a means and a practice has been a widely debated topic and the target of much scrutiny at the end of the 20<sup>th</sup> century (see Sachs, 1997; Esteva, 1998; Escobar, 1995). Many contributing factors have led to this, what some have called, 'the crisis of development'. From anti and post modernist to post-structuralist, anti-capitalist and globalisation critiques, the academic and philosophical offensive on the conventional model of development was strong. Moreover, the cause for environmentalism and ecology grew immensely in the light of global climate change and key publicised events that emphasised direct human influence on nature (like the destruction of rain forests, enlarging the opening in the ozone layer and the threat of extinction to animal life). In many ways, the 21<sup>st</sup> century has been characterised by a new societal culture that seeks to mitigate a looming 'environmental crisis'. But what development approach could possibly remedy such two seemingly irreconcilable crises?

In order to frame the historical development and recent popularity of CBNRM, I will highlight in this chapter: the salient environmental critiques of the conventional model of development, outline the growth of the environmental movement and the notion of sustainable development, and show how lessons learnt from private wildlife parks spawned ideas around CBNRM in South Africa. With this background, I will set out the general objectives and practical implications of CBNRM initiatives and how they endeavour to marry biodiversity conservation projects with rural development objectives. Importantly though, I will highlight some of the most salient complexities associated with the approach by discussing themes around property rights, institutions, power relations, intra-community differentiation, community identity, state-community relations and capacity building. In discussing each theme, I will indicate how these come into play in CBNRM projects and consider recent literature concerning these themes.

While I am well aware that this list of themes does not cover all possible aspects of CBNRM projects (for example the ecological impact of CBNRM initiatives on the environment), the non-exhaustive list should be regarded in the anthropological nature of this thesis. The purpose of putting forward these themes is to use them

as an analytical framework for scrutinising the three CBNRM cases in Chapters Three and Four, and to form the thematic basis of the comparative discussion of the cases in Chapter Five.

## 2.1 ENVIRONMENTAL CRITIQUES OF THE CONVENTIONAL MODEL OF DEVELOPMENT

All of a sudden the future changed its tone; it was not any longer a bright period when the fruits of development could be harvested, but appeared as a potentially gloomy period when finally the bill for the party would have to be paid (Sachs, 1997).

Development critics like Sachs (1997), Esteva (1998), and Escobar (1995) have dubbed the contemporary era as 'the end of the age of development'. Through the eyes of such critical analysts, the modern era functions as a clear example of how development has failed to deliver the economic growth and socio-cultural modernisation that it had promised. These development analysts challenge the fundamentals that underpin the ideology of development and assert, as Sachs (1997) points out, that the ideology behind development is flawed. As their argument runs, an ecological disaster would befall the world if all of the world's people are to consume at First World levels. Indeed, the Earth and all of its resources would dry up at an alarming rate if all its inhabitants are to engage in First World consumerist practices. Understandably, stark critics of development like Ferguson lash out by saying that "development offers only a thinly veiled Westernization, a colonizing global monoculture that must choke out the 'traditional' world's wealth of diverse local modes of life" (Ferguson, 1999: 246).

While this 'crisis of development' may only represent the position of a singular development critique amongst many, in the midst of publicised humanitarian movements and increased concerns over impoverished people in developing countries, the late 20<sup>th</sup> century has been a time of stark analyses of development projects and impoverished communities. However, the 'revision of development' is in part the result of globalisation, the booming of the Information Age and shifting neo-liberal power relations, but also the result of advancements in measuring development initiatives. Increasingly, development projects were assessed by quantifying key 'indicators of development' such as poverty, standards of living, and the mean differences between the poorest and richest members of society (Gini coefficient). Therefore, successes in conceptualising key development benchmarks and finding more ways of quantifying these have led to a more focused and direct analysis of development endeavours and the principles they were based on.

By taking poverty as one indicator of development (or the lack thereof), current statistics pose a troublesome landscape. Even though contemporary development discourse has undergone significant change of late, the incapability of a previously dominant model of development to address issues of poverty is still very much evident today. Estimations made by the World Bank show that more than 1, 4 billion people live on less than

US\$1.25 a day<sup>3</sup>. Across the board, this means that one out of every four persons in the world lives in extreme poverty (World Bank, 2008). However, in viewing poverty, it is important to remember that this ratio jumps excessively in developing countries (for example, roughly four out of every five persons in Tanzania) while it eases out when measured in developed countries (for example, one out of every 100 persons in Taiwan) (Human Development Report, 2008).

Nonetheless, extreme poverty has lessened to a large extent, from 52% in 1981 to 26% in 2005 in the developing world. In China, 207 million people fall under the US\$1.25 poverty line compared to 835 million in 1981. Still, in areas like South Asia where the US\$1.25 poverty rate has fallen from 60% to 40%, the increased population growth rate has kept the number of impoverished people at about 600 million in 2005. Worryingly though, the 50% of the total population living on less than US\$1.25 per day was the same in 1981 as it was in 2005 in Sub-Saharan Africa. In this part of the world, the number of poor persons almost doubled, from 200 million in 1981 to about 380 million in 2005. If the trend persists, this will mean that a third of the world's poor will live in Africa by 2015 (World Bank, 2008).

While it may be difficult and time-consuming to debate which development projects have been successful, which have not and for what reasons during the 20<sup>th</sup> century, considering overall development statistics the picture becomes rather clear. It can safely be said that 'Third World'/developing/post-colonial countries make up the bottom categories of the Human Development Index, the Gender-related Development Index, the Gross National Product Index and life expectancy Index, and the top categories of demographic statistics like infant mortality and mortality rate. Given the large amount of funds invested in and human capital dedicated to the development industry, the conventional model of development pursued during the 20<sup>th</sup> century came under immense scrutiny. One of the most concerted challenges to this model came from the environmental movement which was seen to gain considerable momentum from the 1970s onwards.

With discussions around the repercussions of imperialism, colonialism, dependency-based economic systems and the expansion of multinationals being widely available (see Nkrumah, 1965; Tausch, 2003, Korten, 1995), examining these issues, the origins of contemporary poverty or how poverty should be defined falls outside the focus of this thesis. Rather, I endeavour to understand the development and popularity of CBNRM during the latter part of the 20<sup>th</sup> century, by looking at some of the fundamentals of the conventional development model preceding this time and how environmentalists have set to 'derail' the 'linear' course of this model.

Development, as a discourse and applied theory, is based on a dominant model of development. Conventional approaches to development see it simply as the modernisation (democracy based political systems, open market arrangements, technological advancement, etc.) of a global society along the lines of Western ideals. Modernisation theory puts forward that society's modernism and progressiveness is directly proportionate to it being structurally specialised and increasingly differentiated (Pepper, 1996).

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<sup>3</sup> \$US1.25 has been set as the new poverty line from 2005 onwards for the 20 poorest countries in the world. The new poverty line is intended to give a more accurate picture of the 'cost of living' in developing countries (World Bank, 2008).

More specifically, a modernised society is a society that has become technically sophisticated and urbanised, and is increasingly making use of markets for the distribution of economic goods and services. With modernisation come specific social changes in the form of the development of a representative democracy, increased mobility and the weakening of traditional elites, kinship groups and communities. It is in this sense that modernisation is closely tied to the promotion of individual growth and self-advancement. The most recognisable environmental hallmarks of modernisation include: taming wilderness areas into natural parks, harnessing wild rivers for energy production and clearing forests for agricultural production (Baker, 2006).

Fundamental to the conventional model of development is the understanding that society quintessentially goes through different stages of economic growth (Rostow, 1960). Firstly, traditional societies are seen to develop to a stage of economic ‘take-off’, so to speak. In this stage of ‘take-off’, new industries and entrepreneurial classes emerge (as was the case with Britain during the nineteenth century). Secondly, given enough favourable progressive societal developments, ‘maturity’ follows in which steady economic growth surpasses population growth. Lastly, ‘a final stage’ is reached where high levels of mass consumption allow for the emergence of a social welfare system for the members of society (Pepper, 1996).

This conventional model of development presupposes a linear progression for societies of the world, in which it becomes necessary for Third World societies to ‘catch up’ with Western ideals of development or get left behind. From a closer perspective, Third World societies are ‘expected’ to open up their economies to Western values, influences and investment and to become actively focused on ensuring their integration into the global market system in order to ‘survive’ as a society (Baker, 2006).

However, strong critiques were raised that opposed this ‘Western-centric’ development model. Although in different forms and different expressions, modern environmentalism grew as a leading movement against the often hollow deliverables of conventional development projects. By pointing out the practical consequences of such conventional development projects, modern environmentalism brings to light the failure of the model that often resulted in unemployment or ‘jobless growth’ in development-targeted countries. Furthermore, it points to the tragedies of the failed development strategies in countries of the former Soviet Union in their transition to Western developmental ideals. In effect, modern environmentalism disputes many of the basic assumptions made in the Western model of development regarding the use of nature and natural resources, the meaning of progress, the manner in which society is governed, the role of traditional patterns of authority within society and how public policy is made and implemented (Baker, 2006).

Similar critiques have been issued by other social and political movements such as Marxism (see Marx, 1887; O’Laughlin, 1975) and dependency theories of Third World underdevelopment and dependence (Köhler and Tausch, 2002). However, while sharing the cause of challenging conventional models of development, what distinguishes environmentalism is its focus on the economic, social and ecological dimensions and consequences of development. Following this varied focus, I propose seven central arguments put forward by Susan Baker that together form the axis of environmentalism’s critique of development (Baker, 2006).

First, environmentalism questions the understanding of 'progress' propagated by the Western development model. The notion of progress in this model is put forward in a limited way as it infers the increased human domination over nature and the use of natural resources solely for the purpose of benefitting humankind. As such, the domination of nature becomes a key watershed in calculating human and societal progress. In other words, harvesting woodlands, clearing land to achieve agricultural production, or using natural resources like coal, oil and gas to generate energy or electricity, are seen as indicators of progress. In effect, the value of nature is merely being reduced to a natural resource base relative to the needs of humans. Its value to the natural world and other non-human species and life forms is denied. This line of thinking gives an instrumental value to nature and pushes aside the intrinsic value that nature holds over and above its usefulness to humans (Baker, 2006).

Second and now widely recognised, the conventional development model prioritises economic growth above all, even though the very resource base upon which future development projects rest are under threat from heightened consumption patterns characteristic of the 20<sup>th</sup> century. Simply put, the development model assumes environmental deterioration as a necessary consequence of development. Although enhanced legal and technical efforts have curbed the effects of environmental pollution, the model is nevertheless premised on the acceptance of a clear trade-off or exchange between economic development and the environment (Baker, 2006).

Third, the conventional model of development is based on the principle that consumption is the single most important contributor to human welfare. For decades, welfare has been measured by means of the standard of living (i.e. the amount of disposable income an individual has to purchase various goods and services). In this respect, the Western development model is based on individualistic consumption, rather than on social cohesion for example. More often than not, individualistic consumption leads to increased inequality and more so given the cyclical recession characteristic of modern economic systems (Ekins, 2000). Moreover, it gives priority to individual self-attainment at the expense of a consideration of the common good of a larger society. In contrast, environmentalism emphasises a focus on a common-held understanding of the 'quality of life' rather than on the standard of living. Quality of life favours the collective above the individual level and enhancing the quality of the public domain (for example providing public health and education to those who cannot afford it and putting policies and practices in place that promote the protection of the environment) (Baker, 2006).

The fourth central argument highlights that the conventional model of development ignores the fact that social stability relies largely on a constant access to natural resources. When the natural environment deteriorates, it causes social disruption and impairs human health. For example, loss of crucial natural biodiversity in agricultural systems will increase the vulnerability of local communities (food supplies, job losses, extended repercussions down the value chain, etc.), which in turn would likely lead to social unrest that can easily undermine social and political institutions (Gowdy, 1999).

Fifth, development, in the traditional understanding, ignores the fact that Western development was and continues to be based upon the constant utilisation of natural resources found in both Western and Third World countries. In order for development endeavours to progress, the people living in Third World countries also have to be exploited. This has led to severe underdevelopment in Third World countries and added to the ills of

resource poverty and a culture of dependence. Modern environmentalism enters the debate by putting forward that poverty is caused by the penetration of Western environmentally destructive development models into Third World countries, instead of aiding those living in impoverished societies. Of note is the fact that the conventional development model ignores the long traditions of community resource management strategies of Third World societies and, in turn, shrugs their practices off as being backward. On the contrary, many traditions have developed a strong body of indigenous knowledge which enabled many traditional societies to live in harmony with their respective natural surroundings. Nonetheless, environmentalism recognises that not all traditions have managed to do so successfully (Baker, 2006).

Sixth, the conventional development model is one that could only benefit an exclusive global stratum of society as it is impossible to achieve global replication of the resource-intensive, affluent lifestyle of the high consumption economies of First World countries. It goes without saying that the Earth's ecosystem simply cannot absorb the resultant pollution of more and more high-consumption societies, as is being witnessed through climate change. It becomes clear then, that the development model pursued by Western industrialised societies simply cannot be sustained in the future, be it in its present form or at its present pace (Baker, 2006).

Finally, the seventh basis of critique highlighted by the modern environmentalism movement points to the failure of the conventional development model to acknowledge the limits of resource-intensive economic growth. These limits are brought to bear by the 'carrying capacity' of the Earth, especially in terms of the biosphere's limited ability to absorb the effects of human activities and the fact that natural resources like minerals, ore and water are finite. In other words, while technological advances may improve the efficiency at which a society consumes resources, it will not overcome the limitation of those resources. This 'ultimate limit to growth' means that development needs to be restructured around the need to espouse societies and lifestyles that fall within the Earth's ecological capacity (Baker, 2006).

What can be gathered from these seven fundamental environmental critiques of the conventional model of development is that the post-war occurrence of economic growth and prosperity was both exceptional and contingent (Redclift and Woodgate, 1997). Put otherwise, the golden post-war years of development have proven impossible to replicate across space (at global level) and time (into the future). The unprecedented growth was contingent upon a limited, short-term perspective, the prioritisation of the goals and values of one region of the world over others, and upon giving preference to the human species over the Earth's natural system as a whole (Baker, 2006). Environmentalism's critique of development indicates that the linear development of modern society cannot be guaranteed, nor can this development be automatically harmonious (Barry, 1999).

While, the crude 'malfunctions' of this dominant development model became more and more visible by means of increased poverty across the globe, so did the environmental repercussions of it become evident. Undoubtedly, one of the most noticeable, contemporary environmental movements is the global warming campaign that endeavours to create global awareness of and combat the effects of the warming of the Earth's atmosphere due to green-house gas emissions. Documentaries like *An Inconvenient Truth* and *The 11<sup>th</sup> Hour*

supported by Al Gore and Leonardo Di Caprio respectively, have been made popular in contemporary media and urge people around the world to cut down on their carbon emissions, live 'greener' and think more in 'sustainable' terms for the sake of preserving the Earth for future generations. More officially, the Kyoto protocol stands as the largest international agreement aimed at setting binding targets for thirty-seven industrialised countries and the European community for reducing green house gas emissions (World Bank, 2008).

Evidently, environmental ethics seem to have taken root in the moral consciousness of modern society and not only by means of reorienting the development industry. The Earth Charter<sup>4</sup> is one such an initiative that calls for a global awareness of the interdependency of environmental protection, human rights, equitable human development and peace. The Charter has been endorsed by countless organisations, national government ministries, associations of universities, politicians, business people, various religions and numerous non-governmental networks and activists. As such, a strong need for a revised model of development arose that could not only bring relief to impoverished people and communities, but that could also do so at minimal cost to the natural environment. The result is that the 'crisis of development' and the need to bring relief to impoverished communities in an environmentally sustainable manner cultivated a new development culture.

## 2.2. GREENING DEVELOPMENT: CULTIVATING A NEW DEVELOPMENT CULTURE AND THE NOTION OF SUSTAINABLE DEVELOPMENT

One of the most recent social movements that have had a distinct impact on cultural values, society's institutions and political consciousness is the environmental movement. Today, be it by means of fronting or an actual display of accrued values, party candidates can hardly be elected to office without 'greening' their political platform and increasing numbers of corporations are including environmentalism into their public relations agenda. In addition, governments and international institutions are increasingly putting out more programs, special agencies and legislation to protect nature, improve the quality of life and, more importantly, protecting the Earth for future generations. At the development front, the dated nexus of development for the poor and conservation for the rich have been transformed into a multi-layered debate regarding the actual content of sustainable development for each country, city and region. As such, emerging during the late 1960s, the multifaceted environmental movement with its strong base in the United States and Northern Europe has moved to the centre in a dramatic reversal of the way in which people think about the relationship between economy, society and nature, thus bringing about a new (development) culture (Castells, 1997).

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<sup>4</sup> The Earth Charter, launched on 29 June 2007 at the Peace Palace in The Hague, Netherlands, is a declaration of core values and principles with the purpose of setting in motion a just, sustainable and peaceful global society in the 21<sup>st</sup> century (World Bank, 2008).

From the United Nations Conference on the Human Environment<sup>5</sup> in 1972, to the Brundtland Commission<sup>6</sup> in 1983 and the Rio Summit<sup>7</sup> in 1992, environmental and developmental concerns have received considerable (inflated) political and public profiles. Whilst simmering in the backdrop of politics pre-1990, ‘green development ideas’ blossomed at the turn of the 21<sup>st</sup> century when development came under fire for not delivering sustainable and prolonged benefits to impoverished communities across the globe. Whilst terms like sustainable development and eco-tourism were relatively limited concepts in the early 20th century, these ideas became more and more prominent in the 1990s and set the course for prospective environmentally-sensitive sustainable development projects.

Since the 1970s, concerns surrounding the environment and development in impoverished countries became a pivotal feature of debate regarding development studies and development projects’ practical and long-term implications. Amongst the development critiques raising their voice during the last decade of the twentieth century, it was the sophistication of the critiques of the environmental dimensions of development in practice that ensured its inflated agenda within development discourse (McCormick, 1992).

During the 1970s, the extension of environmental pressure group politics in the industrialised world was crucial to the inclusion of environmental concerns in development discourse. During this time, effective political and media rallying drew increased attention to the loss of species and habitat caused by development projects. Actions like the ‘Save the rainforest’ campaign logically followed emphasis of concerns about pollution, extermination of whales and the degradation of the First World countryside (Adams, 2003).

As the effects of globalisation grew and more and more regions became part of a larger ‘global village’, so did concerns about Third World environments mature that were previously overlooked by popular media and the global political radar. However, ‘First World environmentalism’ did more than just add the environmental distress of the Third World to their list of budding concerns. In what can be seen as a resolute effort, ‘First World environmentalists’ and lobbyists moved beyond environmental protection and transformed ideas on conservation by including ideas and concepts from the broad field of development. These environmentalists

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<sup>5</sup> The Conference held in Stockholm in 1972, brought the need for a common outlook and for common principles to motivate and guide global society in the active preservation and enhancement of the human environment (United Nations Environment Programme, 1972).

<sup>6</sup> Also known as the World Commission on Environment and Development, the Brundtland Commission was convened in 1983 by the United Nations in order to raise concerns about the accelerated deterioration of the human environment and natural resources and what consequences this would have on economic and social development. The Commission recognised that environmental ills were a global concern and therefore stressed that it would be in the common interest of all nations to develop policies for sustainable development. The Commission was named after its Chair, Gro Harlem Brundtland (United Nations, 1987).

<sup>7</sup> Otherwise titled the United Nations Conference on Environment and Development, the Rio Summit was held in 1992 in Rio de Janeiro. The Summit had the goal of establishing a new and equitable global partnership by encouraging renewed cooperation between states, key sectors of society and people with regards to global environmental degradation (United Nations Environment Programme, 1992).

increasingly found a common ground with Third World groups opposing development projects because of the threat it often posed to indigenous livelihoods (McCormick, 1992; Adams, 2003).

In this regard, it is not too surprising to find an increasing number of development agencies and environmental groups openly promulgating 'sustainable development' since the 1990s: the United Nations, Earthwatch, World Wildlife Foundation (WWF), Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), Greenpeace, the International Organization for Sustainable Development, the Cooperative for Assistance and Relief Everywhere (CARE), the Millennium Institute, the United Nations Industrial Development Organization (UNIDO), One World, etc. to name but a few of the larger active organisations. The integration of ideas from development agencies and environmental groups reflects in part the successes of environmentalist pressure on aid donors throughout the 1980s, coupled with unrelenting and successful media coverage. For the other part, its success is owed to a renewed concern about the global environment (particularly with regards to the threats of the 'ozone hole' and the 'greenhouse effect') and the 'greening' of politics in developed countries (Adams, 2003).

A common thread found within all environmentally-sensitive development initiatives, is the concept of sustainable development that became a key concept within the new environmental development culture. Importantly though, it has to be recognised that sustainable development as a concept has been applied in varying degrees in various disciplines since its rise to popularity. In this respect, it becomes necessary to unpack the elusive concept and to enquire whether there has truly been a 'greening' of development (a paradigm shift) or whether development has merely been relabelled. To do so, the diversity of ideas surrounding the term sustainable development needs to be examined in order to establish from whence the term draws its power and diverse meanings, and how it has remained the axis around which CBNRM discourse centres.

Unless the penguin and the poor evoke from us an equal concern, conservation will be a lost cause. There can be no common future for humankind without a better common present. Development which is not equitable is not sustainable in the long term (Monkombu Swaminathan, Opening Address to IUCN General Assembly, Perth, 1991 in Holgate, 1999: 206).

Apart from poverty, hunger, debt and disease, a crucial, new concept has been added to the glossary of development this past decade that restructured its discourse and reorganised its practice for the future. Sustainable development has become one of the most prominent and powerful concepts in development discourse and has managed to solidify environmentalist principles and goals as fundamental pillars in the structure of development endeavours. Rightfully, as suggested by Lélé, sustainability was "poised to become the development paradigm of the 1990s" (1991:607) and in many ways it did. From humble roots under the label 'ecodevelopment' at the 1972 United Nations Conference on the Human Environment in Stockholm, the concept brought precedence to the environmentally-sensitive development discourse and transformed the global development landscape as a result.

In order to understand the growth of the term sustainability with respect to development, it is necessary to look at benchmark conferences that took place during the latter part of the 20<sup>th</sup> century. Following the Stockholm

Conference, the term ‘ecodevelopment’ was adopted by a number of authors, for example Riddell (1981), Sachs (1979) and Glaeser (1984). Under the World Conservation Strategy held in 1980, ‘ecodevelopment’ was reconceptualised to ‘sustainable development’ and became the central concept in the strategy (IUCN, 1980). Furthermore, seven years on, sustainable development became the foundation of the report of the World Commission on Environment and Development (Brundtland, 1987) and claimed in its report that it insists on setting out a ‘global agenda for change’.

Duly, this new ‘global agenda for change’ proceeded to demand amplified attention in the core of development discourse. In May 1988, the President of the World Bank spoke of the vital link between ecology and sound economics in what earmarked a distinct shift in the organisation’s culture and policy approach to the environment (Hopper, 1988). Notably, such efforts of ‘greening’ development discourse became a significant feature of the 1980s (Harrison, 1987; Conroy and Litvinoff, 1988).

Gaining considerable momentum in the 1980s, sustainable development’s position in development was finally solidified when it became the driving concept behind the United Nations Conference on Environment and Development in Rio in 1992 (also referred to as the Earth Summit). Attended by representatives from over 170 governments and countless non-government organisations, debate at the Rio Conference centred on warranting environmentally sensitive economic development and ensuing global significance to the concept of sustainability (Adams, 2003).

Today, the phrase ‘sustainable development’ is extensively adopted in the fields of policy, political debate and research. What makes the phrase so widely adopted is the fact that it harvests the potential to ‘bridge the gap’ that separates disciplines and to break down the barriers between academic knowledge and practice. The term succeeds in doing so because it is at the same time superficially simple but also capable of carrying a diverse set of meanings that often supports divergent interpretations. It is not surprising then that radical environmentalists and conventional development policy pragmatists have both assumed the phrase and have used it to give voice to their ideas regarding development projects and the environment (Adams, 2003; Lélé, 1991).

Like many other powerful phrases in social discourse, sustainable development has a broad range of definitions. Some of these definitions encapsulate a strong sense of social justice, for example Eckholm et al. define sustainable development as “economic progress that is ecologically sustainable and satisfies the essential needs of the underclass [sic]” (Eckholm et al, 1982:8). Other definitions emphasise the rights and needs of the poor, for example Development Education<sup>8</sup> defines it as “the reduction of hunger and poverty in environmentally sound ways which includes the meeting of basic needs, expanding economic opportunities, protecting and improving the environment and promoting pluralism and democratic participation” (Development Education, 2009: 1).

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<sup>8</sup> The Development Education is a development and human rights education resource centre maintained by a consortium of organisations based in Ireland.

However, the most popular and dominant definition of sustainable development is undoubtedly the one phrased by the Brundtland Report in *Our Common Future*:

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs (Brundtland, 1987:43).

Although it has been criticised for its rhetorical and slightly vague character (see Lélé, 1991), the definition has managed to draw a large following from those concerned about poverty, and inter- and intra-generational equity in human access to nature and available natural resources. By doing such, the definition compels the followers of its meaning to speak for nature itself by propagating the preservation of species and habitats. By appealing to a moralistic approach to development and by ensuring the definition is vague enough to encompass varying meanings and themes, the Brundtland Report has allowed sustainable development to become “the new jargon phrase in the development business” (Conroy in Adams, 2003:4). More importantly, the definition became an important tool in research discourse to show the interdependency of the relations between the economy, society and the environment (Redclift, 1984, 1987, 1996; Clark and Munn, 1986; Redclift and Benton, 1994).

Nonetheless, when scrutinised more closely, it becomes clear that the Brundtland definition is by far a better development slogan than it is a basis for theory. Whether employed by academics or politicians, the term often comes up short of having a theoretical core and shows itself as nothing more than a measure of its definition. Often, literature attempting to theorise the concept are riddled with more terms of sustainability, sustainable development or eco-development (Adams, 2003). By struggling to find a coherent and consistent meaning for the concept, often the line of reasoning becomes muddled as the premise contains the concept which it seeks to define. Not too surprising, Michael Redclift is of the opinion that sustainable development ‘seems assured of a place in the litany of development truisms’ (Redclift, 1987:3).

However, similar to the concept of development, this versatility and lack of grounding of the term’s meaning is what makes it a powerful and truly adaptable tool. It is sustainable development’s flexibility and simplicity that renders it compelling. On the one hand, environmentalists promote views of sustainable ‘development’ that often underestimate the complexity and context of development discourse itself. On the other hand, sustainability becomes attractive to development practitioners and theorists looking for new vehicles for liberal and participatory approaches to development planning. Although environmentalists used sustainable development as a way into mainstream politics and policy, and developmentalists used it as a way out of environmental pressures, both these divisions have replaced rushed policies of the 1980s with more carefully constructed decision-making and policies in the 1990s (Adams, 2003; Redclift and Benton, 1994).

While there are multiple interpretations and therefore definitions of the term, sustainable development should not be confused with the term sustainability. Sustainability originates out of ecology and strictly refers to the potential of an ecosystem to subsist over time (Reboratti, 1999). By merging the notion of sustainability with the notion of development, the primary focus moves away from the analysis of ecology to that of society. As such, the principal focus of sustainable development is on society, and more so on its aim of including environmental

considerations in the steering of societal change, particularly with regards to the functions of the economy (Baker, 2006).

In this respect, promoting sustainable development is about directing societal change through aligning the three axes of the term. These axes or dimensions are: the social, the economic and the ecological. The social axis relates directly to human customs and values, relationships and societal institutions. The economic axis relates to the allocation and distribution of scarce resources, and the ecological axis has to do with the contribution of both the economic and the social and their direct effect on the natural environment and its resources (Ekins, 2000).

Core to the understanding of the notion of sustainable development is the importance of viewing it as a dynamic concept. This means that sustainable development is not about ensuring that society reaches a specific end state, establishing pivotal and static structures, nor about identifying fixed qualities of social, economic or political life. When making use of the concept, it becomes more fruitful to speak about the promoting of (not achieving) sustainable development. This infers an ongoing process whereby desirable characteristics and subsequent goals change over time, across space and location, and more so within specific social, political, cultural and historical contexts. Nested in the concept, then, is the sensitivity to evolving understandings of, and judgements about, what precisely constitutes sustainable development (across time). In addition, it incorporates a consideration of the fact that different societies, cultures and groups may aspire to different sustainable development pathways (across space) (Baker, 2006).

By adopting a dynamic understanding of sustainable development, it enables practitioners, academia and advocates of the concept to recognise that society can have alternative futures. As such, the promotion of sustainable development has to do with envisioning these alternative futures and, through attitudinal and value changes, policy innovations, political transformations and economic structuring, taking hold of a future that is sustainable. While different societies will have different futures, across space and time, there are, however, certain global or common baseline conditions that are required if humanity is to embrace a sustainable future. These baseline conditions include a healthy ecosphere and biosphere, without which sustainable futures for different societies would no doubt be unattainable (Meadowcroft, 1999).

Given the growth of the new aforementioned eco-conscious development culture and the rise in popularity of the notion of sustainable development, I will examine the new development-conservationist strategy, CBNRM, as a viable prospect for conservation-based sustainable development projects in the near future in the following section. I will briefly give a short background to the CBNRM strategy, define its approach and discuss the growth of the strategy within South Africa. Lastly, I put forward an analytical framework for uncovering many of the complexities that are often associated with CBNRM projects. The analytical framework includes themes that are related to property rights, institutions, power relations, intra-community differentiation, community identity, state-community relations and capacity building and discusses how these come into play in CBNRM projects.

### 2.3. CBNRM: INTEGRATING CONSERVATION AND DEVELOPMENT

In recent years, CBNRM projects<sup>9</sup> have stood out as initiatives that endeavour to marry biodiversity conservation projects with rural development elements in an attempt to fuse social development goals with conservation goals (Hughes and Flintan, 2001). The first CBNRM project was introduced in the mid-1980s by the WWF in order to remedy some of the drawbacks associated with the ‘fines and fences’ approach to conservation in protected areas. The fines and fences approach to conservation that prevailed in the 1900s insisted that protected areas ought to be ‘pristine’, fenced-off areas. These areas serviced the recreational needs of white people whilst stringent restrictions were placed on their use by other race groups (Wynberg and Kepe, 1999).

This meant that numerous communities were often displaced and denied access to land, water, timber, firewood and use of wildlife in areas that were being ‘conserved’. Access to conservation areas was only afforded to wealthy tourists. As a result, many communities were forcibly removed from their ancestral homes, had their livelihoods severely disrupted and were relocated to areas of scarce natural resources. Inevitably, the fines and fences approach had a lasting detrimental effect on those communities excluded from ‘protected areas’ and this negative outcome can still be seen in the disadvantaged socio-economic position of many of these communities.

The history of the fines and fences approach to conservation meant that displaced communities had an extremely negative perception of protected areas and its adherents. In many ways, those who were forcibly removed still view protected areas as luxury playgrounds for privileged elites that hold very little relevance for the majority of the world’s population (Kepe, Wynberg and Ellis, 2003).

Therefore, during the inception phase, the CBNRM approach was seen as a radical move away from traditional ‘preservationist’ approaches to protected area management (Larson et. al, 1998). In 1985, the WWF enhanced a radical approach by launching its Wildlands and Human Needs Program, which at first set a target of putting up twenty CBNRM projects in countries ranging from Uganda and Costa Rica to China (McShane, 1989). During the 1990s, the WWF embarked on more initiatives, bringing the total number of projects to more than 50 by 1994 (Hughes and Flintan, 2001).

Today, there are more than three hundred CBNRM projects globally, to which a major proportion of international conservation funding is channelled (Hughes and Flintan, 2001). The most well-known CBNRM projects include the Annapurna Conservation Area project in Nepal (Baral, Stern and Heinen, 2007), the Bwindi Impenetrable Forest and the Lake Mburo National Park in Uganda (Blomley, 2001), the Yancheng Coastal Zone

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<sup>9</sup> While I use the term CBNRM to describe projects that seek to integrate conservation ideals with rural development goals, there are a number of different terms that can be used to categorise such initiatives; such as Integrated Conservation and Development Programs, Eco-development, Grassroots Conservation, People-Centered Conservation and Development and Community Wildlife Management.

Biosphere Reserve in China (Zuo, Wan, Qin, Du and Wang, 2004), Kilim Ijum in Cameroon, the Ostional Wildlife Refuge in Costa Rica and Kakadu National Park in Australia (Hughes and Flintan, 2001).

### 2.3.1 Shifting power from the elite to the disenfranchised: Defining CBNRM

While there are a number of definitions of CBNRM and several variations as to how these definitions are applied, I favour the one put forward by Child and Lyman, namely:

A program whereby wildlife is used to economically empower local people, with the money providing the catalyst for them to organize themselves around democratic and managerial principles (Child and Lyman, 2005).

CBNRM projects often firstly pursue biodiversity conservation as the main objective. From here, social and economic requirements of communities are dovetailed with this overarching aim in such a way that would minimise the ecological threat that such communities are posing or would possibly pose to biodiversity. Such projects do so by assuming that diversified local livelihood options would reduce human pressures on biodiversity, that local people and their livelihood practices are the most critical threat to the biodiversity resources of the related area, and that sustainable alternatives to traditional approaches to protected areas management would, if managed correctly, maintain the conservation of biodiversity in the area. In return, local communities are intended to benefit from funds generated through tourism, job creation and through the stimulation of agriculture and other livelihood activities (Hughes and Flintan, 2001).

Moreover, CBNRM projects seeks to address poverty in rural communities around the world, by channelling income-generating activities (IGAs) that are based on various natural resource-based activities, towards these communities (Jones, 2004). Whilst it is not the only approach to CBNRM initiatives, the concept does find its strongest identity within nature conservation (at least at present, given the current global environmental-political climate) and it is therefore the primary focus in this thesis. Since the inception of the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) in Zimbabwe in the 1980s, development practitioners and scholars have been hard at work in order to ensure the enhancement of rural communities' participation in and benefits from wide-ranging forms of nature conservation and management (Hulme and Murphree, 2001).

In many developing countries, the ownership and management of natural resources and wildlife lies with the national government, which ultimately determines the utilisation of these resources and how the economic benefits that these resources might yield are distributed. The basis of this centralisation of authority comes from the belief that human activities are incompatible with conservation and therefore government appropriation of natural resources is the most effective manner through which to protect such resources and realise their economic value (Ayoo, 2007).

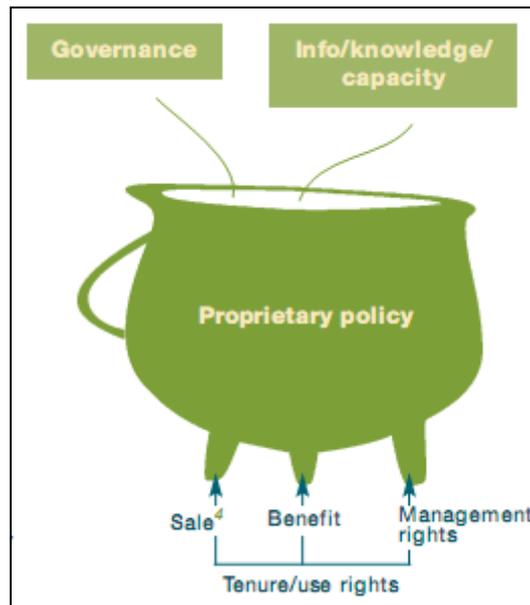
However, a number of studies have shown that exclusive ownership of natural resources and wildlife by government has often limited the natural resource access of local communities, accelerated poverty, degraded natural resources and increased the loss of biodiversity (see Lusigi, 1994; Okello and Kiringe, 2004). In addition, government strategies on policing and protecting such natural resources can become costly and difficult to uphold, especially in the light of conflicts occurring between local communities and those agencies that mandate the resources on behalf of the government (Ayoo, 2007; Kepe, Wynberg and Ellis, 2003).

In effect, advocates of CBNRM believe that local communities are better situated to address the above mentioned issues and that local people will conserve local, natural resources if the proposed benefits outweigh the costs of conserving them (Ayoo, 2007). A key endeavour then of CBNRM projects is the devolution of the state's governing and managerial capacity to such an extent that local communities have ample decision-making manoeuvrability with regards to sustainable, natural resource management (Jones, 2004).

In practice, CBNRM projects imply collective proprietorship. The notion of 'community-based' in the term CBNRM implies a common property regime that typically involves use rights and management rights, where the transfer of ownership (rights) is often the exception. Contrary to previous colonial land-use systems, CBNRM projects involve the devolution of use and management rights from the central government to local communities on communal lands. The reason for this devolution of rights is based on the rationale that communities will sustainably manage local resources if the time, effort and finances (costs) invested by them is outweighed by the benefits gained through subsequent initiatives (Models, 2009).

As is often the case within South Africa, a legal entity (a CPA), is brought to bear that functions as the local, decision-making body of the land and/or resources. In South Africa, the Communal Property Associations Act, 28 of 1998, allows for communities to acquire, hold or manage property as a group by establishing a CPA. Since the inception of the Act, CPAs have become the key vehicle for holding land on behalf of groups and today more than 75% of land reform projects have been put into practice using this institutional arrangement (LEAP, 2002).

Proprietorship is fundamental to CBNRM projects and achieving sustainable economic benefits and ultimately, promoting sustainable development. Importantly, effective proprietorship should rest on three fundamental tenurial (use rights) legs and, in doing so, enable suitable conditions for effective organisational development, good governance and capacity building. As illustrated in Figure 1 (by way of using a metaphor of a three-legged cooking pot), the three fundamental tenurial legs are: (1) having the right to allocate, assign and sell specific resources (for example setting, using and selling quotas); (2) having the right to retain benefits; and (3) the right to make general managerial decisions and the authority to regulate exclusion and control.



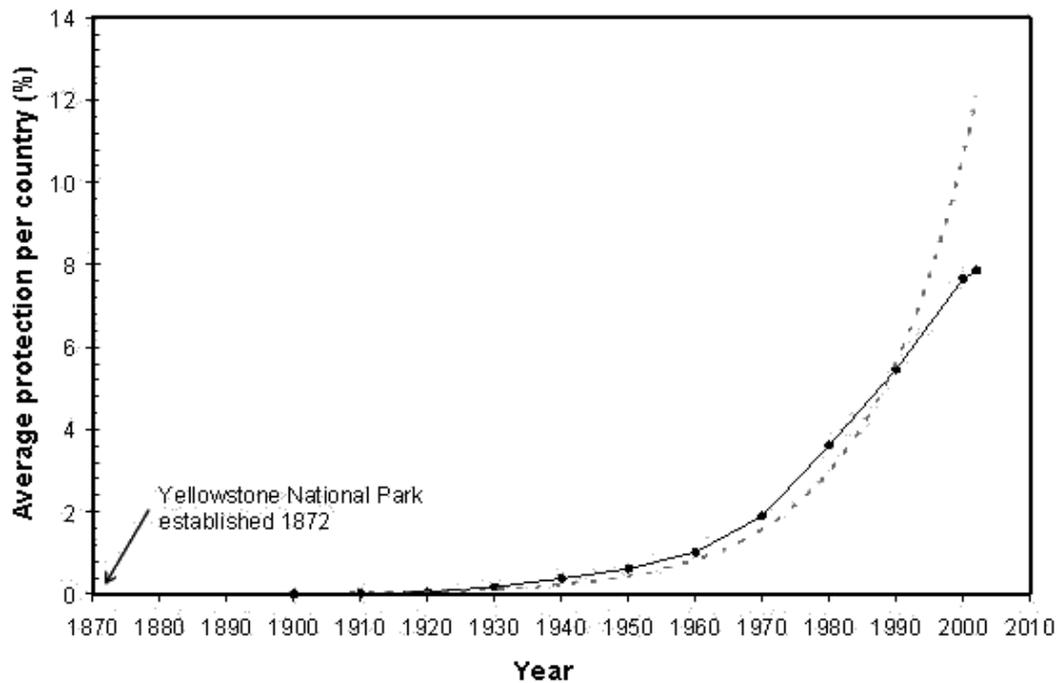
**Figure 1: The process of putting effective proprietorship into place (Child and Lyman, 2005: 25).**

Critical to this process is good governance. This means that institutional structures and organisational development should enable elevated levels of community participation that are not only transparent, democratic and equitable but that also ensure accountability. In addition, ongoing capacity building is vital and should embody shared knowledge and information systems (Child and Lyman, 2005). As such, the shifting of power and control from the government and private businesses is the distinguishing feature of CBNRM projects.

As the primary case study in this thesis (and one of the two secondary cases) is situated within South Africa, it is essential to understand the rationale behind implementing CBNRM initiatives within the country. While the crisis of development and global environmental concerns gave rise to environmentally conscious development strategies (like CBNRM), local enabling conditions (like booming private conservation conditions and land reform policies in South Africa) made it practical and feasible for such development strategies to be implemented.

### 2.3.2. The tourism economy: Private conservation and land reform setting the precedent for CBNRM in South Africa

As is indicated by Figure 2 (below), there has been a stark increase in the number of protected areas around the world since the inception of the Yellowstone National Park in 1872 in Wyoming in the United States of America (Pyke, 2007). This not only implies the increased realisation of the importance of conserving nature in the midst of environmental pressures, but also hints that national or protected areas management has become a lucrative economy.



**Figure 2: The Global Growth of Protected Areas (Pyke, 2007:1).**

Not surprisingly, the precedent for CBNRM projects was set by governments allocating significant authority over wildlife to private landholders. Coinciding with improved terms of trade in wildlife, the South African government enacted legislation in 1968 that gave white freehold farmers limited proprietorship over wildlife. Given management rights over land-use, private landholders managed to rapidly gain considerable revenues by using their land for wildlife purposes (instead of livestock or agricultural production). Such private landholders discovered that wildlife had notable economic, ecological and sustainable advantages. The reason was that wildlife made wider and, in fact, better use of land vegetation which, in turn, caused fewer ecological problems often associated with highly selective and over-populated livestock monocultures. From a marketing perspective, wildlife had many different uses compared to meat production. More so, with South Africa's very diverse wildlife, wildlife tourism offered farm-owners a very marketable platform from which to generate numerous profitable enterprises (Child and Lyman, 2005).

Interestingly though, during the same period that private landholders were given proprietary rights, the world price of beef declined while the price of wildlife increased rapidly. While this was an indication of a notable change in demand, the transfer of wildlife from administrative pricing in the state sector to entrepreneurial enterprises in the private sector undoubtedly influenced this trend. Not surprisingly, the number of commercial wildlife producers increased from a mere 10 in the 1960s to some 5 000 in 2000 (Child and Lyman, 2005).

Moreover, the majority of South Africa's protected areas do not contain arable land, having originally been established in remote parts of the country or in places unsuitable for agriculture. Economic benefit from national parks therefore needs to be compared with that which would potentially be derived from other development schemes. Increasingly, South Africa's protected areas are envisaged as cash cows for economic development and service delivery rather than biodiversity protection or ecosystem services luxuries. They receive minimal

funds from the government and their mandate is to deliver eco-tourism (often stated to hold economic promise for future South Africa) that generates employment and economic growth in this sector. Thus, in the words of Hector Magome, a SANParks senior manager, “In order to survive, SANParks must make money” (Hall-Martin and Carruthers 2003: viiii). To become more profitable ‘money spinners’, various national parks in South Africa have given concessional rights to private businesses (public-private partnerships) to operate luxury lodges and other enterprises to ensure that income is maximised, employment opportunities created, capacity-building encouraged and Black Economic Empowerment targets met.

As such, private landholders in South Africa became increasingly commercially orientated and were privileged to make personal choices regarding management, determining and using quotas, and making decisions over sales. Backed by a high level of subsidies and with few government requirements, the transaction costs of running wildlife enterprises were very low. As a result, the wildlife industry enjoyed significant growth and, in turn, ensured economic growth and improvements in biodiversity conservation (Bond, 2004).

With private wildlife tourism booming at the end of the 20<sup>th</sup> century, the benefits to be gained from it became apparent. The challenge was to transfer the wildlife enterprise system to communal land and organise large numbers of people with weak property rights to manage and benefit from wildlife-based businesses. The crux of the problem was: how to use wildlife and tourism initiatives in a sustainable manner that would ensure that significant funds reached impoverished households at community level (Child and Lyman, 2005)? As such, proper legislation needed to be put into place that would formalise the government’s commitment to installing property rights for previously disadvantaged communities and facilitating subsequent socio-economic development interventions.

Importantly, one of the central aims of the newly elected African National Congress (ANC) government in 1994 has been to redress the injustices brought about by the apartheid government, with particular reference to racially based dispossessions and removal. Since the passing of the Land Act of 19 June 1913, more than 3,5 million black and coloured South Africans fell subject to racially based dispossessions and removals as part of the then ruling apartheid government’s segregation policy (South African Department of Land Affairs, 1994). In 1994, close to 60 000 white farmers owned 86% of the country’s agricultural land while the remaining 14% was occupied by 13 million black South Africans struggling to make a living on less than R300 a month per household (Bernstein, 1996; Karuiki and Van der Walt, 2000). Given this distorted division of land, land reform has become crucial to the success of the national transformation project (Hall, 2004), reconciliation and nation building in post-apartheid South Africa.

However, after 16 years of democracy in South Africa, the state’s programme of land reform is falling steadily behind its intended targets of historical redress, redistribution of wealth and opportunities, and economic development. As such, newfound emphasis has been placed on the creation of strategic partnerships between those claiming land and those commercial entities ‘operating’ the land. Accordingly, in 2002 the South African cabinet took a very specific position with regards to settling restitution claims in protected areas, World Heritage Sites and state forests. Their position included the following guidelines:

- i) Title to land within a protected area may be transferred to a community or group laying claim to it but they may not physically occupy the land in question.
- ii) The land in question should continue to be used for conservation purposes and subsequent commercial and community activities.
- iii) While communities/groups are not allowed to occupy land, they will be compensated through remuneration and provision of revenue sharing, mandatory partner status in tourism development, access to natural resources and cultural heritage sites, education and capacity building, and employment through land care and infrastructure programmes.
- iv) The agreements made between communities and commercial entities should not undermine the economic viability, financial sustainability and efficient management of protected areas.
- v) The land in question should continue to be managed as part of the national conservation estate by the state conservation agency in question and according to the International Union for Conservation of Nature principles and the specific requirements of government legislation and approved management plans.
- vi) The land being claimed should continue to be managed as an open ecological system and managed as an integral part of the larger protected area it forms part of and its subsequent management plan.
- vii) Partnerships and agreements made between claimants and the managers of protected areas must be established to such an extent that it facilitates the effective biodiversity conservation of the area and its continued economic viability.
- viii) Lastly, co-management agreements must not only include land claimants but also other interest groups (such as natural resource users) to ensure that their particular needs are met.

(South African Government, 2009).

Given the guidelines proposed above, the SA government, policy-makers and development practitioners looked for innovative ways to address issues concerning land reform. Conceptualising a sustainable development paradigm that merged conservation tourism elements with the socio-economic needs of impoverished communities seemed ideal. More so, with communities laying claim to land within national parks and conservation areas and private authorities and management fearing the loss of or degradation of their land, finding a 'win-win' solution for both seemed vital.

Therefore, CBNRM projects seemed like the 'perfect solution' through which communities, private businesses, conservation authorities and the government could all benefit (as is suggested by Kellert et al, 2000; Ayoo, 2001; Skyer, 2004; Ogbaharya, 2006; and Kay, 2006). However, as such initiatives may seem almost revolutionary at first glance, by unravelling the complexities of such schemes, it quickly becomes apparent that there are numerous inherent difficulties threatening the sustained benefit to all parties involved (see Agrawal and Gupta, 2005; Koch, 2004; McDermott, 2001; Fabricius, 2004; Cousins, 2000; Spinage, 1998; Turner, 2006). Understandably, there are no quick fixes within the development realm, and more so when faced with challenges of this magnitude, as I will shortly bring to light. Below, I will highlight some of the most salient complexities associated with the approach by discussing issues around property rights, institutions and capacity

building, power relations, intra-community differentiation, community identity, state-community relations and capacity building. In discussing each issue, I will indicate how they come into play in CBNRM projects and consider recent literature concerning them.

### 2.3.3 An analytical framework for unearthing CBNRM issues in land reform

#### *(1) Property rights*

Property rights play a central role within CBNRM projects as they serve as an enabling factor for achieving many of the outlined socio-economic goals; be it initiatives that empower community members through IGAs or bargaining rights when engaging with national park operators and private businesses. With land and tenure rights often being problematic for communities in developing countries, implementing a development programme that can aid communities in attaining these rights holds much promise.

In CBNRM projects, two factors that crucially influence a community's ability to negotiate the specific terms of its engagement are: 1) the community's position with regard to the protected area; and 2) their relationship with other, better situated actors. In this respect, if communities are the title holders of the protected area or have secure, government-recognised tenure, they possess a greater ability to determine how the protected area in question will or can be used. Conversely, if the formal rights of the area are held by another party, the community has less say over what (commercial) developments can be implemented in the protected area and runs the risk of having their interests jeopardised. With most communal areas, control over the use of land lies with community actors but formal property rights are in the hands of the government. This property regime originates from the disregard for African land tenure by colonialists, which many post-colonial governments have yet to rectify. As a result, communities' ability to benefit from tourism initiatives has been made all the more difficult because of their lack of property rights (Murombedzi, 2001).

Once legal property rights are given to communities, the potential for sustainable development interventions become all the more achievable. However, it needs to be kept in mind that a community's use of and management rights over a common property depends on whether the relevant CBNRM project through which they gained these rights is perceived as effective or not by the government and external actors. If project requirements are not met and sustainable development is not adequately promoted, the community's property rights will become obsolete. Given the often difficult socio-political environments in which CBNRM projects operate, the underlying power dynamics between governments, communities and other organisations, and numerous external tourism industry factors, communities' property rights are ultimately still conditional. In other words, a community's property rights can be revoked or change if projects are deemed to be unsuccessful, if the acting government decides to pursue a different property rights regime, etc. Therefore, CBNRM, as a development intervention that aims to promote the sustainable development of communities based on a

communal property regime, becomes critical within larger development discourse because of its potential property security it can offer to numerous communities

Looking at the devolution of rights more critically, there are some development theorists (see Sullivan and Homewood, 2003; CASS/PLAAS, 2005) that are of the opinion that CBNRM simply legitimises a new form of domination by the government and private commercial organisations over rural populations. Such theorists argue that the way CBNRM is implemented can be seen as more of an intervention to manage an ‘unpredictable’ group of people on the periphery of government control rather than managing ‘wild’ natural resources. The use of CBNRM initiatives as a vehicle for the extension of government power can be a clear example of how various development programmes can often unintentionally have a depoliticising and disempowering effect on the communities involved. Needless to say, giving communal property rights to communities and allowing them to ‘organise’ themselves through varying institutional arrangements can lead to community empowerment as well. Inviting discussions between community-based institutions and the government on the governance of natural resources can encourage political mobilisation and allow previously ‘unorganised’ communities to articulate their rights and voice their interests in the project area.

In South Africa, however, questions around democratic governance and the debate over the roles and power of traditional authorities in local government and land administration remain unresolved. Some development analysts argue that the current land titling paradigm that informs legislation in South Africa is inappropriate and likely to undermine instead of secure the land rights of rural people (see Cousins, 2000).

## *(2) Institutions and capacity building*

Unambiguous institutionalisation and local governance is often the aim of development planners. These factors can be crucial to the success of any CBNRM project and seem to form part of the ‘mechanics’ of organising development interventions. Institutions are, in fact, the vehicles through which communities, private- and non-government organisations, and government bodies communicate. Institutions are responsible for making decisions, formulating rules and enforcing them (Fabricius, 2004). Without proper management and decision-making bodies on a local and broader level, organising development endeavours would be difficult. As authority is decentralised to communities within CBNRM projects, often Community-Based Organisations (CBOs) need to be put into place (or expanded) in order to be able to manage and deal with the new development initiatives brought about by CBNRM projects.

As pointed out by Turner, sound local governance, a vital part of any CBNRM project, is often lacking. He argues that the real crisis of CBNRM in southern Africa is the issue of local governance. Overlooking this factor further compounds the problems frequently associated with CBNRM projects. Turner differentiates between ‘focused’ CBNRM initiatives (that are ‘brought’ to local communities by external actors) and ‘everyday/general’ CBNRM of common-pool resources (that originate from indigenous practices and is still somewhat governed by traditional authorities). Without support for ‘everyday’ CBNRM schemes that support

the majority of community members, funds and research poured into ‘focused’ CBNRM initiatives will have little effect on the community as a whole (Turner, 2004).

Therefore, often a community’s institutional capacity needs to be increased in order to make specific decisions, manage certain development processes and deal with specific actors, organisations, government and businesses. Development theorists like Turner, argue that development will be unsustainable, benefits wrongly channelled and the interests of community members not addressed if effective CBOs are not in place. It can safely be said that the more comprehensively the CBOs identify their own priorities and develop their own proposals, the better the chances are that community members will take ownership of CBNRM initiatives and the more likely sustainable development will be promoted. CBOs can often function better if given legal recognition, a constitution and conditional resource rights.

With traditional authorities often being present, institutions are often set up to either incorporate or run parallel to traditional institutions. It is here that many conflicts may arise as the traditional authorities may feel that they have been disenfranchised through the formal recognition of another community-based institution. As is the case in southern Africa, many local institutions are not constructed in such a way as to function on a democratic basis. Often, decisions are made through consensus or autocratically by traditional leaders. In the CBNRM project in Malawi, traditional leaders regard receiving benefits from natural resources, such as *mawe*<sup>10</sup>. This perceived right by traditional owners often leads to significant power struggles within the project and undermined the intended benefits of the project (Fabricius, 2004). Often key to promoting sustainable development initiatives, therefore, is to ensure a democratic institutional arrangement through which all members of a community can democratically voice their concerns (i.e. through attending monthly community meetings, voting in community polls, forming smaller inherent groups, etc.). Nonetheless, within such an institutional arrangement the issue of power is an important factor and can often complicate and thwart development endeavours (this will be discussed in the following section).

Whether establishing new organisations at community level or using the bases of previously established institutions, building institutional capacity within a community can ultimately ensure the democratisation of the institutional arrangement and the development process. Development planners would argue that this will, give communities the right to reject projects that they feel do not address their needs and ensuring that they have strong bargaining rights when in discussion with private business, NGOs, government, etc. Additionally, building institutional capacity means that institutions can become adaptive enough to change as the needs of the community they represent may change or certain development initiatives become unsustainable over time (COMPASS, 2003).

Building institutional capacity would evidently also imply building the capacity of those members serving within the institutions or on community- and JMBs. Given the disadvantaged background of many of the community members filling institutional positions (often due to racial segregation policies), the need for skills

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<sup>10</sup> *Mawe* is known as a weekly gift of fish offered to headmen by fishermen in Malawi (Hara, 2004).

training, knowledge sharing and on-going learning can be critical. Learning how to engage with government, how the conservation industry operates, how to manage conflict, how to do financial planning, etc. can ultimately lead to stronger community institutions, a stronger position within the broader institutional arrangement of the CBNRM project, and promote sustainable development. It is here, and especially during the initial period of the project, that external agencies like NGOs and aid organisations can play a vital role in supporting institutions and offer skills-training opportunities to its members.

### *(3) Power relations*

In CBNRM projects there are always a number of actors involved who come from different socio-economic backgrounds and spheres (private business, government, community institutions, etc.) and who often have different aspirations. Putting such actors into a relationship that involves social and economic benefits will lead to issues of power and, if not managed correctly, can ultimately lead to the detriment of a project's original intent. Given the nature and design of many externally-constructed CBNRM projects, communities frequently enter into a nature-tourism development realm of which they know very little and have limited experience of. Learning how to engage with private businesses and national park boards and understanding the income-generating market of eco-tourism can take time and can often be a very unfamiliar territory for previously disadvantaged communities.

There are several concerns, given the economic logic regarding tourism, the sectoral attributes of tourism and the political economy surrounding CBNRM initiatives. Firstly, community conservation tourist initiatives have to compete with the numerous state-owned protected areas and the large private nature-tourism industry. Therefore, CBNRM projects are often up against competitors who have a vast amount of experience, considerable funds at their disposal and a number of dedicated staff. Secondly, as visits to tourist sites are subject to international trends and events, revenues gained through tourism might be short-lived. For example, during the 2010 FIFA World Cup Soccer event large numbers of tourists flocked to South Africa, while travelling to South Africa during the apartheid era was limited due to sanctions and boycotts. Conversely, visits to Kenya and Zimbabwe have declined due to the bombing of the US embassies in both countries and the perceived domestic instability of these countries. Therefore, international and national factors can greatly influence tourism markets for tourist sites and host communities (Turner, 2006).

Thirdly, setting profitable tourism initiatives into motion often requires large sums of investment. While access/gate fees are mostly charged, the bulk of tourists' spending goes to lodging, transport and tour management. Given that the communities are often favourably located near the protected area, providing lodging is often the simplest of these 'profitable services', be it community home stays or luxury accommodation. However, constructing lodgings within a protected area is often limited to a certain size in order to minimise the ecological footprint of the building. Most returns are to be gained by setting up low volume, high-cost accommodation which requires substantial upfront investment, which community organisations are unlikely to have. However, as will be discussed later in the thesis, the Makuleke community

entered into an agreement with two private businesses in setting up two luxury lodges within the KNP from which the community was set to gain considerable benefits (Turner, 2006).

Fourthly, because of the way the tourism industry is structured, community members often lose out to more skilled tourism workers when it comes to capturing substantial benefits. The hard truth is that those who manage tours (arrange accommodation, transport, guides and schedules) are likely to capture most of the revenue gained through tourism. Also, the most lucrative employment positions are likely to be occupied by outsiders, based on their skills and experience. In addition, the development of the eco-tourism industry in southern Africa has been deeply racialised in favour of white, non-local staff. For example on guided tours, 'skilled', non-local white guides would often be assisted by black, 'unskilled' labourers who would have little career advancement opportunities in the industry (Turner, 2006).

Quick and on-going learning can therefore be crucial in ensuring that communities have a substantial voice and bargaining know-how within this contested eco-tourism arena. Needless to say, this can be challenging. Subsequent support from government institutions and NGOs can often help communities in setting up contracts, negotiating with private businesses, gaining access to better employment opportunities and learning the 'tricks of the tourist trade'. Indeed, as adequate learning and skills transfer within the community take place over a certain period, the need for external support would be lessened and validate the sustainability of the CBNRM model.

The role of traditional leaders within CBNRM projects is one concerned area as CBNRM initiatives are supposedly founded on democratically-based decision-making systems. Legislation is often very confusing when it comes to describing the relationship between these dual authority structures due to the unclear mandates of each. Traditional leaders may either be given authority within CBNRM projects by way of legislation or by being elected into institutional positions. However, the role of traditional leaders can also be in continuous flux. In Zimbabwe, the Traditional Leaders Act of 1998 gave specific power to traditional leaders, whilst more recent legislation has given legal status to a democratic system without clearly stating how the traditional system should be accommodated. In some cases traditional leaders have been completely removed from CBNRM initiatives (e.g. the Fish River initiative in Tanzania) or fully incorporated into new organisations (e.g. in South Africa, Namibia, Lesotho, Malawi, and Botswana where local people themselves have elected their chiefs and headmen onto executive committees of the new organisations). In other cases, traditional leaders were allowed to exert complete control over a project (e.g. in Zambia where chiefs continue to assert a disproportionate amount of control) (Campbell and Shackleton, 2001).

Notably, informal authority structures will continue to exist regardless of the implementation of more formal systems (see North, 1990). The key to minimizing the disrupting effects of competition between traditional and democratic authorities is to find a suitable and clear balance (that is legally and practically executable) between these two systems, even if it means that traditional leaders are allowed to serve in a non-executive capacity as patrons. In CBNRM projects in Lesotho and Malawi, strong leadership provided by well-respected chiefs and headmen was vital to the success of these projects. However, what remains important is that the community

must be given the right to decide whether or not traditional authorities are to be represented in any form of formal, democratic organisation (Campbell and Shackleton, 2001).

One other factor involving the issue of power relates to NGOs and their active search for donor funding. In doing so, NGOs who get donor funding often put their own goals and aims first. This leaves the community with little input in the outcome of the project and it does not build on the community's strengths/skills. As a result, community members do not take ownership of projects as they do not fully utilise their strengths or fully address their needs (COMPASS, 2003).

The power relations between different actors and how they influence the outcome of various initiatives are crucial factors within CBNRM projects. Understanding these power relations can be important in ensuring that appropriate mechanisms are put in place as part of the project outline in order to manage such possible power contests.

#### *(4) Intra-community-differentiation*

Decentralising authority from the state to a community can have numerous positive outcomes concerning project ownership, sustainable development and ensuring that the voiced concerns of communities are prioritised. However, transferring authority could have a number of negative repercussions as well. For one, there is always the danger of creating a new set of elites who use their authority for personal gain. For instance, in some communities in Botswana, the Board of Trustees for Natural Resource Management became increasingly isolated from their community, started to form close alliances with the safari operators and ultimately lost contact with their constituency. Not surprisingly, community members who hold decision-making positions within organisations are often accused of elitist attitudes by community members. Therefore, constitutional mechanisms can be embedded in the organisation of community bodies in order to curb such behaviour and attitudes. These mechanisms can include regular democratic elections, timely reviews of the actions of community representatives and ensuring that there are varying incentives and disincentives for participating in CBNRM projects. Also, the role of NGOs and/or external facilitators can be critical to limiting egotistical tendencies (Campbell and Shackleton, 2001).

In addition, it needs to be kept in mind that community members understand development and participation differently because of their position within the community, because of their socio-economic situation and because of their different backgrounds. Some members may be cynical in their attitude towards development because they previously might have been involved in a failed development project; some members might be impartial to development initiatives as they hope to seek personal economic wellbeing elsewhere; while others might have high hopes as they are directly involved in some of the income-generating or employment initiatives of the CBNRM project.

It is important to remember that a development enterprise always constitutes an arena in which various logics and strategies intertwine. These logics and strategies are, on the one hand, those of the initiators of the

development enterprise and, on the other hand, those of the communities involved. It is useful to see a development enterprise as an organisation aimed at 'organising development' (for example: creating public and private infrastructure and providing rural training) (Olivier de Sardan, 2005).

Also, one should bear in mind that any project takes place within a particular context, brought about by a local history of contact with, at least in part, politico-economic interventions. These interventions influence current behaviour to varying degrees. Olivier de Sardan (2005) indicates two general principles that are deducible from the infinite variety of concrete behaviour by people involved in development operations. These two principles are: (1) the principle of selection and (2) the principle of sidetracking. By considering these two principles, the social aspect of development projects and their 'organising dynamics' become clear. It indicates how the intentions of development projects rarely become fully realised in the intended community.

**The principle of selection:** In all development projects there are technical messages, development rules and interventions that seem coherent as 'packages'. This is, however never the case. The development package is never completely, in all its totality, adopted by the targeted population. Rather, it is picked apart by people that make selections among the elements proposed. This process can be referred to as selective adoption, which can lead to the development goals being attained, somewhat attained, or thwarted. It should be the goal of anthropologists to understand such adjustment strategies and ultimately make provision for such deviance in the development planning phase (Olivier de Sardan, 2005).

**The principle of sidetracking:** Sidetracking is an important theme in development projects as it indicates, much like the principle of selection, 'non adherence' to development goals. Often, people might exploit opportunities at their disposal to attain personal goals. Olivier de Sardan gives the example of a village pharmacy distributing drugs primarily to acquaintances, parents, close relatives and important men. Usually, this would indicate bad planning seeing that the project's goals and the goals of the targeted population are not aligned but most often these personal, 'human' factors are not accounted for during development planning. Such human factors are part of the socio-cultural dimension of development (Olivier de Sardan, 2005).

Ultimately, many development planners are moving away from the idea that development interventions can be 'inserted' into the community, where it would be 'appropriated' in one particular way and finally 'produce' certain desired results. Development planners are becoming more sensitive to social dynamics within communities. The term 'community' is being understood more lightly and development planners are becoming more sensitive to the fact that a community consists of heterogeneous members with different perceptions. Community members have different ideas of what CBNRM developments might bring, different conceptions of those filling the positions of the community organisations, understandings of the private and business stakeholders involved, what their role will be in the proposed developments, etc. Nonetheless, given communities' heterogeneity, effective democratic principles can be important within community organisations. These can often ensure that the perspectives of all community members are considered in order to gain as much support for and participation in development initiatives.

### (5) *State-community relations*

Governments' involvement in CBNRM projects takes place on three levels. Firstly, governments are involved in international treaties and make decisions regarding committing to international agreements. They also make decisions regarding to what extent and how they honour such international commitments. Often, governments are the primary link between communities and international donor organisations. Secondly, governments are responsible for formulating national and provincial policies. Such policies have profound impacts on the manner in which CBNRM projects are implemented. Thirdly, governmental institutions will often be the primary facilitator and capacity developer at the local level (Fabricius, 2004).

Therefore, government policy and legislation can be crucial in creating an enabling environment within which CBNRM projects can effectively operate. However, there can often be notable differences between the original intent of governments and how bureaucracies, in turn, apply this intent. While many policies and legislation might advocate decentralisation, a major factor that limits the success of community initiatives is the government's failure to truly devolve authority to a local level. Even if adequate decentralisation of power is given, bureaucratic delays may occur because the practical and logistical implications of new policies have not been grasped by government or they are ill-equipped to ensure the proper implementation of policies. Other implementation problems might occur due to financial and capacity limitations within departments or because government officials are not fully committed to or lack the ability to work with or properly engage with local communities.

Cases in Tanzania and Malawi have shown that the more power is decentralised to village-level committees, the greater the likelihood for success with projects. Therefore, rolling out policies that transfer property rights over land or resources to the users, facilitating villages to develop into corporate organisations (as in Botswana and Namibia) or approving regulations and management plans in a timely fashion will enhance an enabling environment within which CBNRM initiatives can take place (Campbell and Shackleton, 2001).

However, too much decentralisation can also possibly impede development initiatives. Ensuring adequate decentralisation may allow for a simplified organisational structure and less ambiguity with regard to rights and responsibilities, but can lead to a disconnection from broader district level planning schemes of government. CBNRM organisations can align themselves within the framework of local government structures and development processes to ensure the integration of their initiatives into regional and district development plans (Campbell and Shackleton, 2001).

In facilitating better communication between communities and the respective government, NGOs have often proved to be very useful in acting as mediators between the two parties. In some cases, NGOs have not only been used as project implementers but also as strong power brokers for communities when engaging with government. Nonetheless, community organisations must be weary of the fact that NGOs could have their own agendas that might not always dovetail with their own interests (Turner, 2006). In this regard, it is imperative

that NGOs and government departments explore communities' needs by engaging directly with community organisations to understand a project's situation from their perspective (COMPASS, 2003).

### *(5) Community dignity and identity*

Often and particularly embedded in CBNRM projects (even more so when aligned within land reform policies), is the issue of restoring or maintaining the dignity of the people involved. Also, land and the ownership of land are often closely tied to the identity of a community; how they perceive themselves, their past, their future, their relations to other communities, and their place in society. In projects concerning land (be it CBNRM, land reform or both), the issue of belonging, imagined pasts and the experience of space can become embedded in themes of dignity, identity and symbolism. The issue of land has been overlaid by issues of restoring dignity to people that have been previously dispossessed of their land or denied access to land. Whether or not people/communities have received their old land, a new piece of land or remuneration as compensation for being previously dispossessed of land, is not as important. It is how they experience this 'award' and what they expect of this 'award' that ultimately determines whether they feel their dignity has been restored or not.

In the case where groups or communities stake a claim for land, it is not only for political inclusion but also for the recognition of the group's distinct identity and history. Claims for recognition can be seen as claims for dignity (Kutz, 1998). Moreover, the issues of how and what meanings people project onto land or a specific place are significant. Although being time-dependent, belonging to a particular space induces a notion of loyalty to a place. Often this loyalty is expressed through oral or written histories, narratives, recognising certain communal objects, myths, religious and ritual performances, or by setting up shrines such as museums or exhibitions (Lovell, 1998). Often these meanings are infused with emotive and symbolic connotations that can conjure up feelings of a distinct identity, pride, longing, nostalgia and melancholy. As put by Lovell:

Landscape, as it is represented here, provides only one tool among others through which interrelationships between humans and nature, and between humans in social and situated communities is produced and reproduced (Lovell, 1998: 11).

The meaning of land and the role it plays in reconciliation and providing equitable redress to the previously dispossessed is often overlooked by policy-makers whose main aim is to settle as many land claims and redistributing as much hectares as possible. Ill-settled land claims quite often lead to socially unsustainable environments in which the symbolic value of reconciliation is hollow. However, the symbolic meaning of the land restitution process does not only rely on whether the dispossessed have regained ownership of their old land, but also on how the subsequent development schemes have directly benefitted them or not. A continuous evaluation of the land regained and the development benefits received would determine community members' symbolic assessment of restitution or the development project with which it ties in. Therefore it is imperative to recognise the importance of community identity, dignity and the different meanings that people project onto land, space and development programmes to better understand the psychological and emotional dimension of CBNRM projects.

In addition, land as a primary productive asset also plays an important role in a community's identity. Having rights over land allows communities to decide how this land can be developed/used in the future to further their existence as a community. Owning land plays an important part in preventing the social disintegration of a poor community (Taylor, 2006).

Lastly, with CBNRM projects finding a strong place in initiatives based on eco-tourism, involving communities within such projects often entails 'selling' culture or the community in question's particular 'cultural identity' (often referred to as 'cultural tourism'). Communities and its members are often 'exoticised' in the name of tourism (see Comaroff and Comaroff, 2005). For example, the San community involved in CBNRM projects in Botswana and South Africa are portrayed as the primordial hunter-gatherers who first inhabited the African continent, when in fact many San community members have adopted new lifestyles. Also, with CBNRM projects being grounded in very strong environmental ethics and putting sustainable development initiatives on the ground that fall are line with this rationale, communities often also have to espouse such 'conservation ethics' as part of their identity in order to fit in with the overall CBNRM marketing package that is portrayed to the media, funders and those involved in the enviro-development industry. While the economic benefits gained through CBNRM may be considerable, without the careful consideration of a community's dignity and identity, a community's support for sustainable development initiatives can be marginal and eventually lead to the detriment of the project as a whole.

## 2.4 CONCLUSION

In this chapter, I highlighted how development became a widely debated topic and the target of much analysis at the end of the 20<sup>th</sup> century. The reasons for this were the fact that the dominant model of development largely failed to bring relief to impoverished communities (dubbed as a 'crisis of development') and the rising cause to mitigate societal pressures on the ecological integrity of the Earth's biosphere (dubbed as a looming 'environmental crisis'). Strong environmental critiques of development, supported by effective political and media rallying, led to a new development culture that propagated the notion of sustainable development. Sustainable development became an important tool in research discourse to illustrate the interdependency of the relations between the economy, society and the environment. Importantly, the notion of sustainable development became widely adopted by both environmentalists and development practitioners. As a result, a new development culture was cultivated at the end of the 20<sup>th</sup> century that emphasised the need to bring relief to impoverished communities in an environmentally sustainable manner.

I discussed the general objectives and practical implications of CBNRM initiatives. In recent development discourse, CBNRM interventions have stood out as initiatives that endeavoured to marry biodiversity conservation projects with rural development objectives. Advocates of CBNRM believe that local communities will conserve local natural resources if the proposed benefits outweigh the costs of conserving them (Ayoo, 2007). In South Africa, the precedent for CBNRM projects was set by the government that allocated significant authority over wildlife to private landholders. Private landholders quickly realised the notable economic,

ecological and sustainable advantages of commercial wildlife initiatives. However, the circumstances under which CBNRM projects are implemented vary considerably from those that govern private wildlife landholders. As a result, I put forward an analytical framework for uncovering many of the complexities that are often associated with CBNRM projects. I discussed themes that related to property rights, institutions and capacity-building, power relations, intra-community differentiation, state-community relations and community identity. The analytical framework is used to uncover many of the complexities and issues experienced in all three the case studies being put forward in this thesis.

In the following chapter I will evaluate how the CBNRM projects of the Aborigine community in Kakadu National Park (Australia) and the †Khomani San in the KGNP (South Africa) have been implemented as part of the respective governments' land reform strategies and under the broader political obligation of development and conserving natural resource areas. Firstly, I will provide some background material on land reform policies and land claims in Australia and South Africa which, given their role in both the †Khomani San and the Makuleke (Chapter Four) cases, will give a broader understanding of CPAs and their problems in South African land reform. Secondly, I will provide background to and evaluate each case by applying the analytical framework put forward in this chapter in order to understand the broader development and project complexities brought about by the CBNRM initiative.

## **CHAPTER 3: LAND REFORM AND CBNRM IN TWO COUNTRIES WITH TWO DIFFERENT OUTCOMES**

In this chapter I turn my attention to two countries, Australia and South Africa, in which two notable CBNRM projects have taken place: the Aborigine community in Kakadu National Park and the †Khomani San in the KGNP. Both communities were previously forcibly removed from their land under the auspices of the ‘fines and fences’ approach to conservation as well as segregation policies, but subsequently regained their land through land reform entitlement. Both these cases are notable within larger CBNRM project and sustainable development themes for different reasons.

Since its inception in the late 1970s, the CBNRM project in Kakadu National Park has been showing notable promise of promoting sustainable development for the Aborigine community involved. Ever since the 1990s, the community has been enjoying a significantly stronger position within the park by gaining more financial security, clearer responsibilities and more direct participation in the management of the park. While most community members have not yet received substantial economic benefits, benefitted from employment opportunities and find it difficult to operate within a Western management framework, notable possible development inroads have been made through the project, substantiating its evaluation as part of this thesis.

In contrast, the †Khomani San CBNRM project in KGNP, which saw the community receiving 43 000 ha outside the park and an additional 25 000 ha to be administered jointly with SANParks in 1999, soon fell apart and today shows few signs of promoting sustainable development in the future. Problems arose due to a lack of post-resettlement planning, ambiguous support from NGOs and the unforeseen splintering of the community between the ‘traditionalists’ and the ‘western bushmen’. Moreover, the lack of institutional capacity of the †Khomani San CPA led to further concerns regarding land use activities and the lack of economic benefits for community members.

Nevertheless, I will first investigate the history of land reform in both Australia and South Africa and how these have been implemented in the two countries.

### **3.1. LAND REFORM IN AUSTRALIA AND SOUTH AFRICA**

Land reform is a strategy implemented by government in order to change the pattern of land ownership or tenure of land in a country for a specific reason. Some of the mechanisms for putting land reform policies into practice can include redistribution, modifying current institutional arrangements governing the possession or use of land to increase agricultural production or transferring rights to a group of people to use land as a commons. However, land reform interventions generally fall into two categories: transformational and populist. Transformational land reform involves not only breaking up concentrated land holdings or redistributing land,

but also altering the systems that created them (for example feudalism, communism or capitalism). Populist land reform focuses on breaking up large land holdings to redistribute to small-holders. Governments often roll-out populist reform in response to rural unrest or to prevent revolutionary movements (Beehner, 2005).

Land reform policies are not only a modern governmental instrument, but have been implemented to varying degrees and under varying auspices from ancient Rome around 133 BC to France just after the French Revolution. In more modern times, land reform has been implemented in (to name but a few) South Korea, China, Cuba, Egypt, Canada, Hungary, Scotland, India, Namibia and Zimbabwe (Beehner, 2005). To further the understanding of the conditions under which the three case studies that will be discussed emerged, I will give short a background to populist land reform policies in Australia and South Africa.

### *Australia*

Land and the ownership of land have always been central to the lives and well-being of Aboriginal communities in Australia. Land not only underpins Aboriginal history and culture, but is also a key component of their spiritual beliefs and holds economic value for the community. The history of the dispossession of Aboriginal lands dates back to 1829, when Captain Stirling (of Britain) landed in what today is known as Perth. What commenced was systematic colonialism, whereby Aboriginal lands were fenced off, destroyed or obstructed to make way for settler communities from Britain and other parts of Europe. Emigrants from Europe were encouraged to settle in Australia as the land was marketed abroad as 'free land'. For more than a century, Aboriginal people faced a period of 'warfare' which was intended to marginalise them and dispossess them of their land. Those who survived were captured, exploited for hard labour and subjected to comprehensive social and personal controls of the State. The Aborigines Protection Act of 1886 and the Aborigines Act of 1905 implemented stringent segregation policies isolating Aboriginal people from 'colonial towns and settlements'. Aboriginal people were displaced to 'reserves' or 'missions' in remote parts of Australia (Pierluigi, 1999).

Today, however, every State and Territory in Australia, except for Western Australia, has a statutory land rights system of some sorts. The result has been that Aboriginal communities have been granted land in these areas through claims or transfer processes brought about by legislation. A number of laws have been passed in Australia to allow for Aboriginal people to make claims to the land from which they have previously been dispossessed. The first of these was the Aboriginal Land Rights (Northern Territory) Act of 1976 (ALRA), which provided for the granting of traditional Aboriginal land in the Northern Territory to Aboriginal Land Trusts. These Trusts would hold the land for the gain of the traditional Aboriginal owners. Although the Act has been successful in returning land to traditional Aboriginal owners (approximately 45% of the Northern Territory is now owned or controlled by Aboriginal communities), little progress has been made to ensure lasting economic benefits for Aboriginal people. For this reason, most Aboriginal people still remain socio-economically disadvantaged (Economic and Social Council, 2007).

A second piece of legislation, The Native Title Act of 1993, provided a system for the recognition of native title rights. It aims to put into place a future acts regime to regulate future development affecting native title rights

and to provide native land title holders and claimants with the right to negotiate the terms of land rights acts. It also provides for the issuing of Indigenous Land Use Agreements: voluntary agreements between a native title group and other interest groups regarding the use and management of land and water. Since its inception, approximately 100 native title determinations have been finalised and close to 300 Indigenous Land Use Agreements registered. Nonetheless, countless land claims still remain unresolved and various stakeholders have criticised the current process of recognising native title rights as slow and overly expensive (Economic and Social Council, 2007).

The most implemented form of tenure is 'inalienable freehold title' that is held on a communal basis. This entitles an Aboriginal group, rather than individuals, to enjoy ownership of a particular area of land, but prohibits them (through legislation) from selling their interests. Nonetheless, certain limitations on the use of land have narrowed the opportunities for economic development within such areas and have led to much critique of the imposed system of restrictions. In addition, crucial discrepancies exist between customary Aboriginal land tenure and the Australia cadastral system, as they are diverse in nature and often regarded as incompatible. The biggest difference between the two land tenure systems is the concept of ownership and the role of land within society. According to customary Aboriginal land tenure, land is integral to Aboriginal cultural identity. The 'western' view of land holds that land can be owned to the exclusion of others and is a commodity that can be bought, sold, leased, inherited or used for wealth or economic gain (Brazenor, Ogleby and Williamson, 1999).

This discrepancy between how land is understood in the two tenure systems has led to slowed land development. The Australian government has therefore started looking at alternative methods of transferring land rights to Aboriginal communities that would promote sustainable development initiatives. One such method has been through the ownership and joint management of national park areas to ensure Aboriginal control over land. The implementation of one such initiative (in Kakadu National Park) will be discussed in the first case study.

### *South Africa*

In South Africa after apartheid, the land question retains a powerful symbolic and material charge, generated by the long history of dispossession and continuing widespread rural poverty and inequality (Bernstein, 1997: 26).

The question of land in South Africa has always been much politicised due to a harsh history of forced removals and racially-based dispossessions since the first Dutch settlers landed in the Cape of Good Hope during the 17<sup>th</sup> century. What followed was a systematic racial polarisation of the South African landscape between white and black people that saw black South Africans being pushed to the peripheries of a highly unequal society. With the subsequent passing of the Land Act of 1913 and the apartheid government rolling out its segregation policies in 1948, the newly-elected democratic government of 1994 inherited an ill-balanced land dispensation that saw white people own 87% of South Africa's land, while black and coloured groups owned only 13%. Since 1913, it

is estimated that 3, 5 million black and coloured people fell victim to racially-based dispossessions and removals (South African Department of Land Affairs, 1994).

As early as December 1994, The Restitution of Land Rights Act 22 was promulgated and a Commission and a Land Claims Court established. The Commission was to investigate and facilitate the resolution of claims and the Land Claims Court to adjudicate the claims (South African Department of Land Affairs, 1994). According to the 'property clause' of the South African Constitution (Act 108 of 1996) the South African government makes it apparent that it has issued a strong commitment to land reform and aims to provide all South Africans with equitable access to the country's resources. For that reason, any persons dispossessed of their property after 19 June 1913 due to racial discriminatory laws or practices of the past are wholly entitled to restitution of that property or to equitable redress if endorsed by the Act of Parliament. Therefore, land reform policies were set in motion to restore land ownership to its 'rightful' owners and also because it is believed that redistribution of farm land, in conjunction with notable rural development programmes, can make a significant contribution to poverty reduction (Constitution of the Republic of South Africa, 1996; Cousins, 2009).

The Bill of Rights (see section 25 of the Constitution of the Republic of South Africa, Act 108 of 1996) provided South African citizens with the right to land reform and equitable redress, but also to environmental protection. The Bill of Rights states that "everyone has a right to have the environment protected for the benefit of present and future generations". This is to be ensured through reasonable legislative and other measures that (1) "prevent pollution and ecological degradation", (2) "promote conservation" and (3) "secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development" (Kepe, Wynberg and Ellis, 2003: 12).

Government's land reform programme consists of three elements: restitution, redistribution and tenure reform. Restitution allows previously dispossessed communities to have their land returned or compensated for. Redistribution entails a process through which the government helps communities and aspirant farmers to buy land from existing land holders on a willing-buyer-willing-seller basis by providing grants to every household within the community. Land tenure reform regulates the evictions of labour tenants through the Extension of Security and Tenure Act of 1997, by setting strict procedures in place that govern how eviction processes are allowed to take place (Kariuki and Van der Walt, 2000).

The initial target for land reform, which was proposed by the World Bank and taken on by the Reconstruction and Development Programme (RDP) in 1994, was to see to the transfer of 30% of agricultural land by 1999. Worryingly, less than 1% had been transferred into the hands of previously dispossessed communities by that time. As a result, and after a comprehensive review of land reform policies and implementation difficulties, a more realistic target of transferring 30% (approximately 25 million hectares in practice) of agricultural land by 2014 was adopted by the government. However, figures show that at 30 June 2008 a mere 5% (4, 9 million hectares in practice) had been transferred since the inception of the programme in 1994 (Kariuki and Van der Walt, 2000).

More alarmingly, the bulk of the land that had already been distributed was due to urban land claims. However, a significant amount of pressing rural land claims in areas, mostly in Limpopo, Mpumalanga, KwaZulu-Natal and Eastern Cape provinces, has yet to be settled. Many of these land claims are either on high value agricultural land, forestry land, land on which tourism enterprises have been developed or within conservation areas (Kariuki and Van der Walt, 2000; Cousins, 2009).

While neighbouring country Zimbabwe has reverted to land grabs (which had severe negative effects on the country's agricultural production, Gross Domestic Product and socio-political situation), the South African government remains committed to the 'willing buyer willing seller' approach to land acquisitions. However, besides the slow progress of the land reform programme, the ANC government has been criticised for only allocating around 1% of the national budget for land reform and failing to provide adequate post-resettlement support to land claimants (Cousins, 2009). In addition, the programme has been riddled with numerous instances of corruption and criticised for failing to grasp the extent to which the institutional structures governing the land reform process contribute to the overall dilemma (Sokomani, 2010).

Despite the well documented cases of corruption and lack of proper leadership at the Land Bank, responsible for investing finances into the country's agri-business sector, many of the problems in South African land reform can be attributed to the failure of CPAs and community trusts. Members of CPAs and community trusts have often proven to engage in self-enrichment and corruptive behaviour, while purporting to be representatives of the community. A major problem experienced with community trusts is the fact that they invest property ownership in non-beneficiaries (the trustees) who are not democratically obliged to be held accountable by the beneficiaries. The establishment of CPAs was to counter this undemocratic trend by emphasising principles of fair and inclusive decision-making, equity of membership, fair access to property, democratic procedures, accountability, institutional transparency, security of tenure, sustainability and compliance with legislation and the Constitution (Sokomani, 2010).

As CPAs are intended to save poor rural beneficiaries the costs associated with owning individual property, fines for non-compliance with state-imposed land-use controls and municipal land tax liabilities, it is easy to understand why this form of institutional arrangement at community level suits land reform initiatives. Unfortunately, countless CPAs are showing a lack of transparency and accountability, are unable to clearly define group membership, fail to distribute income generated from projects and struggle to allocate and use land for specific purposes (Sokomani, 2010). Many of these problems associated with CPAs may be linked to inexperience, a lack of knowledge and self-enriching opportunist tendencies on the part of its members, a lack of external support (government, non-government, donor or humanitarian groups), difficult socio-economic conditions and unsustainable land development projects.

In addition, besides community trusts and CPAs, ownership of restituted and redistributed land is often vested in tribal chiefs and kings who hold these in trust on behalf of community members. These arrangements are founded on the concept that trusts somehow relates to historic principles of African tenure. Needless to say,

such arrangements have also often led to corruption, unilateral decision-making (favouring the royal family and its associates, etc.) and unfettered discretion on behalf of the chiefs or kings (Sokomani, 2010).

Needless to say, land reform and development projects operate within diverse and complicated circumstances. Ensuring that the institutional structures at community level are run effectively, democratically and in the best interest of all community members is critical to the success of such projects. Nonetheless, the institutional capacity of institutions to do so also plays a big role in the outcome of community matters. Without effective community organisations, the funds invested in development projects are unlikely to be put to sustainable use and make a positive development impact on the lives of community members. The lack of proper institutional arrangements at community level and the grim consequences it can have on project outcomes will be highlighted in the second case in KGNP. But first, I will evaluate the CBNRM case at Kakadu National Park in Northern Australia.

### 3.2 AUSTRALIA: ABORIGINAL LAND RIGHTS AT KAKADU NATIONAL PARK

We Aboriginal people have obligations to care for our country, to look after *djang*<sup>11</sup>, to communicate with our ancestors when on [sic] country and to teach all of this to the next generations (Combined statement from the Aboriginal members of the Kakadu National Park Board of Management, 2007).

For around 50 000 years, 250 groups of indigenous peoples used and managed Australian terrestrial and marine environments. Specific cultural rules of how natural resources should be used, by whom and at what times were in place, ensuring the continued sustainability of Australia's natural ecosystems. Certain sacred scattered areas were set aside for strict access, or sometimes even no access, depending on a community member's authority. However, since the late 17<sup>th</sup> century, settling British colonists and subsequent colonial administrators ignored this network of ancient cultural protected areas across the Australian landscape (Smyth and Ward, 2007).

Increasingly, during the course of the 19<sup>th</sup> and 20<sup>th</sup> centuries, Aboriginal communities were removed and dispersed to make way for colonial settlements and national parks in Australia. Around the turn of the 21<sup>st</sup> century, however, land restitution policies changed the fate of many Aborigines in Australia. Aboriginal rights were given back to Aboriginal communities and national park administrators and the state sought ways in which joint management agreements could be established with Aboriginal communities who were previously removed from national park land. Kakadu National Park, with its exceptional natural and cultural landscape, presents one of the most renowned international cases of CBNRM, valuing joint management between national park administrators and the previously removed Aboriginal community from the Northern Territory in Australia. While numerous issues and complexities are still unresolved at present and many project goals still elusive, the

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<sup>11</sup> *Djang* is an Aboriginal word referring to 'dreaming places and their spiritual essence' (Kakadu Board of Management, 2007).

project has made notable development and conservationist inroads and enjoyed ample documentation, active government participation and media attention as a result.

In the following section I will set out the background to the CBNRM project at Kakadu National Park, stipulate the intricacies of the joint management arrangement between the Aboriginal community and the Kakadu National Park management, and highlight the prevalent issues within the project by way of applying the analytical framework set out in Chapter Two. In doing so, I will show how the socio-political backgrounds of the Aboriginal community and the Park management influence their joint management relationship and how eco-tourism-based economic development initiatives have yet to deliver substantial benefits to the members of the Aboriginal community.

### 3.2.1 Background

The first protected area in Australia's colonial era was established at Tower Hill in Victoria in 1866, after which the Royal National Park near Sydney followed in 1879. Like the world's first government-declared protected area, Yellowstone National Park (established by the United States Congress in 1872), these two national park areas were set aside for the protection of nature and the enjoyment of recreational visitors. Local residents were excluded from access to national parks and this 'fines and fences' rationale became the precedent for subsequent national parks for the next one hundred years (Smyth and Ward, 2007).

During the same period, a different system of separate reserves was established in order to 'shelter' Aboriginal people from unwanted colonial influences. However, in reality, Aboriginal people lost their land rights, much of their human liberties and livelihoods, and became segregated from colonial societies (much like the apartheid situation in South Africa with regards to the creation of 'Bantustans'/'homelands' for black citizens). Australia's various national parks and protected areas came to be managed almost exclusively for their biodiversity and scenic value, with only minimal archaeological recognition being given to ancient Aboriginal rock-paintings (see Picture 1). Indigenous people were excluded from occupying and using traditional resources within protected areas, gaining revenue from tourist visits and from playing any part whatsoever in managing these areas. As such, establishing and managing protected areas was merged with a broader colonial project of denying indigenous Australian communities ownership of, cultural relationship with, and economic benefit from their 'ancestral' estates (Smyth and Ward, 2007; Mason, 2003).



**Picture 1: Aboriginal rock art at Nourlangie Rock in Kakadu National Park (Source: [www.britannica.com](http://www.britannica.com)).**

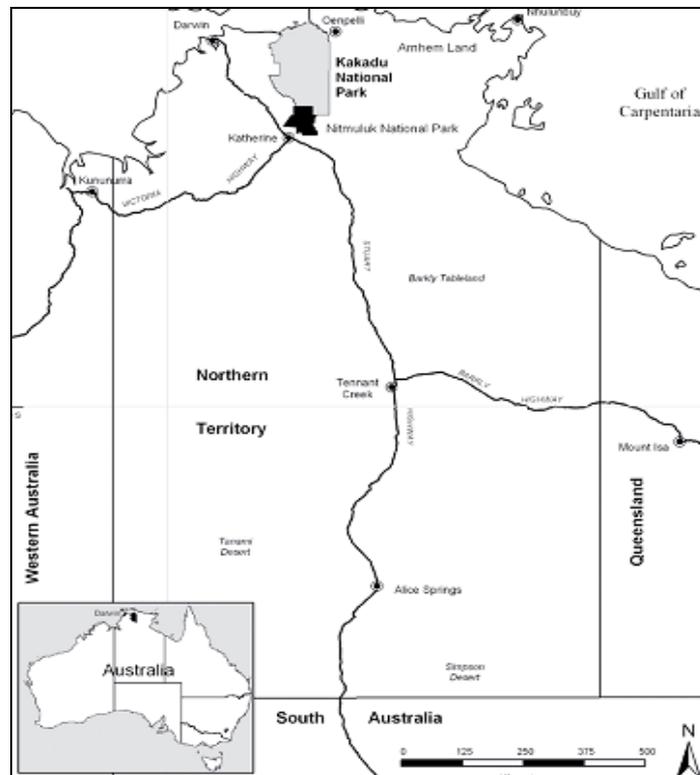
Since the late 1970s, increased recognition was given in state policies and the wider Australian community to indigenous Australian's rights and their cultural and economic relationship with the continent's landscape and natural resources. Following this recognition, notable focus was directed towards developing various mechanisms for indigenous Australian communities' involvement in the management of protected areas. These developments included the transfer of ownership of selected national parks to indigenous communities by means of formal joint management arrangements. In differing arrangements and significant successes, almost all Australian States and Territories adopted legislation and policies over the past 13 years which ensured that indigenous communities played a central role in protected area governance and management (Smyth and Ward, 2007; Kakadu Board of Management, 2007).

### 3.2.2 Joint Management at Kakadu

Established in the late 1980s, Kakadu National Park was declared under the National Parks and Wildlife Conservation Act of 1975 (NAPC Act) in three stages between 1979 and 1991. Later, the NAPC Act was replaced by the Environment Protection and Biodiversity Conservation Act of 2000 (EPBC Act) under which it still continues today. Each stage of the park includes either Aboriginal land allocated under the Land Rights Act that is leased to the Director of National Parks, or land that is currently under claim from traditional owners (Kakadu Board of Management, 2007).

Located in Northern Australia (see Figure 3), it is renowned for being one of only 22 World Heritage sites listed for both its natural and cultural values. The Park was brought to being as an attempt to reconcile the interests of

conservation, mining, Aboriginal land rights and tourism. Aboriginal settlements go as far back as 50 000 years and one of the main cultural components of the park is the vast amount of Aboriginal rock paintings present. While close to 5000 known sites for rock paintings have been identified, it is believed that more than 5000 are yet to be discovered (Mason, 2003).



**Figure 3: Location of Kakadu National Park (Kakadu National Park Management Plan, 2007: 2).**

The Park is spread across roughly two million hectares of land. It contains both ancient and modern landforms, including the ancient Arnhem Land plateau, the South Alligator River and internationally recognised wetlands. In addition, one of the most important rock art collections in the world, dating back more than 18 000 years, can be found within the park (Ryan, 1998). With between 180 000 to 230 000 visitors per year from the 1990s (Bird, 2008), people visit the park to appreciate the scenery, to view the wildlife and rock art, and to learn about the area's ecological and cultural heritage (Wellings, 1995).

Kakadu National Park is well known for its joint management arrangement between the resident Aboriginal community and Parks Australia. From the early 1970s, the joint management of conservation resources, historical sites and national parks has been intensely discussed between government, conservation and rural development parties in Australia. During the 1970s, a judicial commission was set up to investigate ways in which to establish Aboriginal land rights in the Northern Territory of Australia. Also, the commission had to propose an approach through which the interests of the local Aboriginal community could be combined with the interests of Parks Australia. However, Aboriginal interests were subdued where the case for conservation was notably strong. Following the investigation, the judicial commission affirmed that Aboriginal land title and the joint management of national parks should be 'harmonised as far as possible' (De Villiers, 1999).

However, it was Commonwealth legislation that was most instrumental in facilitating joint management in Kakadu National Park. Following a rather simple legal document in 1978, the second Kakadu lease which followed in 1991 gave a significantly stronger position to Aboriginal people: more financial security, clearer responsibilities for the Park Director and participation in the Kakadu Board of Management. The new lease contained three sections: the rights of the Aboriginal people to use and occupy traditional land, the terms of the new agreement and 22 covenants set up to promote and protect Aboriginal interests, traditions, employment, consultations and liaisons. Of note, a termination clause was included that specified that any breach of the 22 covenants constitutes a breach of the lease in which case full control of the land would be handed over, by law, to the traditional Aboriginal owners (Lawrence, 1997).

I had to learn it when I was growing up and I have to teach it to my family – my sisters and brothers have to learn it. Parks needs to learn it too.

(Senior Jawoyn Bolmo clan member – Kakadu Board of Management, 2007).



**Picture 2: Entrance sign board at Kakadu National Park (Source: [www.rogerwendell.com](http://www.rogerwendell.com)).**

Today, around 300 Aboriginal people live in the park making up different ‘clan’ groups. Each clan group is responsible for taking care of and speaking for specific areas of land within the park, and this responsibility has been passed on from generation to generation. The management and use of the land by past and present generations has shaped the landscape of Kakadu as it is today (Kakadu Board of Management, 2007).

In addition to receiving an annual rental fee from Kakadu National Park, Aboriginal communities receive 25% of the receipts from entrance and camping fees, and 25% of any charges, fees and penalties made with regards to commercial activities in the park. Importantly, traditional owners reserve the right to terminate the lease if

they consider there to be an instance that is of substantial detriment to their interest regarding the administration, management or control of the park. Moreover, the lease agreement allows for Aboriginal management responsibility as well as the development of a focused employment and training strategy (Woenne-Green, et al. 1994).

Therefore, joint management was enabled by means of communal beneficial legislation, lease agreements with the Aboriginal traditional owners and general management arrangements between the traditional owners and Parks Australia. The legislation enabled traditional owners to claim land and lease it to the Director of National Parks and make provision for boards of management for parks on Aboriginal lands. The lease agreements provided for the right and protection of the various interests of the traditional owners. It also ensured the employment and training of Aboriginal people in park management, public education and information services, and guaranteed lease payments and a share in the park's revenue for Aboriginal communities (Kakadu Board of Management, 2007). General management arrangements included management duties, management planning and everyday liaisons like local meetings, employing senior traditional owners as cultural advisers and employing young Aboriginal people within the Park (Hill and Press, 1994; Press and Lawrence, 1995).

Given the abovementioned arrangements that have been implemented as part of the project, it was the extent to which these and the way in which these interventions were put into practice which was of utmost importance to the project's success. Only by uncovering the 'grass-roots' dynamics of project implementation can the actual issues and complexities be fully understood and shed sufficient light on the real status of the CBNRM initiative in Kakadu National Park.

### 3.2.3 Project complexities and issues

Kakadu National Park contributes vast sums every year to the Northern Territory economy through tourism and by purchasing considerable quantities of goods and services from local suppliers. Nonetheless, a Kakadu Region Social Impact Study conducted in 1997 revealed that Aboriginal people staying in the region are not benefitting from the ample profits made through economic development within the park (Kakadu Board of Management, 2007). Given the encouraging progress that was made to include Aboriginal interests in the management of the Park, unresolved complexities and issues still existed regarding the agreements and the practical deliverables that Aboriginal communities were meant to benefit from.

#### *Property rights*

From the late 1970s, Aboriginal communities claimed land within Kakadu National Park through the land reform program. In doing so, they became (together with Parks Australia) co-owners of the area. In subsequent years, the Australian government became more and more committed to increasing the managerial position of traditional owners based on these property rights. Today, traditional owners are enjoying notably more self-

expression with regards to ownership and use rights in the park than 30 years ago. For example, an Aboriginal person could use resources on another person's land if they had consent, kinship, matrimonial or ceremonial ties with that person (Reid et al, 2004).

Importantly, the use of traditional resources (fishing, hunting and gathering) is paramount to the practice of Aboriginal culture and identity. This use of resources was defined in the joint management agreement as essential for Aboriginal park residents. However, in the light of protecting the Park's biodiversity and other natural resources, a number of key mechanisms (or rules) existed within the park which limited this right to use resources. Such limitations included zoning areas for hunting, fishing and gathering; restrictions on what type of species can be hunted; who can hunt, fish or gather and when (Bauman and Smyth, 2007).

Other issues related to the fact that Aboriginal traditional owners were obliged to cope with the large number of visitors on their land. With visitor numbers around 230 000 per year, these tourists and sightseers had social impacts on the communities and the environment. Not denying the economic benefits certain Aboriginal members were receiving through tourism, social impacts on traditional owners included the loss of everyday privacy, damage to cultural sites, restrictions on hunting and gathering practices and a sense of social responsibility for the welfare of guests (Bauman and Smyth, 2007).

### *Institutions and capacity building*

Traditional owners in Kakadu were originally given an advisory management role. The agreement relied on the commitment and goodwill of conservation officials who were involved in the daily management of the Park and needed specific input from Aboriginal owners. However, in 1989 they were given a more formal position in national park management when a board of management with an Aboriginal majority of 10 out of 14 members<sup>12</sup> was established under the National Parks and Wildlife Act of 1989. The creation of the Board was part of a key management objective to give Aboriginal people a significant voice in the overall management of the Kakadu National Park and promote significant sustainable development amongst communities. Functions of the Board included preparing management plans for the park, making decisions consistent with these plans, park monitoring and advising the Minister for the Environment on growing future developments for the Park (Lawrence, 1997; Kakadu Board of Management, 2007).

Moreover, the management of the Park was overseen by the Director of National Parks and Wildlife and the Kakadu Board of Management, and carried out by staff of the Parks and Wildlife Service with officers seconded from the Conservation Commission of the Northern Territory and the Northern Land Council (Woenne-Groen et al, 1994). However, about 43% of Kakadu's annual budget was spent on the additional costs of joint management (Reid et al, 2004). Therefore, the costs of putting joint management structures into place and coordinating the relationships between these different institutions were high. While the significant amount of

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<sup>12</sup> Of the remaining 4 positions on the Kakadu Board of Management, two represented the Australia Nature Conservation Agency, one the tourist industry and one the interest of nature conservation (Lawrence, 1997).

funds spent on joint management might have hampered other developments in the Park, it does illustrate Parks Australia's commitment to the CBNRM initiative.

Parks Australia put a great amount of emphasis on the value of Aboriginal skills in numerous management tasks such as creating positions for cultural advisers, traditional consultants and community liaison officers. One third of the staff employed at Kakadu was Aboriginal people and 95% of day labour was sourced from Aboriginal people. Aboriginal employees enjoy flexible working conditions in order to balance their employment obligations with any cultural obligations that they might have. Moreover, contract work (even if their fees were up to 10% more) was offered to Aboriginal groups, Aboriginal organisations and organisations that benefitted Aboriginal people directly rather than to non-Aboriginal organisations and businesses. Nonetheless, Western, as opposed to Aboriginal, competencies were still required for most management tasks (Reid et al, 2004).

Six ranger training programmes took place at Kakadu since 1979. While not all training programmes were as successful as hoped, the current training officer in Kakadu had an annual budget of AU\$160 000. In addition, Aboriginal art was actively promoted in park shops and a number of successful Aboriginal businesses were established within the Park (Reid et al, 2004).

However, the Aboriginal people staying within the park felt that not enough was being done to ensure direct employment within the park's institutions or vehicles through which they could develop and start their own enterprises. In addition, they felt that they were not benefitting enough from skills training that would allow them to work in a range of administrative, control and management positions within the park. In addition, senior and elderly Aboriginal community members raised concerns about the education and training of younger members with regards to Aboriginal culture, heritage and park management (Kakadu Board of Management, 2007; Lawrence, 1997).

### *Power relations*

Specific mechanisms were put into place that ensured that traditional owners played a significant and meaningful role in joint management. Both management boards had a majority of traditional owners and often the other members were nominated by government ministers and approved by the traditional owners. Significantly, Parks Australia was only represented by one or two officials on each of the boards of which none were Kakadu park staff. What this arrangement hinted at was that Parks Australia played more the role of an agent of the board rather than an equal partner in decision-making. In addition, the majority of park staff was Aboriginal individuals. Aboriginal people made up the majority of the employment selection panels and job preferences were given to individuals who had previous experience working with Aboriginal people (Reid et al, 2004).

Lastly, conflict-resolution mechanisms within institutions, organisations and panels favoured the interests of traditional owners above all and traditional owners had the right to withdraw from the contractual agreement if any action occurred that was 'substantially detrimental' to their interests (Bauman and Smyth, 2007). This option

gave traditional owners a veto right and ultimate decision-making power to allow or forbid developments that they felt would benefit the community or not.

Despite these institutional arrangements, traditional owners, with little educational background and management experience, found it difficult to function within an almost entirely Western policy and management framework. The result was that a notable power imbalance existed between the traditional owners and representatives from Parks Australia, and between the traditional owners and other development institutions, donors and private organisations (Reid et al, 2004; Woenne-Groen et al.; 1994; Edmunds and Wollenberg, 2001).

### *Intra-community differentiation*

Discontent in the Aboriginal community related to employment, or the lack thereof, within the Park. The large number of community members who were unemployed felt that the small number of individuals who were employed was benefitting significantly more from CBNRM developments in the Park. Alarming, the employment/population ratio amongst the Aboriginal community went down from 29.3 % in 1991 to 19.6 % in 1996 (Taylor, 1999).

Also, direct cash payments were made to community members older than eighteen from Parks Australia. The payment amounted to about AU\$ 3000 per traditional owner per year. However, what this meant was that unemployed members were not able to qualify for steadier income received through government pensions. Alcohol and drug abuse were also evident amongst many of the members of the community (Reid et al, 2004)

The economy of the local area was highly dependent on income generated from the park and the lease it provided to the Aboriginal community. While the Park has generated significant income for the Australian government, the socio-economic position of most community members has not changed.

### *State-community relations*

Although not financially viable at the local level due to the high costs associated with the joint management of a contractual national park, Kakadu National Park does, however, contribute millions of Australian dollars each year to the national Gross Domestic Product of the country (Hill and Press, 1994). Interestingly, government subsidies to Parks Australia were cut despite the fact that the community members involved in co-managed parks have yet to receive notable economic gains (Reid et al, 2004).

Also of interest is the fact that the federal and state government were reluctant to support the political native title of Aboriginal citizens. The government's land reform policies were merely put into place as a form of minority protection that was subject to the will of the majority of the country's population. Nonetheless, the Australian government made a strong commitment to empower Aboriginal communities through social benefits and through joint management initiatives. For example, cultural conservation was valued on an equal basis (often

more) to biodiversity conservation and social issues within joint management arrangements enjoying higher priority over ecological issues. Australian legislation valued the power and responsibilities of the JMBs, ensured that management plans had to be ratified by parliament and, as mentioned, provided considerable (although lessened) subsidies to Kakadu National Park. Therefore, government's involvement in Kakadu National Park and how the management structures operate was substantial and the involvement of NGOs, for example, fairly minimal (Reid et al, 2004).

However, notable concerns were raised by the Aboriginal owners with regard to the presence of two uranium mines within Kakadu National Park. The polluting effects of these two mines had alarming effects on the surrounding environment and posed a significant threat to a number of cultural heritage sites. Interestingly though, the government's support for these two mines had been strong since their inception in the 1970s. Nevertheless, in 2003 the Federal Government proposed a review of the guidelines that permitted mining development within World Heritage sites. After being accused of negligence, both these uranium mines were shut down and Aboriginal owners were given the right to veto any proposed developments relating to uranium mining within the Park (Energy Resources of Australia, 2004).

Interestingly, in August 2010, Aboriginal traditional owner, Jeffrey Lee, agreed to give his uranium-rich lands to Kakadu National Park. Lee is the designated sole custodian of Koongarra that lies adjacent to Kakadu National Park. The Koongarra uranium deposit, estimated to be worth AUS\$ 5 billion, presented an unprecedented economic value to Aboriginal community members in Koongarra as it was set to be mined by French energy company Areva. But Lee's decision ensured that the land will be quarantined from uranium mining. Lee emphasised that his priority was to preserve the sacred sites on his land. As he expressed it: "Money doesn't mean nothing to me, it's the land that really worries me. When you dig a hole in that country, you're killing me" (Hall and Nason, 2010:1). As such, Aboriginal communities' strong sentiment against uranium mining and the importance of preserving *djang* goes beyond communities only living in Kakadu National Park.

### *Community identity*

Cultural conservation had a very high priority in Kakadu. Significant recognition was given to Aboriginal culture and the value of indigenous knowledge. Numerous approaches, through institutions and joint management arrangements, enabled the Aboriginal community to maintain their cultural traditions, develop their cultural practices and participate in the conservation and management of the environment. Significantly, cultural attractions in the Park considerably increased the income that was generated through tourism (Reid et al, 2004).

However, in co-management projects like the one in Kakadu, the sharing of information and the overall transparency between 'stakeholders' are important. Through such a relationship, certain groups are obliged to give up important aspects of their privacy. In this regard, traditional leaders were often put in a difficult position when requested to share information with 'outsiders' about their culture and things like the location of

‘culturally sacred’ sites. For example, the Park contains many sacred sites of religious significance, like the approximately 1 000 archaeological sites of Aboriginal culture and over 25 000 instances of rock art. Many of these sites date back to more than 18 000 years ago. When Parks Australia offered the traditional leaders full control of sacred sites in exchange for information on the whereabouts of these locations, the Aboriginal elders remained silent. As a result, the predicament traditional leaders found themselves in was choosing between being supportive of the negotiation process or protecting their own cultural rights (ANPWS, 1998; Edmunds and Wollenberg, 2001).

### 3.2.4 Conclusion

Kakadu National Park came to be one of the first cases in which models of joint management were experimented with. The goal of this joint management arrangement was to increase the role, interest and sustainable, socio-economic development of the Aboriginal community, while at the same time ensuring the preservation of the Park’s ecosystem. Therefore, the joint management arrangement at Kakadu represented an exchange between the rights and interests of the Aboriginal community, Parks Australia and those of the wider Australian community. Much effort was made by the Australian government and Parks Australia in ensuring that Aboriginal traditional owners were given a significantly strong position in the management and development of the Park. High value was placed on the interests of traditional owners, the inclusion of indigenous knowledge in project developments and the conservation of the Aboriginal culture. This value was demonstrated by the fact that Aboriginal traditional owners were given a majority representation on the JMB and by the fact that they had the right to withdraw from any contractual agreements if any action occurred which they felt was ‘substantially detrimental’ to their interests. The joint management model institutionalised both long-and short-term cooperation between the Aboriginal community and Parks Australia by making specific provisions for future developments in the park, regulating tourism endeavours and implementing a mediation system for settling day-to-day disputes.

Despite the strong position that was given to the Aboriginal community, many traditional owners had trouble functioning within an entirely Western policy and management framework. Most community members did not benefit from employment opportunities and concerns existed over the lack of training and capacity building for Aboriginal members. In addition, despite the joint management of the Park, it seemed like some community members still needed to come to grips with the fact that they had to share their ancestral land with Parks Australia and vast numbers of visitors.

In evaluating the case, it becomes clear that Aboriginal community members were at a disadvantage when engaging with Parks Australia and external actors as a result of their inexperience, lack of skills and their inability to operate within a Western policy and management environment. This disadvantaged position can, in turn, be related back to the history of racial segregation policies in Australia that saw Aboriginal communities being pushed to the periphery of the Australian society. Much of this then relates to the lack of sound local governance at community level. While external measures have been put into place to ensure that the CBNRM

project succeeds, not much support has been given to enhance capacity building at community level. In addition, certain dynamics of the Kakadu tourism industry (for example, limited employment opportunities) led to a lack of permanent employment and substantial economic benefits for community members. This, in turn, hindered the perceived success of the CBNRM project as a whole. Nonetheless, given the scope of the initiative (merging conservation, development and land restitution aims), the CBNRM ideals it is based on, the strong management position given to traditional owners and the relative short duration of the project, the joint management case at Kakadu National Park holds the potential to set a precedent for many other CBNRM projects to come.

Not as promising, however, is the first of the two South African CBNRM cases that will be looked at in this thesis. From a land restitution settlement that saw the †Khomani San become one of the richest land owners in KGNP area, the promised deliverables of the subsequent CBNRM project quickly became unattainable. The mismanagement of resources, lack of experience, unthreading of the community's social unity and the absence of sufficient post-settlement support for the community ensured that the hope of a successful CBNRM initiative faded fast.

### 3.3. SOUTH AFRICA: †KHOMANI SAN AND JOINT MANAGEMENT AT KGNP

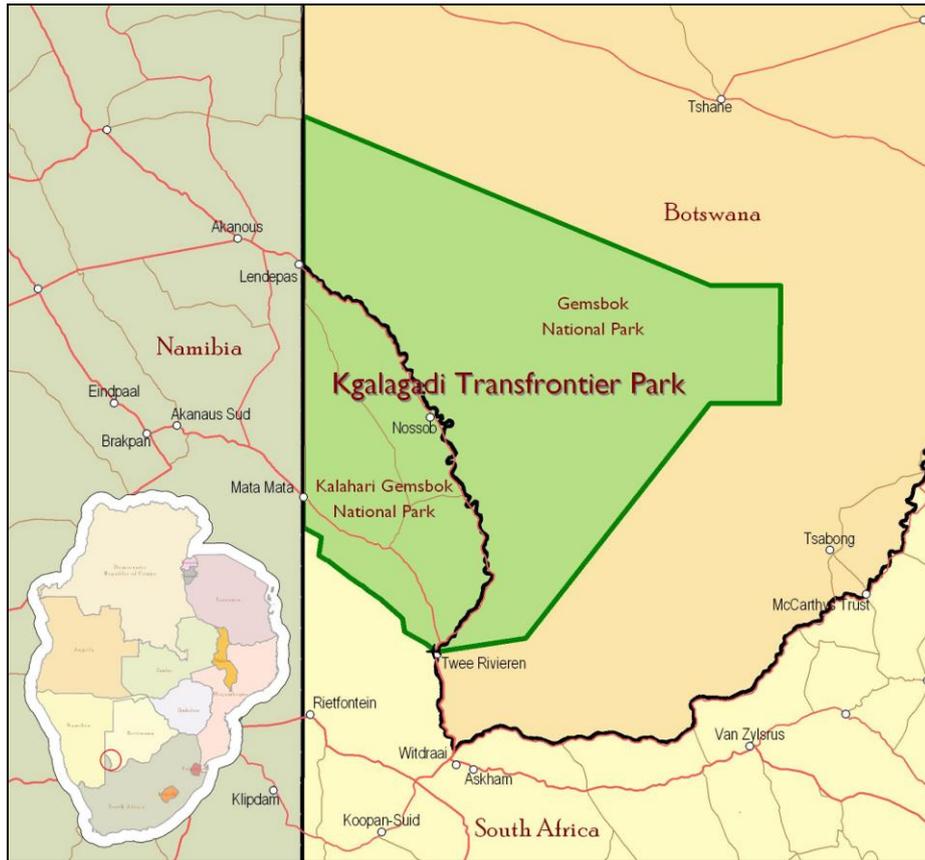
Our history is a trail of blood, which has been hidden deeply under the Kalahari red sand. If we open up the sand, as we are doing now, we will see that this trail leads right back into the middle of the park, where our parents and their parents were born and died. With my remaining years, I want to teach all our young people how we lived off the land in the Kalahari. I want to teach them what bush foods we ate, what we used for medicine, how we as San lived happily in our only home.

(Ouma /Una, (75) an inspirational San elder and N/u speaker in Chennels, 2001: 278).

Situated in the Northern Cape Province of South Africa, the KGNP<sup>13</sup> is the second largest national park in South Africa and forms part of a desert that extends into Botswana and Namibia. Together with the Gemsbok National Park in Botswana, the KGNP makes up the Kgalagadi Transfrontier Park (see Figure 4). Established in 1931, the KGNP is known for being a 'thirstland' and is mostly barren for the largest part of the year. Early settlers considered the Kalahari region "the very last place outside the Arctic regions where man [sic] would choose to dwell" (Schwartz, 1928:12). Nonetheless, vast stretches of grass that bloom after the summer rains sustain large populations of antelope species like gemsbok, eland and springbok (Kepe, Wynberg and Ellis, 2003).

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<sup>13</sup> The KGNP was established to replace Gordonia Game Reserve, but more importantly, to prevent the foreseeable extinction of the gemsbok; and therefore its place in the title of the park (Pringle, 1982; Kloppers, 1970).



**Figure 4: The Kgalagadi Transfrontier Park which includes the Kalahari Gemsbok National Park in South Africa (Source: [www.sanparks.org](http://www.sanparks.org)).**

### 3.3.1 Background

At its establishment, a number of different groups of people lived within the KGNP. Amongst them was a group of white farmers who were relocated to alternative farms. Another group that was not as fortunate was the San, whose members were forcibly removed from the area between 1936 and 1974 (Bregin and Kruiper 2004; Carruthers, 2007). Regopstaan Kruiper, a †Khomani San leader, recalled when presenting the land restitution claim how his group was accused of “engaging in hunting too often and with too many dogs”. As he recollected, the dogs were summarily shot, while they were handed rations and told to leave the park (Carruthers, 2007: 299).

During this time, the †Khomani San community was dispersed throughout South Africa in search of wage labour in order to survive. Living in small groups, many spread across the Northern Cape region, while others headed north towards Namibia and Botswana. Like many other marginalised groups during apartheid, the dispersed San communities were also subject to discrimination under the apartheid government of the time. As a result of this dispossession and overall discrimination, many members lost the cultural ties they had with the Kalahari land and the practices and livelihoods that fostered this relationship. Some members were given pitiful

wages or the right to live on a piece of farmland in exchange for hard labour on livestock farms, while many women and children were taken as labourers for settler-run frontier farms (Chennels, 2001).

### 3.3.2 Joint management at KGNP

Only in 1995, under the new South African constitution, did the future of the †Khomani San community become promising. Led by Dawid Kruiper, whose family entertained tourists at a private resort in the Cedarberg Mountains in the Western Cape<sup>14</sup>, a group of about 50 members indicated their longing to regain their land in the Kalahari. The desire for restitution was linked to the group's need for spiritual, linguistic and cultural revival (Banks, 1998).

With the help of a lawyer, Roger Chennels, and favourable political conditions, the political and media hype around the case resulted in the original group of 50 being expanded to around 300 members. The †Khomani San lodged a claim (under the Restitution of Land Rights Act of 1994) for land inside the park as well as a large adjacent area falling under the jurisdiction of the Mier Transitional Local Council<sup>15</sup>. Local and international media's depiction of the †Khomani San as the 'First Peoples of Southern Africa on the brink of extinction' and 'one of the most marginalised groups in the country' contributed to the claim enjoying a high political profile. Successes achieved in Uluru-Kata Tjuta and Kakadu National Park in Australia provided precedents for similar joint management arrangements between communities and national park authorities in South Africa (Kloppers, 1970; Van der Merwe, 1941; Kepe, Wynberg and Ellis, 2003; De Villiers, 1999).

On 21 March 1999, the settlements for the †Khomani San and Mier communities were successfully concluded and included 50 000 ha of land in the southern part of the Park. The signing of the agreements were officiated by the then acting deputy president of South Africa, Thabo Mbeki. The granting of the settlement can be seen as a way in which the government wanted to show its commitment to the land restitution process and that it holds a positive attitude towards 'First People'. In addition, the †Khomani San received rights to the KGNP and 25 000 ha of farmland outside the park, while the Mier community received four farms in line with land redistribution legislation. Both groups were also awarded cash compensation that was used for purchasing communal land at Welkom in the Free State province. Use limitations were placed on the land received within the Park (as it was to be used for conservation purposes) while no restrictions were placed on the allocated land outside the Park.

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<sup>14</sup> In 1936, much public attention has been directed towards the †Khomani San community when they were exhibited as 'living fossils' at the Empire Exhibition of that year (Jones, Doke and Bleek, 1937). Following these events, San communities were labeled as a 'primordial group of people' and often used as 'ancient' human showpieces to international tourist and park visitors. Up till recently, a life-size display of San/'Bushmen' culture and their practices could be seen in the Cape National Museum, a natural history museum in Cape Town, South Africa.

<sup>15</sup> The inclusion of Mier land in the †Khomani San land claim led to conflict with the Mier community, who in return, lodged their own claim for land inside the KGNP (Wynberg and Ellis, 2003).

The total claim was valued at R15 million (Wynberg and Ellis, 2003; South African Department of Rural Development and Land Reform, 2006).



**Picture 3: The †Khomani San at the Land Claim Ceremony (SASI CRAM Archive in Chennels, 2001).**

A CBNRM contract was negotiated which was said to capture the ‘spirit’ and wishes of the †Khomani San people by embedding the traditional knowledge of the respective elders concerning the use of the land within it. The 43 000 ha of land outside the park was to be used for the benefit and development of approximately 1000 San community members that had all eventually become members of the overall Trust and were registered co-owners of the area. The intention was to use the land for game-farming, eco-tourism (hunting, camping and walking trails, and a tourism lodge) and other similar activities all owned and operated by the †Khomani San. The 25 000 ha awarded inside the park was given for the inclusion of commercial and symbolic rights for the community as hunting was forbidden in this area. The †Khomani San community was entitled to relatively free access to the Park for cultural purposes including: visiting sites for cultural and symbolic importance, carrying out educational trips, trips for gathering food or medicine or for doing specific research (Chennels, 2001).

The †Khomani San community were given joint management rights to the land inside the park to be shared with SANParks. Also, commercial rights were made available to a private eco-tourism organisation to set up a lodge in the area. The intention was that the †Khomani San would benefit from the lodge and benefit from the relationship by having community members employed as trackers, by enjoying an equity share in the lodge, by benefitting from economic empowerment schemes and forming part of the management team that oversees the performance of the lodge’s concession holder. As specified in the Heritage Park Agreement, SANParks had to pay 33% of an annual payment of R500 000 (adjusted on a yearly basis) into an account that they had to manage on behalf of the †Khomani San. The funds were used to pay for the administrative expenses of the community’s participation in the JMB and the development and establishment of community facilities in the Park (Chennels, 2001; South African Department of Rural Development and Land Reform, 2006).

### 3.3.3 Project complexities and issues

Despite becoming the richest land owners in the area, the †Khomani San case soon fell apart (after 1999) and showed little signs of achieving any of the intended CBNRM goals: using the land for game-farming, establishing sustainable eco-tourism initiatives, ensuring substantial economic income for the community, building the institutional capacity of the community, building community solidarity, etc. This rapid decline of the project came as a result of a number of issues and complexities associated with the project. I will use the analytical framework put forward in Chapter Two to structure my discussions on these contributing issues and complexities.

#### *Property rights*

According to the CPA's constitution, all members of the †Khomani San CPA are entitled to the following rights:

- i. settlement rights and a property for the exclusive use of the CPA member and his/her household;
- ii. garden plots;
- iii. access to water;
- iv. the right to graze livestock on the land or a portion thereof;
- v. hunting rights and the collection of *veldkos* ('bush food');
- vi. the right to use the CPA's cultural heritage site, traditional knowledge and intellectual property for economic purposes; and
- vii. commercial and other uses of land, facilities, buildings, structures and other assets directly related to the CPA

(South African Department of Rural Development and Land Reform, 2006).

The 43 000 ha of communal land received outside the park was subdivided in 2006 by the CPA into camps. Some were allocated to be used for by private farmers for livestock grazing and others for game farming. Approximately 2000 ha of land was also allocated for communal grazing. This was used to settle new farmers that formed part of a sheep bank initiative initiated by the NGO, Farm Africa. New farmers were given a seed herd but then had to return some of the stock to the sheep bank after a certain period. In addition, the new farms had to pay a small lease fee to the CPA for using the land. However, payments to the CPA by the new farmers had not occurred. The situation was such that only a limited number of members were deriving benefits from the resources based on use and property rights which they had allocated to themselves. The CPA lacked the necessary capacity to enforce agreements or to ensure that those members benefitting from the land and its resources (i.e. new farmers) were paying compensation fees to the CPA (South African Department of Rural Development and Land Reform, 2006).

Further implications of this situation were that no measures were in place to ensure the environmental sustainability of the land being used. The farmers who allocated rights to themselves had done so out of

personal gain and had little concern about the ecological integrity of the land (South African Department of Rural Development and Land Reform, 2006).

### *Institutions and capacity building*

There were 297 members with the establishment of the †Khomani San CPA in 1999, however, the total number of members grew to 1000 (as mentioned earlier). The CPA had a written constitution, an executive committee, a chairperson, Petrus Vaalbooi, and a traditional leader, Dawid Kruiper. There were contradictions in terms of who qualified as members and tensions arose in 1999 between the decision-making procedures emphasised in the CPA constitution and the somewhat impromptu decisions of the traditional leadership (for example Kruiper's decision to hunt springbok on one of the farms). In addition, while the constitution was very comprehensive, many CPA members with limited formal education found the document very daunting. Members had trouble understanding the content and were unsure about their rights and obligations as members of the organisation (South African Department of Rural Development and Land Reform, 2006; Robins, 2001).

In 2001, after the term of the first CPA Executive ended, the Department of Land Affairs (DLA) ordered an audit. The CPA was found guilty of gross mismanagement of funds as the Executive was unable to account for R150 000. The audit recommended that criminal charges be laid against the senior office bearers, but the recommendations were never pursued. A new Executive Committee was elected in July 2001 with Magrieta Eiman as the chairperson. However, in 2002, the Committee's term came to a controversial end. The Committee wanted to sell one of the awarded farms to cover debts incurred by executive members and the DLA had to intervene (South African Department of Rural Development and Land Affairs, 2006).

As a result, the DLA wanted the CPA's affairs placed under the jurisdiction of the Director General of the DLA. An application was lodged to the High Court and was granted in November 2002. In 2003, a new executive was elected and Gert Bock appointed as the new chairperson. Because the new committee fell under the administration of the DLA, they did not have the normal decision-making powers granted under the CPA legislation. The Legal Resources Centre was responsible for setting up a new constitution for the CPA. The constitution specified new constituencies and representation, and ordered the establishment of a council of elders (South African Department of Rural Development and Land Affairs, 2006).

An advisor to the community, Kobus Pienaar of the Legal Resource Centre, highlighted that, "it appears that one of the main problems in the San's CPA is the fact that the land was made available without working out meticulously who exactly got what, how the proceeds would be shared and how the rights of individual members would vest in the association". According to him, "this is one of the major challenges from a legal point of view facing land reform projects and a subject for the land affairs department's national CPA review" (Terreblanche, 2004: 2).

The †Khomani San had a Park Committee that sat together (in equally-sized membership) with SANParks and the Mier Community on a JMB. The JMB was a forum where the three parties made decisions regarding the

development of the Heritage Land within the Kgalagadi Transfrontier Park. However, the JMB met infrequently and very little progress was made since the signing of the Heritage Park Agreement in August 2002 (South African Department of Rural Development and Land Reform, 2006).

The South African San Institute (SASI), established in the early 1990s by human rights lawyer, Roger Chennels, was the first NGO in South Africa to deal with indigenous issues. SASI was instrumental in driving the land claim process and made strong commitments towards the 'revitalisation' of the San community (for example to mitigate some of the internal differentiations within the community and promoting San language projects). However, SASI's contradictory visions of the ǀKhomani San as both 'First People' and 'modern citizens-in-the-making' added to the internal differentiation of the community. With the establishment of the ǀKhomani San CPA in 1999, SASI endeavoured to combine patriarchal styles of traditional leadership with democratic procedures of accountability and decision making, which inevitably led to the weakening of the organisation. Additional rural development NGOs such as Farm Africa entered the community arena after the resettlement phase. These rural development NGOs assisted the community with administrative and development affairs regarding land-use and livestock management by seeking to build organisational capacity (Robins, 2001).

Amidst the complex nature of the community and inter-community conflict, the ǀKhomani San CPA was marred by a lack of capacity to manage its affairs and to give support to existing projects. No deliberate market strategy existed for the goods produced by farmers and the training they received came from Farm Africa and Asmang (a mining organisation in the Northern Cape). Livestock farming continued in an individual capacity and not as a communal enterprise that saw the community benefit from farming activities. Other projects within the community were supported by SASI, the Belgian Technical Cooperation (BTC) and the Swiss Agency for Development and Corporation (SDC) (South African Department of Rural Development and Land Reform, 2006).

Not surprisingly, the need for additional expertise was long identified. Although the Department of Land Affairs made a commitment to pay for the employment of an asset manager, the commitment was never fulfilled. Subsequently, the CPA made a request to the SDC consultant for the appointment of a farm manager. Working together with BTC, SASI and the Regional Land Claims Commission (RLCC), the ǀKhomani San identified a suitable candidate in 2006. In 2007, the new farm manager was appointed and his duties included giving technical agricultural support to farmers and working together with the partner organisations in ensuring the successful development of the land. However, little success was achieved since the appointment of the farm manager (South African Department of Rural Development and Land Reform, 2006; Reid et al, 2004).

Accordingly, and due to the problematic state of community institutions and IGAs, recent funding from major donors was focused on rural development programmes and building natural resource management institutional capacity. In the past, most funding from donors went towards cultural survival projects. This revised focus of donor organisations centred on developing livelihood strategies and providing income-generating mechanisms for community members (Robins, 2001).

## *Power Relations*

Apart from the inter-community tensions (which will be discussed in detail in the next section), conflict existed between the ǀKhomani San and the Mier community regarding the use of land inside the KGNP. The ǀKhomani San wanted to see the 25 000 ha of land used for heritage conservation and the preservation of their culture. They proposed to use the area inside the park for activities and land uses that related to the transmission of ǀKhomani San culture to the younger generations. In this regard, they put plans together to establish a non-residential tourist cultural village in the park. The belief was that substantial benefits would be gained by working together with NGOs and government agencies in promoting their culture and identity to tourists. Nonetheless, the construction of the cultural village has yet to be initiated (Kepe, Wynberg and Ellis, 2003).

Somewhat contrastingly, the Mier community emphasised the need to gain economic benefits from their usage of the land. They stressed the need for job creation and economic development for Mier community members and were interested in both consumptive and non-consumptive uses of the land. They have, for example, a number of regular hunters visiting their game camps every year (Kepe, Wynberg and Ellis, 2003).

## *Intra-community differentiation*

In contrast to the popularised image of the ǀKhomani San being a highly cohesive and consensual community by the media, intra-community conflict has been a major contributing factor to the failure of the CBNRM project. While the media portrayed stereotypical images of ‘primordialist’ San people united through a shared culture and heritage, the reality at community level was a lot more complex. The community became divided into ‘traditionalists’ who longed for living a forager lifestyle and ‘moderns’ or ‘western bushmen’ who wanted to become active in the tourist industry and other ‘modern’ enterprises. Divisions between these two groups rested on representations of cultural authenticity and identity (which will be further analysed in the next section), and included accounts of genealogies, language, ‘bush knowledge’, bodily appearance and clothing, amongst others (Robins, 2001; Bregin and Kruiper 2004; Carruthers, 2007).

The ‘traditionalists’ endeavoured to dissolve the CPA and requested to have the ǀKhomani San land claim divided into two separate sections. They proposed that the ‘westernised’ stock farmers be given the farms outside the park, while they, the ‘traditionalists’, be given ownership of the 25 000 ha inside the park. However, both propositions were rejected by the South African government (South African Department of Rural Development and Land Reform, 2006).

In addition, a murder case was opened after the death of one of the community members. In 2005, the South African Human Rights Commission released a report on human rights violations among the ǀKhomani San community as many members alleged that the police were responsible for the murder, that the police were victimising and harassing community members and that their children were sexually abused at school. The commission called for a number of recommendations which included amongst other that: government

departments and officials involved recognised the needs of the community as part of a structured development plan; the police officers responsible for the shooting be brought to justice; a farm manager and an executive manager be appointed to help the community manage and cultivate their land; and the district office of the education department establish education and monitoring programmes on child abuse. As was concluded by the commission:

No doubt exists that the situation in the Andriesvale-Askham area needs the drastic attention of all spheres of government and all stakeholders. We hope this inquiry will be the start of the journey towards the realisation of human rights and sustainable development in the †Khomani San community (South African Human Rights Commission in Tshivhidzo and Modisane, 2005).

### *State-community relations*

The Department of Agriculture, Conservation and Environment in the Northern Cape is responsible for the coordination of post-settlement support in land reform projects. Coordination is structured through the Land Reform Coordinating Committee that is chaired by the Member of the Executive Council (MEC) for Agriculture and which is also attended by the MEC for Local Government and Housing. However, meetings have been infrequent. According to the Rural Land Claims Commissioner, a steering committee was set up for each project in the province that ensured proper planning was done for sustainability, co-ordination and the proper facilitation of development. The meetings were chaired by the Post Settlement Support unit of the commission and served as an oversight structure for appointed service providers. Once the planning processes were done, they were handed over to the municipality for implementation (South African Department of Rural Development and Land Reform, 2006).

The project steering committee of the †Khomani San met bi-monthly and was based at the Siyanda District Municipality. The meetings were regularly attended by provincial government departments, SASI, the South African Police Services and the South African Human Rights Commission. However, attendance from the Mier Local Municipality was lacklustre and development projects at the Mier community suffered as a result (South African Department of Rural Development and Land Reform, 2006).

One of the main critiques of the government's involvement in the project was their inability to develop a proper land use plan for the utilisation of the land. The farms Erin and Witdraai, allocated for traditional use, were the only land areas on which usage conditions were imposed (South African Department of Rural Development and Land Reform, 2006). As was reported in the *Sunday Independent* (17 October 2004) in an article titled *A case study in how land reform can be botched*, much of the blame has been directed toward the government for failing to provide adequate assistance and services to the community. Roger Chennels, attorney for the larger San community, compared the case to African countries gaining their independence in the 1960s and being left to run their respective countries. According to him, "The settlements were made very quickly and people with little education were left to manage R15 million" (Terreblance, 2004).

## *Community identity*

The politics of †Khomani San identity and culture were strongly entwined in the workings of the CBNRM project. According to Steven Robins (2001), contradictory cultural constructions by NGOs and donors led to the creation of a ‘great divide’ amongst community members: namely between traditionalists and ‘western bushmen’. Robins argues that NGOs and donors constructed a ‘double vision’ of San people as both ‘First Peoples’ and ‘modern-citizens’-in-the-making’ despite evidence of the hybrid character of San local knowledge and customs. As he noted:

The hybridised conditions of everyday life in the Kalahari include ‘local’ knowledge, practices and identities as well as San access to ‘exogenous’ cyber-technologies, fax machines, cellular phones and international indigenous peoples’ conferences and conventions in Europe and North America (Robins, 2001: 835).

The issue of ‘true’ San identity became further politicized through the ‘Great Bushmen tourist scam’ uncovered by Roger Friedman and Benny Gool at the renowned ‘bushman’ tourist village at Kagga Kamma Nature Reserve. Shortly after the handing-over ceremony, the †Khomani San left the Kagga Kamma area to settle at their newly acquired farms and to start up their own tourism initiatives. According to the Kagga Kamma management, they offered employment to ‘coloured’ farm workers (some of whom were married to ‘bushmen’) in order to ‘keep the bushmen business running’. The controversy sparked numerous ethical arguments (between the Kagga Kamma management, the †Khomani San community members, NGO fieldworkers, consultants, development practitioners and reporters) over what constitutes ‘100% bushmen culture’ and what can be characterised as ‘fake/pretend bushmen’ culture. This, in turn, deepened the polarisation between the ‘traditionalists’ and the ‘western bushmen’ within the community. Nonetheless, the stereotypical image of the ‘pure and pristine bushmen’ was utilized by some San ‘traditionalists’, like the Kruiper clan, to distance themselves from the ‘modern bushmen’ and to recuperate their social memory and identity (Robins, 2001).

This ‘distancing’ by the Kruiper clan was also utilised for other reasons. The stereotypical ‘bushmen’ image appeals both to tourists wanting to see ‘real bushmen’ clothed in loincloths and carrying traditional bows and arrows, and to donor organisations looking to fund initiatives that would benefit ‘First People’. There are lucrative cultural and economic resources associated with the portrayal of the ‘bushmen image’ (see Comaroff and Comaroff, 2005). As Robins notes, the Kruiper Clan “are creative and self-conscious producers of the cultural commodities that fuel a fledgling tourist and donor-driven economy” (Robins, 2001: 850).

Notably, questions regarding who forms part of the †Khomani San community or not becomes significant when defining the membership of †Khomani San CPA. In turn, this determines who has access to land and government resources and who will be inevitably excluded from such gains. As a result, the application of the colonial stereotype is set to continue to influence San politics and struggles (Robins, 2001).

### 3.3.4 Conclusion

Strong pre-settlement advocacy and negotiations on behalf of the NGO, SASI, and the government's urgency to settle the land claim have ensured that the †Khomani San community was served with a resettlement case that can be described as nothing short of remarkable. The land claim was streamlined by the South African government who were in need of a successful land claim case and wanted to demonstrate their commitment to marginalised groups in the country. However, the lack of post-resettlement planning on behalf of the government and ambiguous support from NGOs and donors created confusing circumstances at the ground level for the community. The government also failed to provide adequate support for community members and the CBNRM project by offering little training, technical advice, entrepreneurial initiatives and project control. What followed was the unforeseen splintering of the community between the 'traditionalists' and the 'western bushmen' which further contributed to the severely complex state of affairs of the †Khomani San CBNRM project. In the end, the gross lack of sound local governance and institutional capacity from the CPA to support and manage land use activities resulted in the case falling deeper into the trenches of disappointment and mal-delivery. Much of the inexperience, lack of skills and business know-how of †Khomani San community members can be traced back to the effects of past racial segregation policies in South Africa. The repercussions of these policies also meant that community actors were at a disadvantage when engaging with SANParks, municipal and governmental institutions and private businesses.

Recent interventions by rural development organisations and donors have tried to alleviate the dire socio-economic conditions of many community members by providing them with income-generating mechanisms. Nonetheless, whether these interventions would yield substantial benefits to participating members has yet to be confirmed. What is clear, however, is that eco-tourism, as a viable job-creating and income-generating method, has not offered community members substantial benefits or promoted sustainable development mechanisms within the community. Given the high levels of unemployment in the area, the harsh climate of the Kalahari landscape and the intense politicisation of †Khomani San culture and identity, it begs the question of whether the community has gained much at all through this CBNRM land reform project.

## 3.4 CONCLUSION

In this chapter I looked at the history of land reform in both Australia and South Africa and how these have been implemented. Despite strong policies that protected their rights, little progress has been made to ensure lasting economic benefits for Aboriginal people of Australia through land reform. Most Aboriginal people still remain socio-economically disadvantaged and countless land claims still remain unresolved. Therefore, the Australian government has started looking at alternative methods of transferring land rights to Aboriginal communities that would promote sustainable development initiatives.

South African land reform was put into motion with the passing of the Restitution of Land Rights Act 22 of 1994. The government made a strong commitment to redressing the injustices of the past apartheid era that saw 3, 5 million black and coloured people fall victim to racially-based dispossessions and removals. However, land

reform in South Africa was ominously slow and a lack of funds, corruption and the failure of CPAs has been identified as the main contributing factors to this dire situation. The South African government fervently looked for success stories to boost the image of land reform in the country.

Subsequently, I evaluated two CBNRM cases in this chapter: the Aborigine community in Kakadu National Park and the ǀKhomani San in the KGNP. Both communities were previously forcibly removed from their land under the auspices of the ‘fines and fences’ approach to conservation and segregation policies in their respective countries. Nonetheless, both communities regained their land through land reform entitlement. In Kakadu (Australia), the Aboriginal traditional owners have been given a significantly strong position in the management of the park and their affairs. However, many traditional owners found it very challenging operating in an entirely Western policy and management framework and the lack of effective training, employment and capacity building opportunities hindered community members’ involvement in the project. Moreover, community members have not received substantial economic benefits from the project.

In KGNP (South Africa), the ǀKhomani San were awarded land ownership rights in an unprecedented land claim that saw them become one of the richest land-owners in their area. However, the project soon fell apart due to a lack of post-resettlement planning, ambiguous support from NGOs and the unforeseen splintering of the community between the ‘traditionalists’ and the ‘westernised bushmen’. In addition, the lack of institutional capacity of the CPA led to further concerns regarding land use activities and the lack of economic benefits for community members.

Comparing the two cases, it is clear that a better constructed implementation plan by the Australian government and Parks Australia led to better situated managerial position for the Aboriginal community in Kakadu than the managerial position that the ǀKhomani San community found themselves in. Although the Aboriginal traditional owners found it difficult to take advantage of their position in the management of the park, they did receive the right to veto any decisions that could possibly be substantially detrimental to their interests (like the decision to continue uranium mining in the park). In the KGNP, the ǀKhomani San community did not only have weak bargaining rights with regards to the management of the park and the CBNRM project, they also found themselves in a very poor position with regards to putting sustainable development interventions into place in the community. Therefore, while the actual economic benefits of both CBNRM projects still eluded both communities, the potential for promoting sustainable development in Kakadu is far greater than in the KGNP.

Importantly, land restitution and the subsequent CBNRM project in Kakadu have done much for the ‘revitalisation’ of the Aboriginal culture. While there are ethical issues around the right to privacy, significant recognition was given to Aboriginal culture and the value of indigenous knowledge. The joint management arrangement enabled the community to maintain their cultural traditions, develop their cultural practices and significantly participate in the conservation and management of *djang*. Importantly, the community regained full access to sacred sites of religious significance within the park. Unfortunately, this has not been the case at KGNP. Land restitution and the subsequent CBNRM project that was undertaken at the KGNP led to numerous

controversial cultural identity issues amongst the †Khomani San community, one of the most marginalised minority groups in southern Africa. Instead of revitalising the culture of the community and promoting the unification of its members, the project inadvertently led to ‘a great divide’ amongst community members in terms of cultural identity. The splitting of the community not only significantly complicated matters at community level, it also weakened their institutional position with regards to SANParks and the government. As a result, the effective development of the project was ominously slow and saw community members benefit (economically, socially or culturally) very little from the project.

Importantly, as highlighted by Murphree, specific demographic conditions play a crucial role in the implementation of CBNRM projects:

Small institutions increase the efficiency and willingness to take responsibility and decrease the likelihood for corruption. They enhance a sense of ‘collective identity’ and make it more practicable to enforce rules. From a social dynamics perspective, scale is an important consideration: large-scale structures tend to be ineffective, increasing the potential for inefficiency, corruption and the evasion of responsibility. Conversely, a communal resource management regime is enhanced if it is small enough (in membership size) for all members to be in occasional face-to-face contact, enforce conformity to rules through peer pressure and has a long-standing collective identity...CAMPFIRE has been developed in a national context by nationals for a national objective. The intent has never been that of a package export of the programme in its specifics to other countries (Murphree, 2000: 9-10).

The above quotation by Murphree has been in response to the perceived success of the ‘CAMPFIRE’ principles applied in Zimbabwe and the possibility of replicating these principles. Similarly, Fabricius underpins the notion that such principles cannot serve as a ‘blueprint design’ for implementing CBNRM projects in a range of different countries under dissimilar socio-economic and demographic conditions. He puts forward that a more rigorous social analysis of the processes of political and economic change at the country level is needed. In the same vein, the specific social, political and biological conditions at local level should imply a more concrete analysis of specific project conditions (2004). From the two case studies presented in this chapter, it is clear that the local and international conditions in each case differ considerably and need to be understood accordingly. Project implementation strategies that might have worked in Kakadu National Park (for example, giving a strong management position to traditional owners) might not necessarily work in KGNP (for example, the splintering of the community weakened the community’s management position and worked to the detriment of the project). Only by understanding and being sensitive to local and international conditions can the larger sustainable development implications of each project be fully grasped.

## CHAPTER 4: LAND REFORM, ECO-TOURISM AND HOPE: THE MAKULEKE CASE

Don't cut the tree to get the berries, but climb into the tree to pluck the berries, so that new berries can grow when the rain comes (Vettlee Macebele, Makuleke CPA).

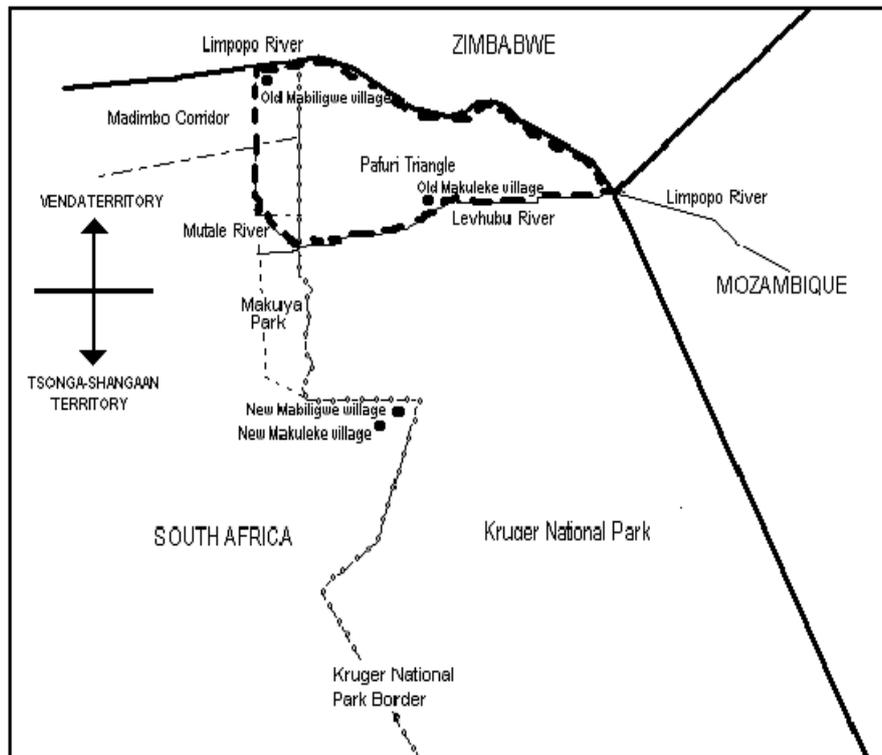


Figure 5: The coverage of the Makuleke land claim (Steenkamp and Uhr, 2000).

Set in the northernmost region of South Africa, where the neighbouring countries of Zimbabwe and Mozambique meet, lays an area most commonly known as Pafuri. Entering the KNP (of which it forms part) from the Punda Maria Gate, visitors to the area would most likely be passing by other affluent tourists taking in the unmatched biodiversity of the area. From elephant to nyala, the area boasts 75% of all the species found in the KNP, making it an ideal destination for national and international plant and wildlife enthusiasts. Separated by some distance, the two tourist lodges, Pafuri Camp and The Outpost, both offer five-star catering to those who visit (and can afford) the luxuries of the facilities offered.

Considering the erected infrastructure and the bustle of national and international tourists to the area, it can easily be overlooked that this area once went by a different name and was home to a sprawling community. It can easily be overlooked that this area is inextricably tied to a community that now lives (and has done so for the past 41 years) 60km outside the Park in a place called Ntlaveni. However, the displacement of the Makuleke community as the last community to be forcibly removed off KNP's land in 1969 and the injustices that took

place there leaves one with uncomfortable associations concerning the historical character of access to land in the country.

Yet, since the Makuleke land claim was resolved in 1998, there has been a strong sense of hope tied to the area. Subject to a joint management agreement with SANParks, the Makuleke community was granted back their ancestral home. The agreement meant that Makuleke community members once again had access to the area and could visit places of cultural significance. These access rights included, amongst others, visiting ancient burial grounds, the community baobab tree where tribal meetings were held and areas where their old homesteads used to be. The agreement also meant that the community, together with SANParks, became co-owners of Pafuri and were given a stake in the management of the area. The land had to be used for eco-tourism initiatives that would not only promote the sustainable development of the area and the community, but would also ensure the continued environmental integrity of Pafuri. The joint management arrangement gave precedence to a promising CBNRM project.

The CBNRM project was initiated with the signing of an agreement with two private tour operator, Matswani Safaris and Wilderness Safaris, and the subsequent erection of two luxury lodges in Pafuri: The Outpost and Pafuri Camp. The annual projected community revenues from these two lodges were estimated at R2 million gained from lease fees and R2,4 million from wage income (for roughly 100 community members) (Collins, 2008). Full ownership of these lodges will be handed over to the Makuleke community after a period of fifteen years. All revenues gained would be put into the Makuleke Development Trust and managed and distributed by the Makuleke CPA in line with their fund allocation strategy. The purpose of the CPA's fund allocation strategy was to ensure that the revenues received benefit the Makuleke community. The strategy included, amongst other, upgrading public infrastructure in the community, creating more job opportunities for community members and subsidising the managerial costs of important organisations in the community, like the CPA.

Interestingly, even before the actual settlement took place, the Makuleke land claim gained considerable public and political interest from conservation and tourism communities as well as government departments and the NGO sector. Initially, SANParks firmly opposed the land claim. SANParks feared that the Makuleke land claim would not only compromise the integrity of the land but also set a precedent for a wave of other land claims within the Park. SANParks feared that the large number of claims in the Park would threaten the environmental and economic integrity of the KNP. With this magnified profile of Makuleke came interest from development agencies, NGOs, researchers, national and international universities, politicians, movie-makers, journalists and eager tourists, even more so after the actual signing of the contract.

Today, twelve years after the signing of the settlement agreement, it becomes easier to look past the initial hype generated by the agreement and focus on how the CBNRM project has been implemented. What institutional arrangements have been put into place at community level and are these fully functioning, democratic bodies? Are all community members receiving substantial economic benefits? How have these developments shaped the relationship between the community and SANParks, and influenced the relationships between community

members? What has the project meant in terms of the Makuleke's culture and identity? And have all community members gained substantial economic benefits from the project?

In this chapter I discuss the history of the Makuleke restitution case by providing a brief background to the Makuleke settlement within the context of the KNP and draw attention to the key events that led to the eventual joint management agreement. I stipulate the specifics of the agreement concluded between the Makuleke CPA, SANParks and the private tour operators, show who the intended beneficiaries were and delineate the rights, expected requirements and responsibilities given to each of the parties. In doing so I focus on the CBNRM principles and groundwork upon which the case was founded. Next, by using the analytical framework proposed in Chapter Two (also used for the case studies in Chapter Three), I take a closer look at the intricacies of the project and discuss some of the most salient complexities and issues at play. I discuss the most important socio-economic development issues concerning the response of the community and SANParks to the practical implications of the joint management agreement.

#### 4.1 HISTORY OF THE MAKULEKE LAND CLAIM CASE

Makuleke's country is very large  
It is a large country, it is a beautiful country  
From the Luvuvu to the Limpopo  
It is a large country, it is a beautiful country  
We live in the village overlooking the Luvuvu  
It is a large country, it is a beautiful country  
The waterfall of Pafuri, the mountains and the village  
It is a large country, it is a beautiful country  
Ne, neee, neeee  
(Makuleke song in Harries, 1987: 103).

Set between the Luvuvu and Limpopo rivers, Pafuri is a tropical region covering close to 25 000 ha and as mentioned before, is characterised by particularly superior biodiversity. While the first human settlements can be traced back to the Early Stone Age, the known history of the Makuleke community in the area goes back to a time roughly 180 years ago (De Villiers, 1999). As a branch of the larger Tsonga-speaking group, the Makuleke define themselves through a common ancestor whose direct male descendant they regard as their chief ('*Nkosi*' in Tsonga). During the 1800s, the first Makuleke community settled in Mozambique where the Limpopo and Olifants Rivers meet. However, the community was forced to flee the area between 1820 and 1830 as a result of an invasive Zulu army. Fleeing westward along the Olifants River, the community reached the Transvaal area in South Africa. Under the leadership of Chief Nkuni, the community gradually spread into the area that today is known as the KNP in order to take advantage of the growing ivory trade of the time. It was only after Chief Nkuni sent his son, Makuleke, to explore the area north of the Luvuvu River that the community resettled to where the river met up with the Limpopo River at Pafuri (Harries, 1987; Friedman, 2005).

Livelihoods for community members consisted mostly of hunting, agriculture and fishing. Fishing parties were organised which meant that when the levels of the pools dropped, they had a place to fish without experiencing threats from crocodiles. Fishing not only supplied the community with a steady protein supply (even during the agricultural off-season) but it was also used as an offer to pay tribute to the chief. Hunting was mostly done for subsistence, but on occasions done to collect ivory and cat skins to sell to neighbouring communities. However, much like fish, lion and leopard skins were given as tribute to the chief. The natural resources enabled the development of specific cultural and symbolic practices around the Makuleke chiefly authority and social cohesion between community members (Harries, 1987; Friedman, 2005).

Small-scale farming (mostly grains and vegetables) was made possible by seasonal rains and the constant supply of water of the Limpopo River. During times of drought, however, they resorted to collecting fruits and roots. Still today, the Makuleke have a particular fondness for the lala tree (see Picture 4 below) as it can be used for a multitude of purposes. The lala tree has an edible heart at the top of the trunk, its leaves can be used for weaving mats, bags and baskets, twine, made from the leaves, can be used to bind the roofing poles of houses and the sap can also be used to make juice and beer (Harries, 1987; Friedman, 2005).



**Picture 4: Enos Maluleke, member of the Royal Family, with his lala tree.**

Key to the Makuleke's subsistence was to cooperate with neighbouring cattle-keeping communities living north of the Limpopo area. This mutually-beneficial relationship was created by the Tsonga-speaking agriculturalists trading agricultural products for meat and dairy products produced by the northern communities (Harries, 1987).

In this way, a successful orientation towards agriculture aided the Makuleke community in facilitating trading relations with other communities as the food plants gave them the produce to do so.

Apart from subsistence farming, hunting and fishing, some community members took part in economic opportunities outside of Pafuri. As can be illustrated through an account of one man's employment history who lived on the Mozambican side of the Pafuri (see below), economic opportunities diversified as gold mining boomed and as the demand for migrant labour increased.

<p><b>1956</b> Worked in Pafuri for a 'coloured' man on his farm</p> <p><b>1960-64</b> Worked in Skukuza as a cleanup worker. Worked in Crown mines in Johannesburg Modderfontein mine.</p> <p><b>1965 – Present</b> Came home to be a leopard skin trader cum poacher , a small dealer, a labour transporter for The Witwatersrand Native Labour Association (WNLA) and a war informer to the South African Defence Forces.</p>
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(Adapted from Connor, 2003: 36).

While many men went to work as migrant labourers, it was generally assumed by community members that this was not a necessity for survival. While some said that it would be favourable if a man could return with gifts from the mine, others felt that it was only those who had a desire for more material goods that took part in the migrant labour system (Harries, 1987; Friedman, 2005). Since settling in Pafuri in the early 19<sup>th</sup> century, the Makuleke also cultivated specific spiritual ties with the area. Herbalists used herbs that only grew in the area. The Zoutpansberg Mountains and the Limpopo River were heralded as specific landmarks for healers. In addition, setting up specific graveyard areas for community members who passed away was essential in nurturing favourable relations with their ancestors (Connor, 2003).

Importantly, Pafuri and more specifically Crooks Corner<sup>16</sup> (see Picture 5), where the borders of South Africa, Zimbabwe and Mozambique meet, was seen as an area of relative independence and removed from regulated

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<sup>16</sup> Crooks Corner was seen as the last hideout of rogue poachers, fugitives and 'gun runners' during the 19<sup>th</sup> and 20<sup>th</sup> century, who would jump across the border when pursued by government authorities. The most infamous of these poachers was Cecil S Barnard (nicknamed Bvekenya, *The-one-who-swaggers-as-he-walks*, by Shangaan-speakers), the elusive 'King of Ivory Hunting', who often resided within villages around the Pafuri (Robins and Van der Waal, 2008; Stockil, 2009). Still today his presence is remembered through a plaque set up at Crooks Corner and through the ongoing involvement of Isaac Barnard (son of CS Barnard) in promoting the Pafuri and its involvement in the TFCA project.

government intrusion. In 1910, a mere 15 policemen were deployed to police over more than 300 000 people in the Zoutpansberg Mountain range. Moreover, while chiefs were used as tax collectors within their communities, the amount of taxes collected was questionable as the area was largely inaccessible to government tax collectors up to the early 20<sup>th</sup> century (Harries, 1989).

The Pafuri came to symbolise an area of freedom and relative independence from governmental authority and where unregulated movement (free from Pass Laws) was possible. By taking this into consideration, it becomes clear why the Makuleke refer to Pafuri as their ‘ancestral home’ given the fact that they enjoyed the freedom to regulate their own future, movements and relations with other communities in the area.



**Picture 5: Crooks Corner - The tree in the centre serves as a visual divide between Zimbabwe (left) and Mozambique (right), with South Africa forming the river and its bank.**

Not surprisingly, this ‘ancestral home’ came under constant threat from different parties wanting a stake in the rich land only a few years after the community had settled there. The first clash came in 1834, when Afrikaans-speaking Voortrekkers migrating from the Eastern Cape as part of the Great Trek wanted to settle in Pafuri. However, the Makuleke successfully defended their land and drove the Voortrekkers from the area. In 1903, some were forcibly removed from the south of the Pafuri when the area south of the Luvuvu River was declared the Xingwedzi Game Reserve by the National Parks Board (NPB). The groups were removed as it was said that their occupation was interfering with conservation practices of the time. Following this, in 1926, the Xingwedzi game Reserve and the Sabie Game Reserve merged to form the KNP. At this point in time, all Makuleke community members residing within the park were considered poachers and squatters on national park land and were forced from the area<sup>17</sup> (Harries, 1987; Friedman, 2005). As in the case of the Aborigines in Kakadu

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<sup>17</sup> The Natives Land Act of 1913 prohibited ‘natives’, making up roughly 67% of the population, from occupying, purchasing and leasing land outside of the allocated reserves that covered 7% of South Africa’s landscape (Worden, 2000).

National Park, the †Khomani San in KGNP and many other cases, this ‘fines and fences’ approach to nature conservation in the KNP had a detrimental effect on numerous communities.

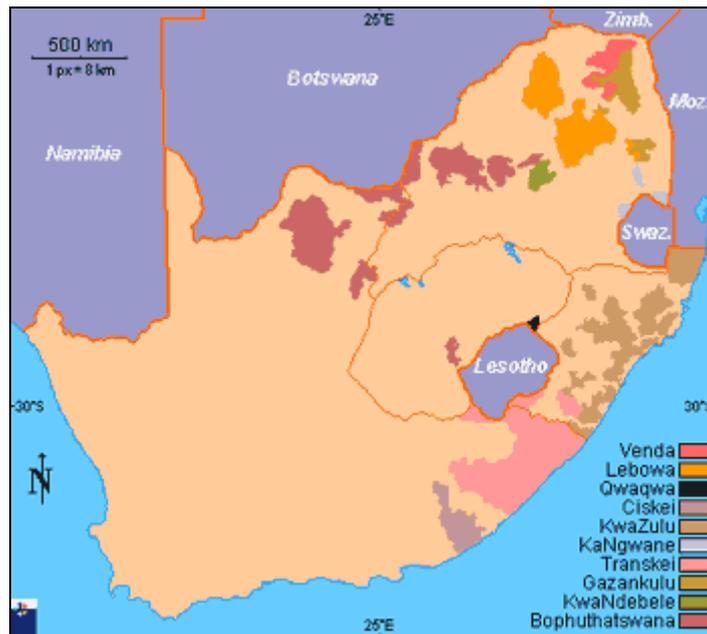
The first attempt by the NPB to resettle the Makuleke came in 1931. The NPB wanted to resettle the community to a reserve outside the park but failed to do so due to a lack of resources. With the passing of the Natives Land and Trust Act of 1936<sup>18</sup> and political pressure accumulating from the government, many community members saw the eventual removal as inevitable and fled to Rhodesia (now Zimbabwe) or to the territories of other chiefs in South Africa. In this way, the community’s cohesion also came under threat quite early in the 1900s (Harries, 1987; Friedman, 2005).

During the 1950s, the situation for the Makuleke became more threatened as the apartheid government enforced the system of Separate Development<sup>19</sup> that sought to increase economic and political control over black people in the reserves by enforcing racial segregation and rearranging separate racial areas to do so. Subsequently, the government passed the Bantu Authorities Act in 1951 that created the Bantu (Native) Homeland system as a way of ‘retribalising’ African communities based on their ‘ethnic classification’. This meant that ‘homelands’ were created in the assumed ‘historic areas’ of each ethnic population. Subsequently, every black person had to reside in or be identified with one of the 10 homelands (see Figure 6) set up by the government, leading to large-scale forced removals and dispossessions across the country (Worden, 2000). Given these circumstances, the Native Affairs Department took the liberty of distributing many Tsonga-speaking communities into administrative districts of Venda or Northern Sotho chiefs (Harries, 1989; Friedman, 2005).

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<sup>18</sup> The Natives Land and Trust Act of 1936 increased the size of the native reserves to 14% of South Africa’s total landscape (Worden, 2000).

<sup>19</sup> Under the reign of prime minister Hendrik Verwoerd, apartheid (taken from the Afrikaans word meaning ‘apartness’) and ‘Separate Development’ policies were developed and implemented. Accordingly, South Africa’s ‘ten’ African (Bantu) ethnic groups were divided into separate ‘homelands/Bantustans’ in order to allow them to ‘become their own nations’. A total of 14% of South Africa’s landscape was designated for homelands while the remainder of the country, including major mineral areas and cities, were reserved for White citizens. Key to the policy was the principle that black, coloured, Indian and Asian people were to be treated as foreigners outside these ‘homeland’ areas (Worden, 2000).



**Figure 6: Designated 'Homeland' Areas during apartheid (South African History, 2008).**

However, although large-scale forced removals and dispossessions occurred around the country, the Makuleke remained in Pafuri for the next two decades. During the same time a Tsonga chief, Chief Mhinga, came to power in the northern Malamulele District of the Gazankulu homeland and insisted that the Makuleke be brought under his control. However, after resisting to be brought into the homeland system and refusing to move into Chief Mhinga's administrative district for 19 years, the Makuleke community's efforts were eventually overcome (Harries, 1987; Friedman, 2005).

As they pointed the guns at us, we were each given a match and told to burn our houses  
(Community representative speaking at a workshop with Namibian delegates).

On 13 September 1969, the government sent a police convoy of trucks to physically remove the approximately 3000 Makuleke community members from their land in Pafuri and resettle them in Ntlaveni in the Malamulele district under Chief Mhinga. The police threatened to shoot any community members who did not cooperate and they were told to set fire to their rondavels. Bulldozers were used to raise the homes to the ground. Some members hid some of their belongings in the bushes in the hope that they would soon return, while others fled to Mozambique and Rhodesia in exile. As was indicated by Lamson Maluleke during an interview, all livestock, except donkeys, were confiscated. The government assumed that the community would not use donkeys as a source of meat which meant that any meat being cooked by community members was most likely poached meat and therefore punishable by law. After being resident in the Pafuri for nearly 150 years, the removal process only took seven days. One woman who left Pafuri (before the removal) in order to give birth at a distant hospital, returned to the area and found that the entire community had been removed. A song evokes the strong feelings of dispossession:

Tell Makuleke to tell Moyani [the police sergeant]  
to come quickly with a gun to shoot us  
Ho, hi-ya, helela wee, Maxavela the crook  
Tell Makuleke to tell Moyani  
to come quickly with a gun to shoot us  
(Makuleke song in Harries, 1987: 108).

Ntlaveni, the area where the Makuleke community was resettled to, is approximately 6000 ha in size and is situated along the border between the northwest section of Gazankulu and the KNP. About 10 kilometres from the KNP's Punda Maria gate, Ntlaveni is roughly 60 kilometres from Pafuri (De Villiers, 1999). The years following the removal proved to be extremely difficult for the Makuleke community. Not only did they lose their land in Pafuri, but they also lost the natural resources upon which they depended and which sustained them for close to 150 years. In many ways, the community had to undergo a number of post-resettlement adjustments in order to cope with this new life in Ntlaveni.

The fact that Chief Makuleke was declared a headman under Chief Mhinga's administration by the apartheid government had severe ramifications for the community. The decision by the government to relocate the Makuleke community to Ntlaveni was seen by the community as a direct attempt to subjugate them to the authority of Chief Adolf Mhinga (Mugakula/Chief Makuleke, 2006):

Makuleke, they say he is not a chief  
They say he is not a chief  
They laugh in the yards and say he is not a chief...  
They take us to the wilderness because they say he is not a chief  
And they take the one who is our uncle (Mhinga) and call him a chief...  
(Makuleke cultural song in Harries, 1987; 123).

Chief Mhinga later became a Minister in the Gazankulu<sup>20</sup> homeland cabinet. In this way, Chief Mhinga was seen to be especially favoured by the apartheid authorities. Also, in contrast to his hereditary entitlement, he was appointed by the Gazankulu homeland government as a chief of the people resident at Blocks H, I and J (that forms part of Ntlaveni), made effective from 18 October 1976. As expressed by Chief Makuleke in his High Court address, "the impact of the forced removal and the subsequent steps taken by the Gazankulu government was thus clear. The Makuleke community had, as a direct result of discriminatory laws, policies and practices of the apartheid government, been incorporated into the Mhinga Tribal Authority and placed under the jurisdiction and control of a rival chieftaincy". Adding to the controversy, Chief Mhinga was also appointed as the Minister

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<sup>20</sup> Gazankulu was declared a self-governing territory with its own legislative assembly by virtue of Government Notice R.15, 1973 promulgated in terms of the Bantu Homelands Constitution Act No.21 of 1971 in Government Gazette No.3772 dated 26 January 1973. Gazankulu included the area of the Malamulele Magisterial District which included Mhinga's location 258 MT and ext 259 MT and Ntlaveni 2 MU (the area to which the Makuleke were forcibly removed) (Mugakula/Chief Makuleke, 2006).

of Justice of the Gazankulu homeland and thus had a direct part to play in the decision of the Gazankulu government to demote Chief Makuleke from chief to headman and to subjugate the Makuleke community to his authority (Mugakula/Chief Makuleke, 2006: 9).

In many instances the Mhinga Tribal Authority hindered the educational, economic, social, health and welfare development of the Makuleke community. For example, Chief Mhinga tried to stop the building of the N'wanati High School on several occasions, refused to sign requisition forms to build the Home Craft centre and the laboratory, and tried to stop the erection of the tribal office. He opposed the building of the local clinic, tried to stop the irrigation scheme and later renamed it the Mhinga Irrigation Scheme after he failed to stop its development. He also wanted to allocate the land on which the irrigation scheme stood to other interested parties outside of the Makuleke community. In addition, he insisted on signing lease agreements and receiving land rentals from each of the community members. Lastly, the successor to Adolf Mhinga, acting Chief Cedric Shilungwa Mhinga often gave people authorisation from as far away as Vendaland to graze their cattle on the areas forming part of Ntlaveni (Mugakula/Chief Makuleke, 2006). At the time of writing this report, the struggle to officially declare Chief Makuleke a bona fide chief was still lingering in Johannesburg's High court as a commission was still looking into issues of chieftainship in the area.

One of the other main disruptions resulting from being resettled was the effect it had on the social and political structures of the community. Where the community was spread across a number of villages in Pafuri, each with its governing headman, the community was now only divided into two villages: that of Makuleke and that of Mabiligwe. Overcrowding quickly became an issue as the heads of families were handed one or two tents to live on quarter acre plots. With the size of families easily exceeding 15 or more, tensions quickly arose between community members. The tents were given on loan for one month after which families were supposed to have erected permanent houses/structures in which to live. However, many refrained from setting up any permanent structures as a way of protesting and refusing the forced resettlement. Others simply could not erect their houses due to a lack of able-bodied men in the community to build these. Many men left to earn wages on the mines (Harries, 1987; Friedman, 2005). A song expresses this predicament:

When we live so closely together  
We will kill each other  
He he Piet! (Their acting chief)  
I have no crops with which to make porridge  
(Makuleke song in Harries, 1987: 114).

In October 1969, many families were exposed to the harsh weather conditions of Ntlaveni as the loan tents were taken back by the government. Overcrowding increased as was reflected by the population numbers: in 1970 – 3822, in 1976 – 12 062 and in 1984 – 18 428 (nearly five times more than when the Makuleke community moved into the area). More alarmingly, because the Makuleke community was resettled close to the Venda homeland, overcrowding led to ethnic clashes between Tsonga- and Venda-speaking people in Ntlaveni. All schools, churches, clinics, irrigation schemes, dams, debused arable land and all other structures built in

Ntlaveni using Tsonga-tribal levies were placed under the Venda chief's authority. Furthermore, all active Tsonga-speaking teachers were substituted by Venda instructors, Venda became the official language of instruction in schools and Tsonga communities were obliged to pay taxes to minor Venda Chiefs (Harries, 1987; Friedman, 2005).

Go into the wilderness  
They take us into the wild country  
We have left our figs and our marula and lala beer  
We have left our graves behind us at this place  
We are being overcome at the wild place  
We have left our wild fruits  
And there is no relish in this place  
Malnutrition is destroying us  
(Makuleke song in Harries, 1987; 114).

The use of natural resources changed considerably for the community. At Ntlaveni, unlike Pafuri, the lack of arable land and resources had a detrimental effect on the livelihood of community members. Access to meat was extremely problematic as game was chased back into the park by SANParks helicopters and hunting was declared illegal in Pafuri. Although animals like lions, elephants and hyenas often entered Ntlaveni, community members were forbidden to kill these even when they posed a real threat to their existence. Accompanied by droughts, lack of fishing areas and suitable agricultural space, malnutrition and a lack of protein became commonplace amongst many residents (Friedman, 2005).

To a substantial degree, it reduced us to poverty and dependency on cheap wage labour in industrial Johannesburg in the period following the removal. Our prosperous way of life at Makuleke was destroyed (Mugakula/Chief Makuleke, 2006).

As a means of survival, large groups of men started engaging in the wage labour system, leaving women and children behind and in charge of all home production, bush clearance and agricultural practices. Other economic opportunities were thinly spread as the informal sector of Ntlaveni consisted only of basket-weaving and brick-making (Harries, 1987; Friedman, 2005).

Accompanying the lack of adequate food supplies and economic opportunities, Ntlaveni lacked minimal infrastructure for years. For the first few years there were no toilets and sanitation. Diseases like scabies, diarrhoea and typhoid plagued the community. Even a church-based charity, Help Action for the Far Northern Transvaal, had to be closed down in 1971 as a result of deadly diseases being rife in the area (Tapela and Omara-Ojunu, 1999).

Don't be deceived our hearts are sore because of poverty  
Don't be deceived many of us are dying

Even if you take us back only a few will be able to return  
Because the rest will be dead  
If you fetch water you will be arrested  
(Makuleke song in Harries, 1987: 123).

As a result of these poor conditions in Ntlaveni, it becomes easy to understand why the Makuleke community nostalgically longed to return to their ancestral land in Pafuri. The removal caused notable community distress and dislocation, led to their subjugation to a rival chieftaincy and saw the community lose the livelihood practices which they became accustomed to in Pafuri. It also saw them having to cope with numerous health risks not experienced before and placed most community members in a poorer socio-economic position. The ‘fines and fences approach’ to conservation meant that community members were denied access to their ancestral home, natural resources and grazing areas in Pafuri, and had to adapt their lifestyle to strenuous environmental conditions in Ntlaveni in order to survive. The opportunity to stake a claim for their land lost in the KNP came only in 1994, with South Africa becoming a democracy.

#### 4.2 JOINT MANAGEMENT AT KNP

With the first democratic elections in 1994 came many changes for South Africa citizens. With South Africa’s transition to democracy the discourse of development flowed easily across the political divide of the old and the new South Africa. Millions of racially marginalised people were living in poverty and the need for immediate and sustainable development interventions was clear. During this time, talks about development were central during negotiations between the ANC and the ruling National Party when they were staking out areas of common interest and agreement. Agreeing on a semi-federal dispensation, the parties mapped out nine new provinces within South Africa that were based on nine development regions drawn up by the apartheid government during the 1980s. Similarly, the rhetoric of development took root in the ANC’s public policy orientation, replacing Marxist discourse with a more pragmatic language of reconstruction and development. Suitably, the ANC’s first five-year plan that was announced in 1994 was aptly titled the Reconstruction and Development Programme (RDP) (Crush, 1995).

In conjunction with talks of sustainable development interventions, came a promising opportunity for communities like the Makuleke to file a claim for land lost as a result of racially based dispossession. After the 1913 and 1936 land acts were repealed by the Abolition of Racially Based Land Measure Act of 1991, the first piece of legislation to be passed after the general elections of April 1994 was the Restitution of Land Rights Act 22 of 1994. As noted before, the Act made it possible for those people who were dispossessed of their land and rights to land, and who were not adequately compensated for the value of their property after 19 June 1913<sup>21</sup>,

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<sup>21</sup> 19 June 1913 became the official date after which land restitution claims were to be made as The Natives Land Act (No.27 of 1913) was passed on this day. The law incorporated territorial segregation into legislation for the first time since South Africa became a Union in 1910 (Crush, 1995).

due to racially discriminatory practices, to lodge a claim for restitution against the current government<sup>22</sup>. Restitution can take place through people receiving alternative land, sufficient compensation, privileged access to government development initiatives, or a combined arrangement of these measures. Descendants of persons who were forcibly removed were also allowed to lodge claims for restitution (De Villiers, 1999).

On 20 December 1995, the Makuleke community lodged a claim for restitution of their 'ancestral land', Pafuri. According to government policy, a land claim needs to be submitted to a regional land claims commission, from where it moves to a series of investigations to determine its legitimacy. This is followed by a process of negotiations amongst all involved parties, and ends either where the Land Claims Court awards or denies a settlement between the claimant(s) and the government. As such, the validity of the claim had to be investigated, which depended on four questions:

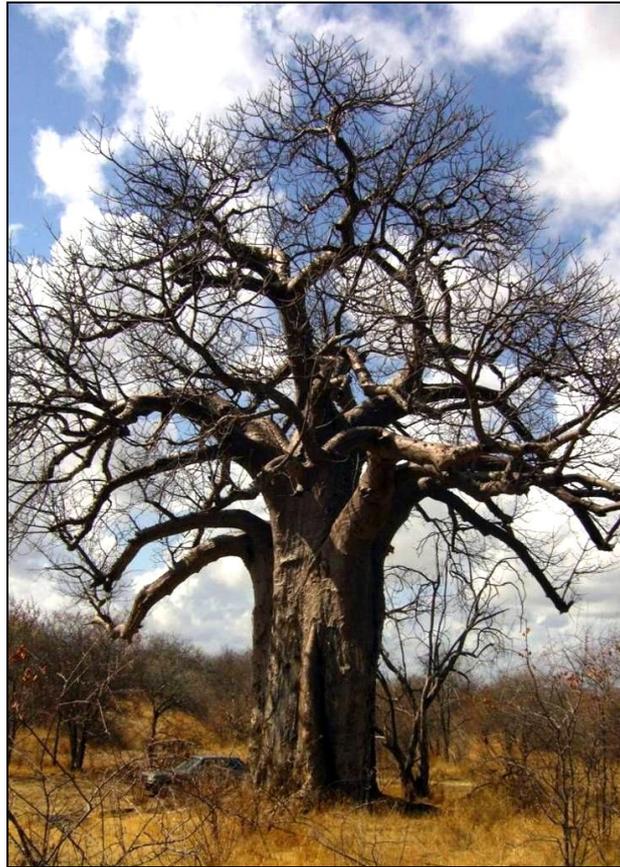
- 1) Whether they had occupied the land for a minimum of ten years prior to the removal.
- 2) Whether they were removed from their land as a result of discriminatory legislation and/or practices.
- 3) Whether they did indeed receive adequate compensation for their land or not.
- 4) Whether restoring original land rights was feasible (if found not to be feasible, alternative compensation had to be sought) (De Villiers, 1999).

Also, during the negotiation process it had to be established whether the Pafuri needed to be kept under conservation status for the public good, and if found to be so, whether the community would be willing to jointly manage the area with SANParks (De Villiers, 1999, Crush, 1995). There were no disputes concerning the fact that the community occupied Pafuri for at least 10 years. The towering baobab in Pafuri (see Picture 6), with its historical markings at which tribal and other community meetings were held, and ancestral graveyards were enough evidence to indicate that the community exceeded the minimum tenure timeframe. However, there was disagreement as to why the community was removed. The Commissioner of Land Rights challenged the community's argument that they were removed to create a security barrier between South Africa and Mozambique<sup>23</sup> by saying that they were removed for the creation and extension of a public good (namely the KNP). However, the commissioner's claim was rejected by both the Department of Land Affairs and the Land Claims Commission on the grounds that the NPB refrained from using proper legislation; namely the National Parks Act or the Expropriation Act. The Land Claims Court also rejected Chief Mhinga's ownership claim of Pafuri (De Villiers, 1999; Friedman, 2005).

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<sup>22</sup> All claims for restitution are made against the state and are processed by the Land Claims Court, the Commission on the Restitution of Land Rights and the Department of Land Affairs (Brown et al., 1998).

<sup>23</sup> After the removal of the Makuleke community, the national government put up a reconnaissance base for the South African Defense Force on the land. The landing strip is still used today for private flights and deliveries.



**Picture 6: The Makuleke communal baobab tree in Pafuri where tribal and other meetings were held.**

The question of compensation was also scrutinised. A research report that was compiled in 1995 for the Commissioner of Restitution of Land Rights argued that the community did in fact receive adequate compensation in the form of the 6000 ha that make up Ntlaveni. Nevertheless, no records could be found indicating that compensation was awarded or records stipulating that community members were reimbursed for the houses that they had to erect. As a result, the Commission and the Department of Land Affairs rejected the claim for adequate compensation. Lastly, the community agreed to maintain the conservation status of Pafuri by only introducing economic developments in the form of eco-tourism ventures. Thus, full restoration (ownership and access) of land rights was viable (De Villiers 1999; Friedman, 2005; Crush, 1995). As a result, on 30 May 1998, after 18 months of heated negotiations, the Makuleke Land Restitution settlement was signed in Ntlaveni (De Villiers, 1999), the Pafuri declared a contractual national park<sup>24</sup> (Moon in Friedman, 2005) and the area restituted to the community.

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<sup>24</sup> A contractual national park remains under conservation status and part of the national park system, but its commercial rights belong to an external group/community (Friedman, 2005).



**Picture 7: Plaque next to the Luvuvu River en-route to Pafuri.**

In addition, the community decided to allow a 3000 ha piece of Pafuri land, which forms part of the Madimbo Corridor, to be merged into the KNP. This concession was made as a sign of the community's commitment to the agreement and conservation in the Park. As such, by making the KNP bigger, the Banyine Pans, a valuable piece of wetland next to the Limpopo River, was put under conservation management for the first time. This also allowed the KNP to go ahead with its long-standing plans of establishing the Great Limpopo Transfrontier Park (GLTP) (see insert below) (Steenkamp and Uhr, 2000). Therefore, the concession of allowing the part of the Madimbo Corridor to become part of the KNP and the GLTP would have notable benefits for the Makuleke community as well.

***Transfrontier Conservation Areas and the Great Limpopo Transfrontier Park***

Transfrontier Conservation Areas (TCAs) are generally large areas that include one or more protected areas which form part of one or more countries (World Bank, 1996). TCAs not only enhance conservation potential as they include large areas in which greater populations of species can thrive, but they also provide a framework for ecosystem-based management that flows across international borders. Equally important, they can provide socio-economic development and empowerment to marginalised and poor communities by allowing them to participate in and benefit from the sustainable utilisation of natural resources (Wolmer, 2002).

Officially established in October 2001 and set to be the largest TCA in the world, the GLTP includes government, communal, and private land from within South Africa, Mozambique and Zimbabwe. It includes three national parks: KNP (South Africa); Gonarezhou National Park (Zimbabwe) and Limpopo National Park (Mozambique) (Spenceley, 2003). With the Pafuri Triangle forming the heart of the GLTP, developments in the area put the Makuleke in a privileged position to capitalise on new tourism developments (Mahony and Van Zyl, 2002).

A clear separation between SANPark's and the community's vested interests to ensure transparency and clarity was made in the agreement. For example, SANParks had no involvement in community development initiatives or commercial agreements made between the community and any outside partners. In addition, the government's vested interest (ensuring biodiversity conservation) enjoyed explicit attention and was protected through a number of conservation guarantees in the agreement. Furthermore, the agreement was structured to facilitate and necessitate ongoing negotiations between the community and SANParks (Steenkamp and Uhr, 2000).

### 4.3 PROJECT COMPLEXITIES AND ISSUES

We feel that after a series of extraordinary negotiations we have placed ourselves, our supporters and private sector partners at the cutting edge of socially concerned approaches to conservation (Livingstone Maluleke, undated:1).

Twelve years after the signing of the land restitution agreement contract, notable changes have been made to the Makuleke development landscape. A new relationship was established with SANParks, private tour operators, a number of government institutions and local and international development organisations. The joint management agreement led to a number of institutional developments within the community and saw the community become involved in the South African tourism industry. However, managing the relations between the Makuleke CPA and SANParks, and ensuring that substantial economic benefits reach all community members have not come without conflict, doubt and complexity. Many of these adjustment hurdles were overshadowed by certain power relations (within the community and between the community, SANParks and the private lodges), a lack of experience and business know-how on behalf of the community, and opportunity from the perspective of SANParks and the private tour operators. To illustrate the sources of conflict and complexities within the Makuleke community, the analytical framework put forward in Chapter Two will be applied to the Makuleke case. In doing so, issues like the contractual limitations of the agreement, the 'institutional bottlenecks' within the community, the lack of capacity-building and intra-community differentiation, amongst others, will be brought to light.

#### *Property rights*

It's a blessing in disguise.

It's a dual benefit.

(Lamson Maluleke).

As Lamson Maluleke hinted (above), after the signing of the agreement, the Makuleke became in-effect title-holders of two areas of land – the land on which they were resettled in 1969 (Ntlaveni), and their ancestral land from which they were resettled from (Pafuri). The land claim allowed the Makuleke community to regain

ownership of the Pafuri Triangle, which was subsequently renamed ‘The Makuleke Region of the KNP’. Nonetheless, the claim was subject to a joint management agreement with SANParks. As set out in the joint management agreement, the use of land is subject to specific property rights. Table 1 (below) lists the distribution of property rights to the Makuleke Region.

**Table 1: Distribution of property rights to the Makuleke Region (adapted from Turner, 2006: 10).**

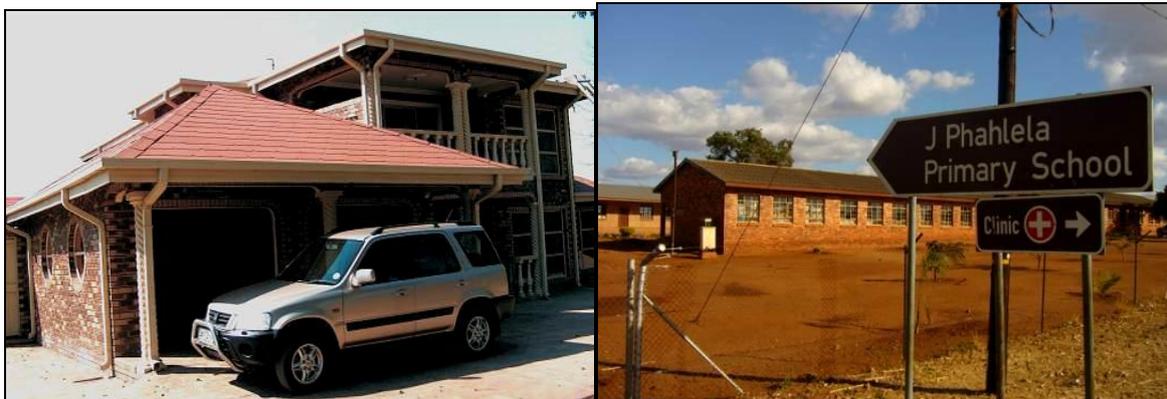
<b>Right</b>	<b>Ownership</b>	<b>Restrictions</b>
<i><b>Alienation</b></i>	Makuleke CPA can sell, alienate or encumber land	SANParks has pre-emptive rights; must be notified of intent to sell and has first right of refusal
<i><b>Access</b></i>	The Makuleke CPA and community members are entitled to access	Subject to JMB policy
<i><b>Permanent Residence</b></i>	Not applicable	Not allowed, unless consistent with conservation
<i><b>Agriculture</b></i>	Not applicable	Not allowed
<i><b>Land Use</b></i>	Makuleke CPA	Solely for conservation and associated commercial activities
<i><b>Use of Natural Resources</b></i>	Makuleke CPA may use sand, stone, etc. for building and other approved activities	JMB to set policy
<i><b>Building Rights</b></i>	Makuleke CPA can create commercial facilities (e.g. lodges); research facilities; museums; royal kraal	Must be consistent with conservation
<i><b>Infrastructure</b></i>	Makuleke CPA	SANParks can use as necessary to continue conservation management
<i><b>Subsurface Rights</b></i>	Government retains mineral resources; mining and prospecting is forbidden	If government policy changes, government must offer rights to the Makuleke CPA at a fair and reasonable price

The community was not allowed to resettle in the area or use it for mining<sup>25</sup> and agricultural purposes as the land had to remain under conservation status. KNP was still responsible for day-to-day conservation in the area. The community, by gaining exclusive commercial rights to the land, was responsible for managing the land (by means of the Makuleke CPA) to the benefit of the community through commercial activities. The Makuleke community signed a 50-year contractual park agreement with SANParks, which could be renewed after 25 years. However, in the case of the agreement not being renewed, the state would still have a legal obligation to

<sup>25</sup> Large amounts of diamonds are said to lie beneath the banks of the Limpopo River that runs through the Pafuri region (Maluleke, undated). Diamond mining would undoubtedly be a lucrative source of income for the Makuleke community. Mining rights could be sold to mining companies, much like the Royal Bafokeng community in the North-West province of South Africa has done with regard to the large reserves of platinum group metals on their land. However, such developments would conflict with SANParks’ conservation policies.

effectively manage conservation in The Makuleke Region of the KNP. Moreover, if the community decides to sell the area, SANParks would have the first option to buy the land. The Pafuri Triangle was labelled a schedule 2b national park that was to be managed by a JMB, with KNP becoming an agent of the JMB. In essence, although ownership of the land changed, the area remained within the same ecological system as before.

In order to generate income from their ancestral land, the Makuleke community initially engaged in commercial hunting practices from 2001 to 2003. The CPA's argument in justifying the legality of hunting in the area was that Pafuri was a contractual park and that the sustainable use of natural resources was allowed; stating that hunting was a sustainable practice if monitored appropriately. The CPA put up a tender to the Professional Hunting Association of South Africa (PHASA), after which an agreement was entered into with a professional outfitter whose role was to identify prospective trophy hunters. The first hunt yielded a total of R560 000 for the community for two elephants and two buffaloes (a meagre price tag compared to what professional outfitters charge). Together with grants received from donor organisations and the government, the CPA used the funds from the hunt to fund (amongst other) the building of the Chief's residence and a personal vehicle (see Picture 8), the electrification of two villages<sup>26</sup> within the Makuleke community, and the erecting of a local primary school (see Picture 9). Nevertheless, sentiments from analysts of the project were that the chief has accumulated an unfair share of the benefits (Collins, 2008). None such sentiments was expressed by any community members whom I interviewed.



**Picture 8: (Left) Chief Makuleke's residence and personal vehicle (Thulamela District Municipality, 2005: 1).**

**Picture 9: (Right) The primary school named after Chief Makuleke, Joas Phahlela Mugakula.**

However, SANParks objected to the commercial hunting practice as it was inconsistent with their biodiversity conservation principles. Hunting was also not permitted in the rest of the KNP. According to SANParks' calculations, they had invested a total of R38 million by 'handing over' the Pafuri land to the community and therefore felt that the community had to concede to some of their demands (like yielding commercial hunting

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<sup>26</sup> The CPA agreed with the local municipality to initially fund the electrification of two community villages after which they can reclaim the monies spent from local government. During the time of writing this thesis, the community had yet to be refunded.

practices). As somewhat comically expressed by a representative of SANParks at a meeting with Namibian delegates held at the community Tribal offices, “Give us a cheque for R38 million and we will leave you alone”. With conservationists and popular media also opposing hunting within the KNP’s borders, the community had to look for other sustainable, eco-tourism revenue streams.

As a result, the community embarked on setting up contract agreements with private tour operators in order to build up-market tourist lodges in the Pafuri region. The first contract with a local tour operator (Matswani Safaris) was signed in 2003 and, subsequently, the first luxury lodge, The Outpost (see Picture 10), was erected. The lodge development cost between R10 and R15 million. The Makuleke community received 10% of gross lodge revenue and a 2% once-off signing fee of R500 000. When running at a 60% occupancy rate, projections were that the community would receive annual rent of around R500 000 and around R1 million to the 30 local employees. At this rate, every household would receive an estimated annual income of R3000 through the initiative, which compares favourably to the annual average wage income of around R5600 (Spenceley and Schoon, 2007). However, development of the lodge was slow and it quickly became apparent that the community was receiving very little financial and employment benefits from the operation.



**Picture 10: Lodge at The Outpost (Photo: Steve Collins, 2008:16).**

As a result, the tour operation was sold to Wilderness Safaris<sup>27</sup>. Together with taking over the operations of Outpost, Wilderness Safaris proposed to erect two more eco-tourist lodges (amounting to 88 beds in total) and a training camp. In effect, only one additional lodge was built, Pafuri Camp (see Picture 11), together with the one training camp (see Picture 12). However, unlike the previous agreement, 12% of gross revenue was allocated to the Makuleke Development Trust and 22% ownership interest was given to the Makuleke CPA. Since

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<sup>27</sup> Wilderness Safaris is conservation organization and eco-tourism company that has been in operation since 1983. They operate camps and safaris in Botswana, Namibia, Malawi, South Africa, Zambia, Zimbabwe and the Seychelles and make a clear commitment to the involvement of local communities in their commercial operations (Wilderness Safaris official website, 2010).

Wilderness Safaris took over as tour operators in 2003, the lodges were better managed<sup>28</sup> and yielded better annual returns. More significantly, Wilderness Safaris signed 30-year Built-Operate-Transfer (BOT) agreements, after which ownership of both lodges will be handed over, in full, to the Makuleke community. At this point, the CPA has the choice to run the lodges by themselves or have Wilderness Safaris continue to manage these, but on new terms that recognise the Makuleke community as the owners. In addition, both the lodges had to recruit the bulk of their staff from the Makuleke community (Robins and Van der Waal, 2008; Collins, 2008; Spenceley and Schoon, 2007; Maluleke, undated).



**Picture 11: Swimming pool at Pafuri Camp (Photo: Steve Collins, 2008:14).**



**Picture 12: Training of anti-poaching units at Kruger National Park (Photo: Steve Collins, 2008: 9).**

In this regard, in combination with the skills training received from the training camp, the concessional agreements with the two lodges represented one of the most advanced integrated conservation and sustainable

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<sup>28</sup> Since 2003, Outpost has won numerous accolades, including: Best Safari Lodge –*Wallpaper* (UK May 2003); One of Five Best Baths with a View – *Independent Newspaper* (UK April 2004); and 101 Best New Hotels – *Tatler Guide 2005* (UK 2005) (The Outpost official website, 2009).

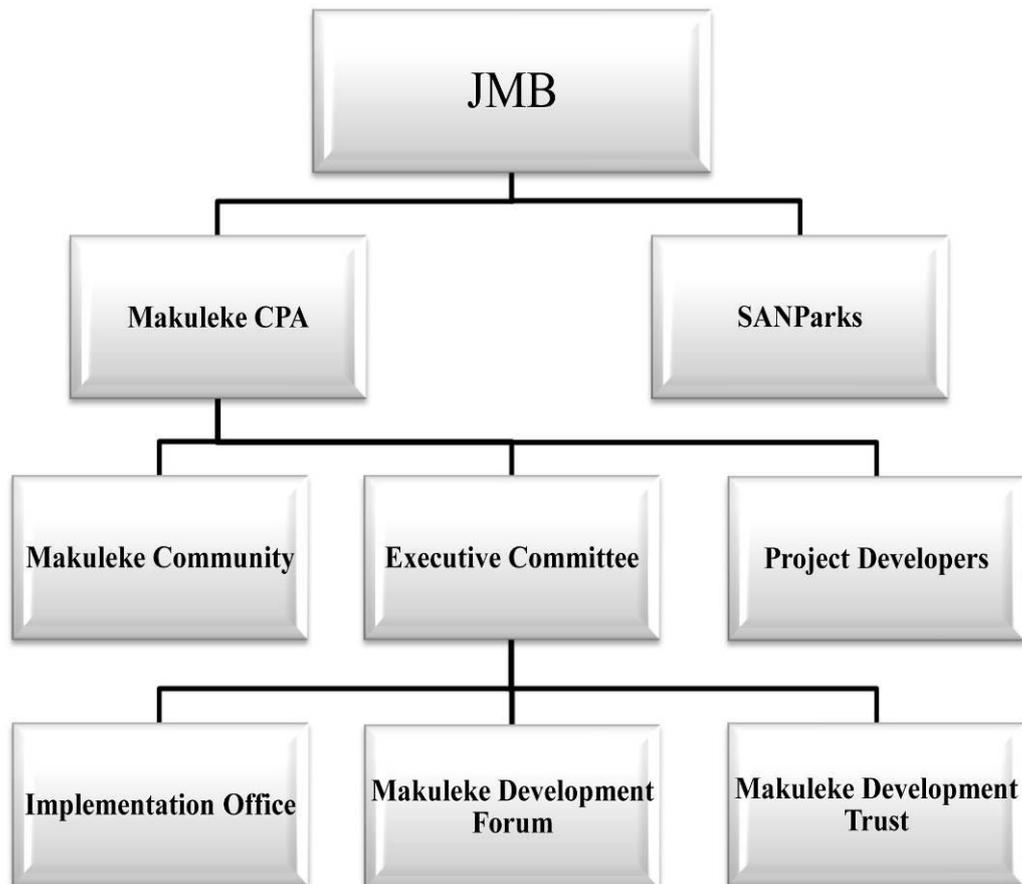
development models in the world. The agreement meant that the Makuleke community would not only benefit from the lodges through lease fees and employment opportunities, but they would eventually become owners of these luxury lodges in a few years' time. These private sector developments are in line with the community's promise of only entering into eco-tourist commercial activities that are sustainable and preserve the conservation qualities of the area. It is because of this unprecedented CBNRM model that the Makuleke case has generated vast amounts of interest from different sectors and ensured its high sustainable development and land reform profile.

However, as unprecedented as the model might be, the implementation of it has been riddled with complexities. One contractual limitation had to do with the exclusive lodging rights of the two lodges, Outpost and Pafuri Camp. The contractual agreement stipulated that only three lodges were allowed to be built within the Pafuri area, rendering other applications for private lodgings futile. However, it was the intention that the lodges accommodate a total of 88 beds, while in fact there are currently only 53. While residency ratings were favourable at the two lodges, the total intended revenues were less than expected (both for the private lodges and the community) because of this incapacity of the lodges to expand their lodgings. The CPA expressed frustration in getting the lodges to uphold their end of the agreement and build extra accommodation, but had minimal success. Apart from the fact that many other developers who wanted to set up lodges were approaching the CPA, the CPA themselves were also not allowed to build their own lodge within the area. The CPA tried to get the contract amended in this regard, but to no avail.

In addition, employment projections at the two lodges totalled 150 jobs and a total monthly income of R375 000 for Makuleke community members. At the time of writing, approximately 45 community members had permanent employment at The Outpost and Pafuri Camp, and very little of these included higher, managerial positions. This was a result of the third lodge not being built and the lack of skills training for Makuleke community members. Wilderness Safaris have not kept their end of the deal and as a result minimal economic benefits have trickled down to the community. I was told that members from the community seeking employment at the lodges (for 'low-skilled' jobs like cleaning, bar tending, gardening, etc.) were hired in a very arbitrary manner: by drawing small pieces of paper from a bag. A staff member from the lodges would request for all those seeking employment at the lodges to gather and take turns drawing pieces of paper. Those who drew a paper with a tick on got hired and those who drew a blank piece of paper were not. Such informal recruitment procedures might be quick and straightforward, but not always fair and just to members of the community wanting employment in Pafuri.

### *Institutions and capacity building*

Newfound decision-making and management structures were established to facilitate the joint management arrangement of the CBNRM project. These can be unpacked as follows:



**Figure 7: Joint management institutional arrangement (adapted from Turner, 2006: 11).**

1) *The JMB*

Joint management of the Makuleke contract park was facilitated through the JMB as representation was equally divided between the Makuleke CPA and SANParks officials, making up six members in total (three Makuleke plus three SANParks members). The JMB acted as the primary decision-making body on environmental and conservation management in Pafuri and needed to ensure that all developments comply with the restitution agreement, as well as the conservation plan and conservation policy of the KNP. The JMB met every three months. A Joint Management Committee was also established that met once a month to deal with issues on a more regular basis. One of the very first tasks of the JMB was to agree on a ‘Master Plan for the Conservation and Sustainable Development of the Makuleke Region’<sup>29</sup> (discussed below) which was completed in 2000 with the support from outside donors (Turner, 2006; Mugakula/Chief Maluleke, 2006).

<sup>29</sup> The first Master Plan for the Conservation and the Sustainable Development of the Makuleke Region set out a framework for public hunting safaris as a way to generate ongoing and sustainable income for the community through the sustainable use of natural resources (in this case animals found in the region) (Steenkamp and Grossman, 2001).

## 2) *The Makuleke CPA*

Founded in terms of Section 8c of the Communal Property Association Act no 28 of 1996, the Makuleke CPA became the landholder of the Pafuri with the signing of the agreement<sup>30</sup>. The CPA consisted of 24 elected representatives from the community, ranging from teachers and community leaders to members of the Makuleke Royal Family. Representatives were elected every four years by community members. Decisions were made by the CPA by majority vote at the CPA's general meetings. The CPA was responsible for developing and managing commercial activities in Pafuri and in Ntlaveni, and to use levies gained from these commercial activities to the benefit of the community. These included, amongst others, initiating sustainable development projects, job opportunities or putting service infrastructure in place.

## 3) *Executive committee*

The CPA has an executive committee of nine elected members of which the chief is an *ex officio* member and also the chairman. The committee was subjected to elections every four years and was obliged to report back to the CPA on an annual basis. The committee also distributed a newsletter to inform the CPA and community members of their activities.

## 4) *Implementation office*

An implementation office, situated in the Tribal Authority offices adjacent to the chief's residence, ensured that the mandate of CPA was carried out. The office employed two full-time staff.

## 5) *The Makuleke Development Forum*

The CPA interacted with the community through a consultative forum called the Makuleke Development Forum. The Forum was made up of different constituencies which included women, civic and youth groups as well as the royal family. Its main aim was to act as an advisory body to the Executive Committee during decision-making regarding benefits that needed to be made available to the community. The Forum helped to integrate development functions of the community with all other structures in Ntlaveni and the other villages. In addition, it also dealt with the management of broad-ranging day-to-day issues. The Forum was held every three months (although ad hoc forums could also be held if needed) with its meeting being rotated between the three Makuleke villages (Maluleke, undated; Mugakula/Chief Maluleke, 2006).

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<sup>30</sup> The Communal Property Associations Act 28 of 1996 was developed as part of tenure or land reform in South Africa. The Act ensured a way for people to organise themselves by forming a CPA to "acquire, hold and manage property on a basis agreed to by members of a community in terms of a written Constitution" (DLA 1996, 1 in Cousins and Hornby, 2002: 3).

6) *The Makuleke Development Trust*

All monies generated through commercial activities in Pafuri (through the lodges or otherwise) or received through grants were channelled to the Makuleke Development Trust. With the assistance of legal advisors (from the DLA) and professional trust managers (which were elected by the Executive Committee), the Trust held the responsibility of ensuring that the community's money was well invested and spent wisely.

7) *SANParks*

SANParks acted as an independent statutory body responsible for the management of South Africa's national protected areas. Decision-making within SANParks took place bureaucratically and its main responsibility with regards to the joint agreement was the conservation management of the Makuleke Region (Turner, 2006).

8) *Makuleke community*

All members of the Makuleke community, about 15 000 people living in Ntlaveni and surrounding village blocks H, I and J, were underwritten as beneficiaries of the CPA.

9) *Project developers*

Depending on the nature and scope of the initiative, the CPA often worked with project developers on certain tasks and developments.

The abovementioned institutions were put into place to 'organise' the management and implementation of the CBNRM project, and other development initiatives in both Pafuri and the Makuleke community. Apart from these, the project managed to simplify the cooperation between the Makuleke traditional authority (the royal family) and the democratically elected CPA by having the chief as an ex officio member and appointing him as the chairman. In addition, members of the royal family could be elected as members of the CPA and the JMB. However, the Legal Resource Centre (LRC) and the Programme for Land and Agrarian Studies (PLAAS) identified the Makuleke community as a rural community that had not successfully reconciled modern and traditional institutions (Robins and Van der Waal, 2008). Reasons for these include the fact that the chief and the royal family members have gained considerable benefit from the project and that the chief had a strong authoritarian hold on the management of the CPA.

The relationships between the dual structures were quite complex. There still existed confusion with regard to the exact mandates of both the CPA and the traditional authority, i.e. what were the responsibilities of the traditional authority within the joint management arrangement and within the newly institutionalised community bodies. As the traditional leaders were integrated into the CPA, the roles of the CPA executive versus the tribal council were blurred. Due to the fact that the chief acted as the chairperson of the CPA, the CPA executive took over much of the functions that were originally that of the tribal council. The role of the traditional leaders is likely to decline when the Makuleke CPA gains tenure rights to Ntlaveni (which was part of the original

agreement) and ownership becomes vested in the CPA. Nonetheless, as the traditional leaders were part of the original land claims committee, there has not been a disruptive clash between these dual structures yet (Campbell and Shackleton, 2001).

However, the chief's authoritative influence and the CPA members' inability to manage the situation had not gone unnoticed by external parties. A workshop held by the DLA with the CPA specifically focused in the issue of how to manage these dual authoritative structures. Locked in between the conflicts of traditional and legal authority, many CPA members were caught between a rock and a hard place when it came to reviewing decisions made by the tribal authorities; especially with regards to the allocation of monies. As emphasised by Thomas Moila from the DLA, "the chief can aid in decision-making but he does not have the final say". Therefore, contractually, the CPA needs to take a firm stance on using monies received to service the community in the best way possible and does not have a financial obligation to pay for things like the administration of the tribal authority (as had been the case in Makuleke). In this respect, Moila emphasised to the CPA members that it needs to be made clear that the chief is not the land-owner of Pafuri, but the CPA is and therefore they must have the final decision-making authority with regards to development within it.

The biggest concerns over the lack of capacity lies with the Makuleke CPA (as will be discussed further under the section: *Power relations*). The CPA had numerous troubles engaging with SANParks and outside contractors. This eventually led to the detriment of the community as a whole. In addition, the relationship between the CPA and the local municipality was also problematic. CPA funds that were spent on the electrification of a village in Ntlaveni had yet to be reclaimed from the municipality. According to the CPA members I spoke to, the agreement with the local municipality was that the community would be reimbursed for the funds spent on the electrification project. However, this had not happened.

To date, little has been done to help the CPA committee to cope with management, administration, negotiation and community project issues. Responses from CPA members underscore the need for more capacity-building workshops on how to make the CPA a strong, transparent and guiding institution to the Makuleke community. A number of CPA Executive members indicated their intention to facilitate more community projects like day-care facilities, clinics, women's groups, small-to-medium businesses, etc. However, due to staff, skills, experience, economic and time constraints, the CPA had not managed to successfully do so. Most of the community projects, like the irrigation scheme, were managed by municipal institutions and outside businesses. All CPA members I spoke with indicated a strong need for effective learning opportunities for its members in order to make the CPA a stronger unit.

Apart from revenues received from hunting and the two tourist lodges, the Makuleke community received a number of grants from various governmental, non-governmental and development agencies (see insert below).

***Grants committed from various agencies to the Makuleke community***

- The Department of Public Works (DPW) and the Department of Arts, Culture, Science and Technology (DACST) contributed R518 400 and R370 000 respectively to the construction of the bed and breakfast enterprise, the amphitheatre for cultural production and the living museum. The DPW committed itself to providing support to the infrastructural components of the project and the DACST to the cultural components.
  - The Department of Environmental Affairs and Tourism contributed R 1 500 000 to the construction of a rustic camp at Pafuri.
  - The Department of Labour sponsored vocational training of 48 community members regarding plumbing, brick laying, welding, carpentry and motor mechanics.
  - The Maputo Corridor Company contributed R 500 000 to numerous technical projects within the community.
  - The Community-Public-Private-Partnership provided finance for capacity building and training.
  - A number of donor organisations, which include GTZ and the Ford Foundation provided grant funding for capacity building and training within the community.
- (Mahony and Van Zyl, 2002)
- The Limpopo Provincial Government Department of Agriculture funded a large amount of the 239 hectare Makuleke Irrigation Scheme. The potatoes harvested are sold to Simba chips manufacturers.

These grants have no doubt brought about positive alterations to the community's infrastructure where funds have gone towards erecting new buildings and supporting technical projects. Also, the funds that were allocated by the CPA to construct the primary school provided teachers and learners with better school facilities. However, funds that were allocated for capacity-building and training had yet to bring about noticeable changes in the lives of community members. While the abilities of those who were involved in skills training programmes might have increased, the lack of economic opportunity to exercise these skills in an income-generating environment meant that they have not really benefitted economically. For example, talking to a local carpenter, he complained that although he had the skills, finding work was problematic. A group of women working in the local vegetable garden expressed similar sentiments. While working at the vegetable garden gave them income, money earned was irregular and did not do much to alleviate their troubling socio-economic position.

The lack of tourists coming to the MCC&H led to similar tensions. Firstly, due to an uneven occupancy rate throughout the year, the five employees employed at the MCC&H did not receive a steady income. This created managerial tension between the MCC&H manager and the staff. During the course of my research, two of the five employees left the MCC&H to look for more steady employment elsewhere, while the irregular flow of

income caused notable distress amongst the other employees. Part of the occupancy problem was the fact that it was originally agreed that the two luxury lodges would promote the MCC&H as a halfway stop for local and international tourists on their way to visiting Pafuri. However, while the two lodges enjoyed reasonably good occupancy rates, very few of these visitors actually stayed over at the MCC&H and the general feeling was that the managers of Pafuri and The Outpost were not doing enough to promote the MCC&H. Therefore, the arts and craft area was virtually at a standstill and no new crafts were being introduced.

Secondly, some members of the CPA were unhappy with the management of the MCC&H. Having allocated funds to it for maintenance and upgrades, they felt that the MCC&H should be serving the community (like hosting community events like markets, festivals, etc.), which it was not doing. In addition, because building the MCC&H was a project initiative by an international development organisation, GTZ, some CPA members felt that these project developers had not done enough to consult with the CPA. Given the fact that building the MCC&H cost close to R 1 million, only employed five people from the community and that it was struggling to make a profit, the concerns from some of the CPA's members could perhaps be understood. Nonetheless, the MCC&H has used only local builders to build and improve its buildings and has so aided the local economy on an irregular basis. Also, with some local and international researchers needing research assistants and interpreters while conducting their research, the MCC&H management has helped facilitate such working relations by identifying local people to do so. In addition, the internet café that was added to the MCC&H office in 2009 by the manager meant that community members had easy access to the internet if they were able to afford the rates.

However, many of the issues associated with the joint management institutional structure have arisen as a result of inherent power relations in the project. I will discuss these undermining processes and their detrimental effect on the sustainable development of the project in the following section.

### *Power Relations*

Co-management is highly unequal... (Makuleke JMB member).

...and we will take advantage of that [chuckles] (SANParks representative in response to the above quote).

As described through the above quotations, I was fortunate enough to attend a workshop where the inherent power relations between the Makuleke CPA and SANParks clearly surfaced. During the workshop, it quickly became evident that there existed a notable conflict relation between the CPA and SANParks with regards to a prominent drawback of the contractual agreement. The contract stipulated that the leadership of the CPA needed to change every four years through a community voting system. While in theory this comes across as democratic and progressive as it puts institutional power in the hands of the larger community and its members, in practice it undermines the bargaining competence and learning ability of the CPA. Discussions at the workshop quickly entered into a heated tussle between members of the CPA and the SANParks representative over having the

contract amended. In response, the SANParks representative shrugged off the demands of the CPA members and reaffirmed that SANParks was in fact 'already doing the community a big favour by allowing the Makuleke community to own and jointly manage Pafuri'.

The CPA is a strong unit, but its strength is not ongoing (CPA member).

As strongly expressed by members of the CPA, having old members replaced by new members meant that new members had to go through an induction process: learning how the CPA operates, how to manage negotiations, what is constituted in the agreement, etc. Given the lack of opportunity in rural areas, it needs to be kept in mind that new members often had little experience with regard to the skills and knowledge needed to serve as an executive member of the CPA. The induction process took considerable time, while SANParks and the organisational bodies of the private concession lodges were not under any contractual obligation to change their membership or leadership. In this way, experience gained and skills obtained were better retained within the organisational structures of SANParks and the private concession lodges, which inevitably made them a stronger organisational unit than that of the CPA.

The situation becomes even more ill-balanced when taking into consideration that the delegations of SANParks and the private tour operators are generally occupied by aptly trained, experienced and well-educated professionals, while elected community members often come from less privileged and unskilled backgrounds<sup>31</sup>. The repercussions of racial segregation and poverty had lasting effects on community members. These effects have not been erased with the transfer of land title. Most CPA members live in Ntlaveni and the area is known to be one of the poorest regions in the poorest province in South Africa (Koch and De Beer, 2000). In this regard, CPA members are mostly at a disadvantage when it comes to negotiating terms and making important decisions with SANParks and the private tour operators. It is because of this crippling factor that many CPA members share the Makuleke JMB member's sentiment that "co-management is highly unequal". In light of the sentiments expressed by the CPA and the workshop that was held, it became clear that SANParks intended to maintain this contractual advantage to protect its own interests. The relationship between SANParks and the CPA did not reflect one in which the collective interests of both parties were sought, but rather one that characterised the opposing agendas of the parties involved. Until this contractual arrangement is amended, the Makuleke CPA will continue to be subjugated to the organisational pressures and dominant expertise of SANParks and the private tour operators.

In addition, Makuleke members have not been fully included in discussions regarding the formation of the GLTP. This is despite the fact that the community is a key land owner at the heart of the GLTP. Resentment has been expressed by the Makuleke community as they have been excluded from discussions around the allocation to KNP of approximately R40 million (by the involved governments and donors) for development of the Trans

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<sup>31</sup> Many CPA Executive members were school teachers or health workers who had not been professionally trained to handle the organisational duties bestowed onto them whilst serving on the CPA. Moreover, because most CPA members had day jobs, they often struggled to be on time for CPA meetings or dedicate the necessary time and effort to the organization.

Frontier Park. The Makuleke community were forced to stay abreast of developments in the GLTP by reading (by chance) public notices of an environmental impact assessment process relating to proposed developments on the banks of the Luvuvu river (Grossman and Holden, undated).

### *Intra-community differentiation*

As much as resources can help to resolve conflict, so can they fuel jealousies and cause conflict. We hope that our commitment to transparency and efficient local level organisations will help keep us united rather than tear us apart (Maluleke, undated: 6).

Some community members were unhappy with the fact that certain community members, who were in multiple favourable organisational positions, were benefitting considerably (financially and politically) more than other members who were not. For example, selected community members were part of both the CPA executive and the Royal family. Given the fact that most community members have not yet received substantial economic benefits through the project or benefitted through job creation, there existed a clear polarisation between these members and the elite group of community members who occupied numerous beneficial leadership positions within the community.

Part of this elite echelon was also a number of ‘distant’ community members who had achieved noteworthy economic success in cities like Johannesburg and Pretoria. These individuals mostly had large, up-market houses with DSTV satellite dishes, garages, fencing and burglar bars (see Picture 13) as opposed to most other typical homesteads in the community (see Picture 14). Most of the community members were ‘distant’ members as most of them were based elsewhere (mostly in bigger cities) for most of the year. They only returned to Ntlaveni during December vacations to spend time with their extended families. In some cases the head of the household, mostly the man, acted as the ‘distant’ member ‘working in the city’. In this case the head of the household supported a number of family members staying in Ntlaveni by remitting money.



**Picture 13: One of the more up-market homesteads in the Makuleke community (Photo: Izak van Zyl).**



**Picture 14: A typical homestead in the Makuleke community.**

However, although the CPA had spent notable funds on infrastructure development and because no direct dividends were paid to community members, for most at Ntlaveni it was ‘life as usual’. Talking to community members who did not occupy leadership positions and even those who got jobs as a direct result of recent developments, life at Ntlaveni was still hard. Many members expressed their daily struggles with having to look after their families, the lack of employment in the area, rising food prices and the cost of maintaining their houses. Most of these community members still used fuel wood for cooking and heating (see Picture 15) as the cost of electricity was unaffordable and still had to collect water from nearby dams or communal boreholes (see Picture 16).



**Picture 15: Piles of wood used for cooking and heating outside a homestead.**



**Picture 16: Two children tasked with collecting water from a communal borehole.**

In this regard, most community members who were in less favourable socio-economic positions than the small elite group of Makuleke members did not really see how the CBNRM project would provide substantial economic benefits to them in the future. While these members supported the CBNRM project and were glad that they regained rights to their ancestral home, project developments have not dramatically altered their livelihoods. Therefore, most community members still believed that the economic prospects of working in big cities like Johannesburg, Pretoria and Cape Town were far more lucrative. Talking to many of the younger members, it emerged that they all had dreams of going to study in a big city, working in a bank, becoming a doctor or playing soccer for a big club. None of the community members I spoke to you (young and old) pointed out that they wanted to, for instance, work for SANParks, become a game ranger, manage the Outpost or become a wildlife veterinarian; all employment opportunities that could well fall within the scope of the CBNRM project.

Therefore, the inability of the project to provide substantial economic benefits caused many community members to harbour a passive attitude to the project and its possible future developments. This was the reason for fairly poorly attended CPA general meetings, the lack of sustained enthusiasm for project developments in the area (the MCC&H for instance) and minimal entrepreneurial drive for starting IGAs that could tie in with the scope of the CBNRM project and eco-tourism (for instance curio shops, production of marula beer and tourist services).

Lastly, as with the case of the †Khomani San, there was a controversial murder of one of its principal members. On 17 September 2008, the body of Gibson Maluleke, member of the Makuleke Tribal Authority Executive and a valued community leader, was found in an irrigation channel after being beaten up and shot at point-blank range. At the time of writing this thesis, a woman was found guilty of his murder while a number of other men were also identified as accomplices. Maluleke's burial and memorial service (see Picture 17) was attended by a large number of people (approximately 500 people), many from outside the community to pay respect to a community member that contributed much to development projects (like the irrigation scheme where his body

was found) in the region. The burial and memorial service was also attended by a number of researchers and their families, and business developers that have worked in the area. The day's proceedings included a comprehensive ceremony at Maluleke's residence which was charismatically led by the local Christian reverend, a number of hymns, viewing of Maluleke's casket, burial at the cemetery in Ntlaveni and a post-ceremonial lunch at his residence.



**Picture 17: The burial of slain Gibson Maluleke.**

The murder sparked numerous accusations as to the cause of the assassination and tainted the external image of the Makuleke community with regard to being a homogeneous, unified community.

### *State-community relations*

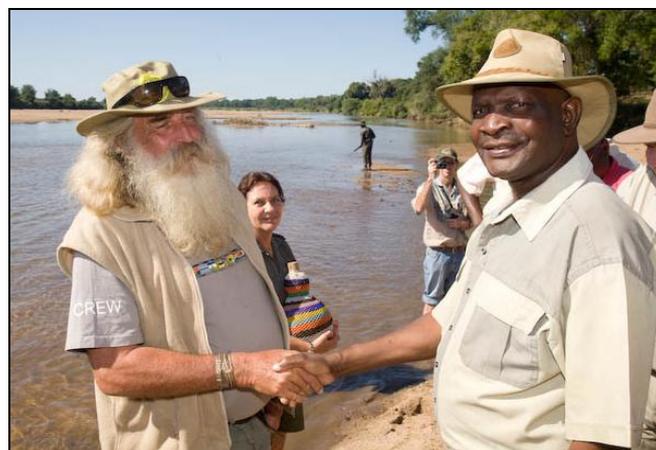
The government's involvement was central during the pre-restitution phase. Given the need to find a land reform success story and the promising prospects of this novel CBNRM initiative, the government's support for the Makuleke was strong during claim proceedings. The government's involvement during the post-restitution phase came mostly in the form of grants or funds for specific projects and developments in Ntlaveni (previously highlighted under the section: *Institutions and capacity building*). Apart from fairly new workshops with members from the LRC, little was done to aid the CPA (and other institutional structures in the community) in managing the various different aspects of the CBNRM project. Given the lack of know-how expressed by members of the CPA, the somewhat laissez-faire support from government presented a big challenge to the project. In this respect, a group of expert consultants and development practitioners, called the 'Friends of Makuleke', often aided the community during legal disputes and commercial planning.

However, one relationship between the Makuleke community and the South African government was very important. Chief Makuleke and three other applicants were involved in the high court challenge (together with

PLAAS and the LRC) against the Communal Land Rights Act (CLARA) of 2004. The legal challenge set out that CLARA was incompatible with the South African Constitution in a number of ways (of which gender equity was one) and undermined tenure security for vulnerable groups such as women and certain communities like the Makuleke. According to CLARA, traditional authorities ‘may’ become land-owning bodies. As pointed out earlier, Chief Makuleke was still ‘legally’ considered a headman to rival Chief Mhinga’s authority ever since the removal to Ntlaveni in 1969. The appeal case was resolved in 2010 in favour of the applicants (Robins and Van der Waal, 2008). Implementing CLARA would have meant that the Makuleke land rights in Pafuri (and in Ntlaveni) would have fallen under the authority and decision-making control of Chief Mhinga if his traditional authority were to become a land-owning body. In this way, CLARA would have strengthened Chief Mhinga’s position in his pursuit to control the Makuleke community and their land.

### *Community identity*

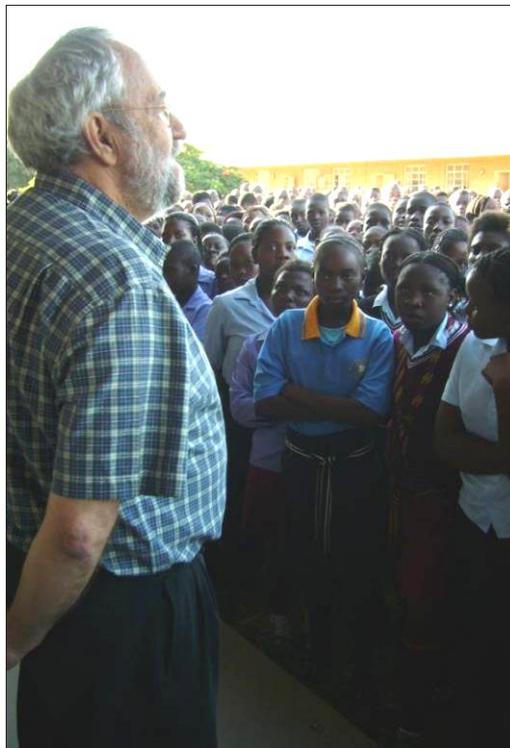
Community identity plays a significant role in how the Makuleke CBNRM project is portrayed outward. The case is often heralded as an exemplary model of CBNRM as it is said to symbolise the official restitution objectives of reconciliation, nation building and economic development. In the midst of troubling land reform projects, the Makuleke case appeared to stand out as a ‘model tribe’ who overcame the injustices suffered during apartheid by entering into a joint management venture with SANParks. As the agreement promulgated national reconciliation, conservation and sustainable development it encapsulated much of the principles upon which CBNRM is based. As noted by Robins and Van der Waal, “rather than opting to move back to the land in the Park and exploiting it for agricultural purposes or for diamond mining or trophy hunting revenue, they chose instead to enter into a partnership with KNP management and commercial tourist operators” (2008: 1). In addition, the Makuleke agreement was also of the utmost importance to those promoting CBNRM and a social ecology approach to development as the GLTP was being implemented at the time and needed the community’s cooperation. Together with the interest from humanitarian movements (see Pictures 18 and 19), local and national researchers (see Picture 20), NGOs, journalists and film-makers, the case has already obtained a somewhat ‘iconic’ status (Robins and Van der Waal, 2008).



**Picture 18: Kingsley Holgate shaking hands with Chief Makuleke at a commemoration ceremony of Crooks Corner (Stockil, 2009: 1).**



**Picture 19: A representative from SANParks, Isaac Barnard (son of Bvekenya Barnard), Chief Makuleke and Kingsley Holgate at a commemoration ceremony of Crooks Corner (Stockil, 2009: 1).**



**Picture 20: Canadian researcher Professor Victor Thiessen addresses students from N'wanati High School in Ntlaveni.**

Therefore, the ‘attitude’ of the Makuleke community has been a strong cause for celebration as they were seen to opt for a development-oriented approach to environmentally sustainable eco-tourism. Under the leadership of the Chief and the Makuleke CPA, the outward image of the community is one that is development-forward, devoted to nature conservation, business-minded and committed to mutual cooperation. This sense of a strong and coherent community identity has been important in attracting the attention of international funders like GTZ and the Ford Foundation.

Most of the community leaders I spoke with indicated that they want to incorporate the ‘Makuleke identity’ into viable businesses. The most obvious commercial development that utilised the ‘Makuleke image’ was the MCC&H (see Pictures 21 and 22 below) which included the bed and breakfast, the amphitheatre, the living museum and an internet café recently added in 2009. The bed and breakfast is situated next to the chief’s residence and consists of six rondavels; with accommodation for 12 persons. The MCC&H was set up to accommodate local and international researchers<sup>32</sup> visiting the area and to serve as an interval stop for tourists on their way to Pafuri.



**Picture 21: The MCC&H (Photo: Steve Collins: 11).**



**Picture 22: The MCC&H (Photo: Steve Collins: 11).**

The MCC&H is described as “ideal for frontier travellers and those interested in the cultural heritage and history of the Makuleke people” (SA Places website, 2010:1). Accommodation is provided in circular rondavels with thatched roofs to portray the image of an ‘authentically Makuleke’ homestead. A popular event for tourists is the viewing of the ‘Gigi’ (see Pictures 23 and 24) drama group at the amphitheatre. Through cultural song and dance, the members of the group tell the story of the devastating forced removal at Pafuri and the difficulties

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<sup>32</sup> As an example of the diversity of researchers to the area: during my relatively short visits to the Makuleke community, I shared meals at the MCC&H with researchers from Canada, the United States of America, England, Germany, South Africa and Zimbabwe who all came to study social and economical phenomena in the Makuleke community.

they had adjusting to a new life in Ntlaveni. The group charges a small fee for the show after which spectators are encouraged to dance with the group and offer donations in a hat. Nonetheless, with visitors few and far between, the income generated from the shows was not sustainable.



**Picture 23: The Makuleke drama group ‘Gigi’ that entertains visitors to the area through the telling of the history of the Makuleke community.**



**Picture 24: The Makuleke drama group ‘Gigi’ that entertains visitors to the area through the telling of the history of the Makuleke community.**

While talking to community leaders, mention was often made of setting up a community business that would produce a cream liquor from the ‘authentically Makuleke’ marula fruit. The fruit grows in abundance in Pafuri and was seen by many community members as a way in which to commercialise an ‘authentically Makuleke’ product. In addition, some research groups to the area spoke passionately about funding a historical museum in Pafuri. The proposed museum would tell the story of the Makuleke; from the tragic removal to the celebrated joint management case. Incorporating this ‘authentically Makuleke’ image would, nonetheless, be important in the future to attract funding from international donor organisations and to bring more tourists to the area.

Nonetheless, as is highlighted in this chapter, the ‘iconic’ status of the project and the homogeneous identity of the Makuleke community are very questionable. Importantly, there has been a general optimism from older community members that the subsequent reclaiming of ancestral land enabled them to teach the younger generations about ‘lost’ cultural practices and the traditional ways of life that they enjoyed at Pafuri. By being denied access to their ancestral and cultural sites for so many years, many elderly community members felt that

the younger generations strayed away from their cultural traditions. Talking to students and some of the younger members of the community, it emerged that many wanted to move to larger cities to pursue more cosmopolitan lifestyles. The elderly community members feared that much of their culture would be lost if they did not take concerted steps towards educating the young about their hereditary lineage, ancestors, traditional practices, cosmology, etc. Educational trips to Pafuri were often made by schools to allow students to visit the old Makuleke village, ancestral sites, the tribal area, Crooks Corner, etc. The restitution case meant that community members once again had access to their ancestral land. This renewed 'access' potentially enhanced the ability of community members to pass on specific cultural and historical values and ideas to younger community members. In this sense, the case also reaffirmed the Makuleke's identity as a distinct (but heterogeneous) cultural group.

#### 4.4 CONCLUSION

Land restitution at Makuleke enabled the community to regain their ancestral land from which they removed 41 years ago under racial segregation policies of the apartheid government. Importantly, the land restitution claim led to a novel joint agreement between themselves, SANParks and private tour operators. What followed was an unprecedented CBNRM project that set out detailed commercial, eco-tourism aims from which the community could substantially benefit. The project meant that specific institutional arrangements were put into place to manage the project both at community level and between the joint partners. The high political profile of the project and significant interests from the media led to further involvement from international donor organisations by means of funding community projects, skills-training initiatives and other socio-economic related schemes. The restitution of land also saw the community become involved in the formation of the GLTP. The community is expected to benefit considerably from the development of the GLTP in the future. While the case has often been described as a win-win situation and achieved an iconic status in development discourse, I describe a somewhat contradictory state of affairs by unearthing many of the complexities and issues associated with the project.

Through closer consideration of the case, it became clear that there was an unequal relationship between the Makuleke CPA, SANParks and the private tour operators. Past segregation policies marginalised Makuleke community members and put them in a disadvantaged socio-economic position in relation to the other two other partners. The lack of experience and skills on behalf of CPA members meant SANParks and the private tour operators were always better positioned when engaging in the nature-tourism industry. This lack of sound local governance and unequal state of affairs led to specific power relations being inherent to the project. The power relations evident within the project were further demonstrated through a contractual limitation of the joint management agreement. The contract stipulated that the leadership of the CPA needed to change every four years through a community voting system. In practice, this undermined the bargaining competence and learning ability of the CPA, and ultimately weakened the institution. Furthermore, the CPA was unable to ensure that Wilderness Safaris kept to their end of the end of the agreement and construct a third lodge. The construction of a third lodge would see the community benefit from additional fees and employment, as was originally intended.

Benefits that did reach the community ended up in the hands of a small elite group of community members who often held leadership positions. As such, most community members did not receive substantial economic benefits from the project (or project-related initiatives) and little change was brought to their socio-economic position. While certain measures were put into place that could benefit community members (for example the MCC&H and associated employment opportunities like the *Gigi* drama show, the arts and craft centre, the bed and breakfast, etc.), the lack of tourists to the area hindered these measures. As a result, the dynamics of the nature-tourism industry further threatened the success of the project.

In addition, the up-market game lodge industry in South Africa can be highly volatile and risky. The industry is characterised by sensitivity to market fluctuations, a highly competitive market, high capital investments and high fixed costs. It is also very dependent on highly quality and predictable game viewing (Spenceley and Schoon, 2007). All these factors can make for contingent circumstances.

What is important is the fact that full ownership of both the lodges would be handed over to the community; 30 years after the lodges were erected. As Pafuri Camp was built in 2002 and The Outpost in 2003, this means that the lodges would become the possession of the Makuleke community in 2032 and 2033 respectively. This will undoubtedly boost the community's socio-economic profile and hopefully lead to more benefits for more community members. Becoming the owners of the lodges, the CPA would be in charge of running and managing the two lodges. Currently, the operations of the lodges and the community's limited influence on their business functionality are a source of conflict within the project. These issues would hopefully be resolved when the CPA takes over the operations and development of Pafuri Camp and The Outpost. In this sense, joint management would hopefully be significantly more equal in the years following 2032. Nevertheless, the success of the take-over would, undeniably, rely on the local governance- and institutional capacity of the CPA to manage these operations. Moreover, considerably more benefits would be at stake when the community becomes the owners of the two lodges. Internal differentiation within the CPA could quite possibly lead to further intensified power contestations within the community and between the community and SANParks.

## CHAPTER 5: CONCLUSION

This thesis looked at how development was in a state of crisis due to the failures of a conventional model of development which was sought during the 20<sup>th</sup> century. During the late 20<sup>th</sup> century, political concerns relating to the sustainability of the Earth's natural resources gave rise to the environmental movement. Environmental critiques surrounding the conventional model of development subsequently cultivated a new development culture that promoted the notion of sustainable development: "development that met the needs of the present without undermining the ability of future generations to meet their own specific needs" (Brundtland, 1987: 43). Next, I discussed the general objectives and practical implications of the approach to conservation-based development and showed how lessons learnt from private wildlife parks sparked ideas around CBNRM in South Africa. I also put forward an analytical framework for uncovering many of the complexities and issues that are often associated with CBNRM projects. The analytical framework included themes regarding property rights, institutions and capacity building, power relations, intra-community differentiation, state-community relations and community identity.

I then provided background material on land reform policies in Australia and South Africa and discussed CPAs and the problems associated with them in South African land reform. Subsequently, I examined the Aborigines (Kakadu National Park, Australia) and †Khomani San (KGNP, South Africa) cases by looking at their background and the joint management agreements and then evaluated the current status and complexity of each case by using the analytical framework. By applying the analytical framework in each of the three CBNRM cases, I uncovered the key constraints on and opportunities for sustainable development and CBNRM that have emerged in land restitution claims in conservation areas. In this regard, I looked at how inherited socio-political pasts poised actors and influenced the relationships and interactions between them, and how the current eco-tourism industry worked to the detriment of some and the benefit of other actors. I concluded that these two factors influenced conservation-based CBNRM projects quite profoundly: past racial segregation policies put community actors at a disadvantage when engaging with their partners; specific dynamics of the tourism industry threatened the success of CBNRM projects as the expected substantial benefits were not always guaranteed; and lastly, the lack of sound local governance impeded sustainable development at community level.

At Kakadu National Park, high value was placed on the interests of traditional owners, the inclusion of indigenous knowledge in project developments and the conservation of the Aboriginal culture. Traditional owners were given a majority representation on the JMB and given the right to veto any initiative or project development which they thought would be substantially detrimental to their interests. Nonetheless, many traditional owners had trouble functioning within an entirely Western policy and management framework. Most community members did not benefit from employment opportunities and were not exposed to sufficient training and capacity building opportunities.

In addition, the Aboriginal community was at a disadvantage when engaging with Parks Australia and external actors as a result of inexperience, lack of skills and the inability of community members to operate within a

Western policy and management environment. This disadvantaged position can be related back to the history of racial segregation policies in Australia. Therefore, there was a lack of sound local governance at community level. Also of concern was the fact that certain dynamics of the Kakadu tourism industry led to a lack of permanent employment and substantial economic benefits for community members. Nonetheless, the strong management position that was given to traditional owners has set a precedent for other CBNRM projects, even though the community has yet to take full advantage of this position.

At KGNP, the lack of post-resettlement planning on behalf of the government and ambiguous support from NGOs and donors created a confusing project environment for the ǀKhomani San. The community was divided into two groups: the 'traditionalists' and the 'western bushmen'. Furthermore, the gross lack of sound local governance and institutional capacity from the CPA to support and manage land use activities further undermined the CBNRM project. The inexperience, lack of skills and business know-how of ǀKhomani San community members can be traced back to the effects of past racial segregation policies in South Africa. As a result, community members were at a disadvantage when engaging with SANParks, municipal and governmental institutions and private businesses. Evaluating the case, it becomes clear that eco-tourism, as a viable job-creating and income-generating method, has not offered community members substantial benefits or promoted sustainable development mechanisms within the community. Recently, a number of rural development organisations and donors have tried to alleviate the dire socio-economic conditions of many community members, but the outcome of such interventions have yet to be determined.

Next, I looked at the Makuleke CBNRM agreement in the KNP, the primary case study of this thesis. I discussed the history of the Makuleke restitution case by providing a brief background to the Makuleke settlement within the context of the KNP and drew attention to the key events that led to the eventual joint management agreement in 1998. I stipulated the intricacies of the joint management agreement concluded between the Makuleke CPA and SANParks. As with the two previous cases, I evaluated how the main complexities and issues at play reflected on the position of the community by applying the analytical framework put forward in Chapter Two.

Land restitution at Makuleke enabled the community to regain their ancestral land from which they had been removed 41 years ago under racial segregation policies of the apartheid government. The land restitution claim led to a novel joint agreement between themselves, SANParks and private tour operators. An unprecedented CBNRM project was created that set out detailed commercial, eco-tourism aims from which the community could substantially benefit. The high political profile of the project and significant interest from the media led to further involvement from international donor organisations by means of funding community projects, skills-training initiatives and other socio-economic related schemes. The restitution of land also saw the community become involved in the formation of the GLTP from which they are expected to benefit considerably.

Looking at the project closely, it was clear that there was an unequal relationship between the Makuleke CPA, SANParks and the private tour operators. Past segregation policies marginalised Makuleke community members and put them in a disadvantaged socio-economic position in relation to the other two partners. The lack of

experience and skills of CPA members meant SANParks and the private tour operators were always better positioned when engaging in the nature-tourism industry. This lack of sound local governance and unequal state of affairs led to specific unequal power relations which were further underlined by the contractual limitation of the joint management agreement. The contract stipulated that the leadership of the CPA needed to change every four years which undermined the bargaining competence and learning ability of the CPA, and ultimately weakened the institution. Furthermore, the CPA was unable to ensure that Wilderness Safaris kept to their end of the end of the agreement, namely to construct a third lodge.

Benefits that did reach the community ended up in the hands of a small elite group of community members who often held leadership positions. Most community members did not receive substantial economic benefits from the project and little change was brought to their socio-economic position. While certain measures were put into place that could benefit community members, the lack of tourists to the area hindered these measures. As a result, the dynamics of the tourism industry further threatened the success of the project.

Looking ahead it is important to bear in mind that full ownership of both the lodges will be handed over to the community; 30 years after the lodges were erected. Therefore, joint management will hopefully be significantly more equal in the years following 2032, after Pafuri Camp and The Outpost lodges have been handed over to the community. Nevertheless, the success of the take-over would, undeniably, rely on the local governance- and institutional capacity of the CPA to manage these operations and to curb internal differentiation within the community.

Comparing the three cases brings further insights into the issues discussed in this thesis thus far. At Kakadu, joint management is characterised by greater openness to local cultural uses of natural resources and various interpretations of the landscape than in South Africa. Joint management at KNP and KGNP are subject to a much more stringent interpretation of the legislation. Comparing the three cases, it becomes clear that setting up a joint management agreement remains a relatively simple task compared to implementing the CBNRM project. Under often complex historic and political circumstances, it is how the different management boards and institutions function that will determine the fate of the project. Management boards are the natural habitat for experienced national parks officials. Long marginalised, rural communities who lack the capacity and experience to flourish in these institutional environments will undoubtedly be at a disadvantage within such institutional arrangements (Brockington et al, 2008).

At Kakadu, Aboriginal representatives constitute the majority on the board. However, the important factor remains the capacity to make the boards work for the community. Setting up and developing joint management arrangements are scenes of perpetual conflict. These underlying power relations are inherent to such arrangements (Lawrence, 2000). Importantly, the fact that communities are heterogeneous and marked by differences needs to be taken into account. Therefore, the potential for conflict will remain significant in joint management arrangements and the likelihood for many easy 'win-win' outcomes will be few and far between. As noted by Brockington et al:

At its best, co-management can be a true partnership of trusting equals, but at its worst it can serve to simply replicate exploitation and manipulation of local agendas by powerful external interests (Brockington et al, 2008: 18).

Therefore, joint management as a conservation tool has to be seen as one that works under very specific social and ecological condition. As was highlighted in all three cases, the potential for tourism-related revenues to create positive incentives for conservation is very limited considering the fact that these often have to be shared amongst a large population. In South Africa (and Australia), it becomes clear that there are numerous key constraints on sustainable development and CBNRM in land restitution claims. While an invaluable tool for conservation, the harnessing of economic value for local groups can have differentiated impacts. As is the case in Makuleke, the benefits set to be gained from CBNRM projects can often be captured by a socio-political elite at the expense of the poor and those less powerful. Conversely, in the case of more alluring alternative income-earning possibilities, rich community members may be disinterested in the relatively low returns that may flow from conservation-related livelihood activities. Therefore, the potential for the use of economic incentives for conservation is highly variable. Such incentives need to be placed within wider local and global socio-economic trends that shape the availability of alternative livelihood and income-generation possibilities (Brockington et al, 2008).

Throughout all the three cases, there has been a general optimism that the subsequent reclaiming of ancestral land would enable the elderly to teach the younger generations about cultural practices and the traditional ways of life. By being denied access to their ancestral and cultural sites for so many years, many elderly community members have felt that the younger generations have strayed away from their cultural traditions. The elderly community members fear that much of their culture would be lost if they do not take concerted steps towards educating the young about their hereditary lineage, ancestors, traditional practices, cosmology, etc. As such, the restitution of ancestral land potentially means that cultural values and ideas can be passed on from generation to generation and affirm that group's distinct cultural identity and place in society.

However, as was the case in Makuleke, people who were removed from protected areas and had won back their land through land restitution have chosen not to return to the protected area. The reasons for this can be that people have become more peri-urban orientated. Often many years have passed since communities were removed from protected areas and it is very likely that the younger generation members call their new residence home. The remote (and often very rural) locations which they have won back are unserviced and far removed from the broader society to which they have become interconnected with over the years. Surveys conducted in communities around the KNP showed that few people look to it as their home (see Anthony, 2007).

Importantly, all three the cases deal with national parks. What is important is that national parks/protected areas serve as spaces where nature (environment) and culture (society) are seen, understood and (re)produced in a specific manner in an attempt to manage and control the relationship between the two. Therefore, these parks or areas not only affect the people resident in them, or live next to them or that were displaced by them, but also the role-players (like NGOs, the government, private business, etc.) that create and manage them. Also, national

parks and protected areas increasingly change the face of the Earth by renaming places and areas, drawing boundaries around specific areas and sometimes erasing boundaries between states (as is the case with TFCAs). Therefore, these conservation spaces have become areas of globalisation (West et al., 2006).

While all three communities were successful in regaining the land that they lost, they all entered into a nature-tourism development realm of which they knew little and had little experience. Learning how to engage with private businesses and national park boards and understanding the income-generating market of nature-tourism take time and can often be a very unfamiliar territory for previously disadvantaged communities. Building institutional capacity and dealing with internal community conflicts will therefore be crucial in ensuring that communities have a stronger voice and bargaining position within this contestable arena. Only by doing so are they able to take better advantage of such joint agreements. However, such improvements at local level are no guarantee for success. As concluded by Murphree, “our final judgement must be that [community-based conservation] has to date not been tried and found wanting: it has been found difficult and rarely tried” (Murphree, 2000:12). Whether CBNRM is the answer to the dual crises of development and environmental degradation has yet to be answered. From the case studies presented in this thesis, it still remains to be proven that CBNRM is the panacea for the new development culture.

Possible future themes of exploration to strengthen the evaluation of CBNRM projects in South Africa are to assess such initiatives more holistically (i.e. combining anthropological research with environmental, business and other discourses). In this regard, applying analytical tools like environmental impact and business risks assessments can prove to be quite useful for understanding the broader contexts in which such projects operate. Other suggestions include: examining alternative institutional vehicles (other than CPAs) for the implementation and management of CBNRM projects at community level; uncovering the key constraints on entrepreneurship at the bottom-of-the-pyramid; focusing on the role that ‘cultural branding’ (selling culture) plays in eco-tourism CBNRM projects; and arguing for a more focused emphasis on renewable and energy-efficient technologies in CBNRM projects.

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