

The Makuleke Story

Livingstone Maluleke

Background

We, the Makuleke people were one of the first communities to win back our land using South Africa's land restitution laws. 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.

The Makuleke Region of the Kruger National Park (KNP) is an attempt to harmonise the protection of biological diversity with our interests as rural people. Up to now we generally despised the notion of conservation, ever since the Kruger Park's first game warden earned the nickname *Skukuza* (which derives from Shangaan to mean The Sweeper) for the way he forced the indigenous inhabitants out of the park in the early 1900s. We were victims of the same racist approach when we were forced off of our land in 1969.

In 1996, we reversed this by creating a Community Property Association (CPA), which gained ownership of 22,000 hectares of the northernmost part of the KNP between the Limpopo and Luvuvu rivers. The land was returned to us after we reached a mediated settlement with many government departments but most importantly with South African National Parks Board (SANParks) and the new democratic government.

The final agreement did four bold and innovative things.

- It returned full ownership and title to a piece of land that contains by far the richest combination of wild plants, animals and stunning landscapes in the entire park, along with a host of tangible rights.
- In return for these rights we guaranteed to use the land in a way that is compatible with the protection of wildlife. We will not occupy it, farm it or undertake any activities, such as mining for the store of diamonds that are said to lie beneath the banks of the Limpopo River, that would undermine the conservation objectives of the park.
- We gained full rights to commercialise our land in the park, which we have done by entering into partnerships with private investors to build game lodges and camps that are consistent with the wildlife management policies of SANParks.
- We set up a Joint Management Board (JMB) that governs the way in which the wildlife of the area is protected. It is made up of community representatives and representatives of the conservation agency. The JMB will hopefully gradually hand over its expertise in these matters to residents of the villages who are being trained in wildlife management.

To give effect to this agreement, some 24,000 hectares of land within the KNP between the Luvuvu and Limpopo Rivers was transferred from the State and returned to us. It was then reproclaimed as a contractual park, effectively reincorporating it back into a national park. Although ownership changed hands, the land effectively remained within the same ecological management system.

Instead of poaching on that land for subsistence, our young people are now protecting the wildlife with their own lives. To prove our intent to use conservation and tourism to regenerate the economies of our villages, we added to Kruger another 5,000 hectares of communal land that was never previously incorporated into the park.

This land that we hold very dear after having lost it once is now a central piece of the Great Limpopo Transfrontier Park and serves as its only link between Zimbabwe and South Africa.



Women from Makuleke building the first Makuleke lodge - The Outpost. Photo, Steve Collins

How we govern our land?

The original agreement sets up a co-management arrangement as an **interim arrangement**. At this stage we agreed that we did not have the expertise to manage the wildlife and plant assets that had been returned to us. In the long term we hope to be able to manage our land by ourselves.

Co-management happens through the JMB, which is made up of representatives of the Makuleke CPA and SANParks on a 50/50 basis. The chair of the JMB rotates between the CPA and SANParks. While initially it used to meet monthly, it now meets every 3 months. We have also set up a Joint Management Committee (JMC), which deals with issues on a monthly basis.

One of the first tasks of the JMB was to agree on the “Master plan for the conservation and sustainable development of the Makuleke region”. We finished this in 2000 with the support of outside donors that covered the cost of employing an ecologist to work with us and draft the management plan.

The Management and Development plan, which is not in conflict with the Kruger National Parks Management plan, provides the framework for our decisions in the JMB. It sets out our aim of developing the area as a prime tourist destination within the park and notes the area's high biodiversity, which is an asset to the country and world.

Since then we have used the zoning framework in the plan to reach agreements with two private sector operators to Build Operate and Transfer (BOT) two up-market lodges. More about these BOT agreements follows below. At this stage I just wish to mention that we have made a decision to involve our private sector operators in the JMB as observers. We have done this as they will be the main users of the land, it is their activities that the JMB will be watching, and they have an interest in the good conservation management of the region.

Our community organizational set up.

The representatives of the CPA who sit in the JMB are only the tip of a pyramid of community structures and organizations. They truly are the representatives of the community and need to bear that in mind when making decisions. Briefly we have set up the following organizations to ensure that we fulfill our aim of using the land for the benefit of the community.



CPA Implementation officer Dennis Skhalela Makuleke explaining how the money earned from the land will be spent. Photo, Steve Collins

These are:

The Makuleke Communal Property Association (The Makuleke CPA)

There are about 15,000 members of the CPA, including people who were moved from the Makuleke Region and those people that either are the descendents of the original Makuleke

community or have become a part of our community by living with us in our villages outside the park. If the CPA could be seen as a business, then the CPA members are all shareholders.

The Exco

The Exco is a 15 member executive committee that is elected every 4 years. We report back to the CPA members every year and now have a newsletter that gives regular information to the community or CPA members.

The implementation office

The Exco employs 2 full time staff, who run our office and are our main link to all our partners. They co-ordinate our time and ensure that the Exco is able to carry out our mandate.

The Makuleke Development Forum

While the Exco does report back every now and then, we have also set up the Makuleke Development Forum, which is group of community leaders from all three villages. Its main aim is to be an advisory body for the Exco when we want to make benefits available at a village level.

The Makuleke Development Trust

The Development Trust is our main bank account, which holds the money we have received in grants, as well as money we make through concessions and hunting in the Makuleke Region. We are being assisted by our legal advisors, as well as profession trust administrators, until we are able to run the trust by ourselves. The community trustees that are elected to the Exco have a big responsibility to ensure that the community's money is well invested and spent wisely.

Our institutional set up has allowed us to achieve our gains by allowing for transparency as well as executive decision-making.

Generating the benefits

As a Communal Property Association, we are not able to sell the land we hold as an asset to generate income. This is good, as we would not want to do this. Our aim is to ensure that our children and their children still have the benefit and pride of owning the Makuleke Region. Early on in our negotiations with SANParks we decided that while hunting could give us a quick source of income we would use tourism as the main economic earner on the land. Given that we did not have the capital, expertise and market access needed to undertake a successful tourism venture, we agreed to call on the private sector to assist us. The process we followed began with a public call for proposals. We compared proposals and short-listed three potential developers, and then narrowed our choice down to one preferred bidder.

In this process we needed help to negotiate and understand some new financial and business concepts. This help came in the form of consultants who sat on our side and assisted us to get the best deal possible and, also importantly, one that did not make the business unfeasible. This technical assistance was funded by generous grants from donors. We also managed to access pro bono legal assistance to conclude the agreement.

It has been encouraging to see that when we negotiated our second concession we needed less direct technical assistance and mainly relied on our lawyers to ensure that we were not “ripped off”.

The key aspects of our private sector partnerships are as follows;

- The CPA receives 10% of revenue.
- The community is guaranteed a high proportion of the jobs, as well as skills training to be able to take up the jobs.
- The arrangement is a Built-Operate-Transfer (BOT) one, which means that our partners will build and operate a lodge for a specific number of years and then they will transfer the ownership of the lodge to the CPA. We can then decide if we want to run it ourselves or invite them to continue to operate it but on new terms that recognize us as the owner of the facility.

Initially the main source of income for us was through hunting. We have decided to downscale hunting significantly as we know that the photographic tourism needed to make the lodges successful will not work together with hunting in our small area.

This means that in the long term the key source of benefit flow to the community will be through skills enhancement and wages. We have expectations of about 150 full time jobs earning about R375,000 per month.

While we do not have the figures for the 10% lease arrangement yet, if we assume a 50% occupancy at the first 26 bed lodge, we should receive R1million a year. We have an idea about where we will be spending this money. The focus will be on investing in social infrastructure that will benefit our community in the long run. This includes schools, scholarships, women’s groups, youth development and sports programs. We will continue to make social spending decisions in a transparent and fair way in co-operation with the community leadership in our development forum.

Key strengths and weakness of our governance system

The JMB is an official governance structure of the Makuleke Region. It is a good idea that has allowed us to develop our understanding of how a conservation area should be managed. Sometimes, however, we and SANParks seem to forget that it is a transitional arrangement moving us toward full community control of management. It has forced us to meet regularly with SANParks, which is responsible for the day-to-day management of the region. However there have been some problems that need to be highlighted.

a) Lack of respect

There is no denying that initially conservation work in South Africa attracted autocratic and militaristic individuals who were more interested in animals and the bush than in the communities that lived on the other side of the fence. In our case, these individuals initially had no problem in removing us without compensation or compassion. This created a situation in the JMB whereby we have been treated as a nuisance rather than respected for our agreement not to move back onto our land. Our view is that we are landowners and should be

treated the same way, if not better, than any of the “white” SabiSabi partners that SANParks has a good partnership with in the south of the park. Why is a community partner seen as less important than a private sector partner?

We are hopeful that our relationship with SANParks is changing. Recently we held a joint workshop for newly elected Exco and SANParks officials. Together we reviewed the original agreement and management plan and developed a joint understanding concerning what our rights are and how SANParks should be relating to us. Since then we appear to be making headway in achieving our goals. The key lesson is that the participants in the JMB need to have a good understanding of the framework for the JMB and what rights and responsibilities each party has.

We should also note that a lack of respect for communities has also pervaded the whole Transfrontier Park planning process. We expected that we would have been consulted in this process as the official landowners of a central piece of land that allows the Kruger to join to Zimbabwe. . Yet it was only after we asked our lawyers to write to the Minister that we gained some of the recognition we deserve. We remain supporters of the Greater Limpopo Park but want to be more involved in the implementation than we have been in the planning. We are aware that our colleagues in the Richtersveld have managed to get themselves represented at the JMB level for the Transfrontier Park. We should have the same status.

b) Understanding the authority of the JMB

At one stage the JMB felt like a small committee that could constantly be over ruled by the central management of the KNP. We have now clarified that this is not the case. Conservation representatives should come with a mandate to make a decision. If they do not, then all proceedings drag on, and given that we meet only once every 3 months, non-decision-making can cripple our plans. We have now been given the assurance that the JMB holds a high status and can appeal to the Head Office (HO) of SANParks if there is a problem.

c) Conflict management

The agreement wisely sets out a conflict management system that allows for conflicts that cannot be solved at the JMB level to be elevated to SANParks HO and also provides for mediation should HO not agree with the community position. In the one case where we could not decide on the hunting quota within the JMB, HO was approached and a ruling supporting the community was given.

Community good governance

a) Benefit sharing

At the level of the community residing outside the Park, the key challenge we have now is to ensure that the community and directly the CPA members feel that they and not only the Exco are benefiting from the reclaimed land. We have managed to secure over 200 jobs via our private sector partners, which already is a major benefit. However, as a CPA we will be getting 10% of the revenue of the lodges and this money must be used wisely. 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 organizations will help keep us united rather than tear us apart.



The new school classrooms being built with money earned from the hunting. Photo, Steve Collins

b) Coordinating with local government

Unfortunately we have a weak local government that probably feels that our community has more resources than most in the area. Moreover, being a community that is proud of what we have achieved means that at times we do not like approaching our local government for assistance. This, however, needs to change as we start spending our own money on social investment. After all we are paying a lot of taxes and our workers will be paying taxes. We are entitled to government spending aimed at improving living conditions. We cannot do it alone.

In conclusion

As the Makuleke we are very proud of what we have achieved since we reclaimed our land. We are grateful for this opportunity to share our success with you and would like to take the opportunity to thank all those who provided the outside help that has contributed to making the Makuleke a well-known success story. We hope we do not let you and our community down.

Thank you.

Mashangu Livingtone Maluleke (makuleke@mweb.co.za) was one of the driving forces behind the successful land claim by the Makuleke. He is a Member of the Executive of the Makuleke Communal Property Association (CPA) and has been the CPA representative on the Kruger National Park Joint Management Board since its inception. He is also Head Master of his community's primary school and an Elected Councilor.