

Pursuing co-management as a resolution to
land claims on protected areas in the
Eastern Cape:

Some questions and preliminary answers

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Some conventional wisdom that we need to critically reflect on

- People-centered conservation leads to watered down conservation
- The co-management model increases human well-being in ways that are considered important to people

Some background to land reform in South Africa

- Three main elements of land reform: Restitution, land redistribution, tenure reform
- Restitution - proved alienation from land after 1913
 - Options for redress: restoration of land, provision of alternative land, payment of financial compensation, or a combination of these

Why should this matter to us?

- MoA (2007) for PAs under land claim, where communities opt for restoration:
 - protected areas *will remain under conservation in perpetuity as a non-negotiable element of the settlement of claims.*
 - Co-management must take place in cases where claimants opt for restoration of the land.

Why should this matter to us?

- 31 March 2013:
 - Nationally: 150 claims had been lodged against protected areas, 46 of which have been settled
 - **±90 % opted for restoration** (DRDLR 2010)
 - Eastern Cape: 18 claims – 7 have already been settled
 - Land claims commission commits to finalizing 50% of claims on PA's by 2014/15 financial year

According to land claims commission...

- 20 August 2013, the key challenges in the settlement of claims were:
 - Competing claims and **conflicts** between claimants
 - The **benefits** of co-management were minimal as agencies argued they could not afford **the cost of** co-management

The cost of co-management

- Backdrop of declining state subsidies, growing expectations that conservation agencies will finance themselves and stimulate local economic opportunities
- Transaction costs at Mkambati:
 - **total time spent** in meetings annually,
 - the **daily opportunity cost** of participants' time
 - and **the travel costs** associated with attending such meetings.
 - Compared to more traditional stakeholder engagement

The cost of co-management – and who bears it?

		Total time spent (person days/year)	Total time cost (Rands/year)	Total fuel costs (Rands/year)	Transaction cost (Rands/year)
ECPTA		252	348 258	55 361	403 619
MLT	Proxy 1	1 414	73 174	19 355	92 529
	Proxy 2		98 146		117 500
	Proxy 3		104 438		123 793

Proxy 1: ward level income per person; Proxy 2: minimum wage; Proxy 3: MLT sitting allowance.

But is it expensive?

- How does this compare to traditional stakeholder engagement?
 - Co-management = **8 X** more expensive than traditional stakeholder engagement
 - But achieves very different purposes, especially in contexts of land claims (redress, empowerment – mostly intangible)

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What has co-management meant *in practice* for new landowners and conservation agencies?

Cundill et al. 2013. In Land Use Policy.

Protected area	Date of settlement	Population at time of land claim
Kruger National Park (Makuleke Claim)	1998	25 000 people
Kgalagadi Transfrontier Park (KTP) (San and Mier claim)	1999	1000 people
Dwesa-Cwebe Nature Reserve	2001	15 000 people
Mkambati Nature Reserve	2004	~ 15000 original claimants, over 30 000 beneficiaries

- Settlement Agreements echo a handful of key themes:
 - conservation in **perpetuity**
 - optimisation of **benefits** to claimants
 - **shared** decision making
 - **sustainable use** of natural resources

*“...The vision for Mkhambathi Nature Reserve is that the Communities through their Trust and a Provincial Management agency shall **jointly manage** the area in a manner that conserves **biodiversity**, while seeking to optimise **the benefits** to the Mkhambathi communities, based on the principles of **sustainable utilisation**.” (Mkhambathi Settlement Agreement 2004: 3.10)*

What benefits, and for whom?

The promise of benefits has been one of the fundamental forces that have aligned actors in the pursuit of co-management

“From the community [perspective], co-management is not actually about conservation. The community sees conservation as important through how it will benefit them...”

(Mkambati Reserve Manager, June 2012).

E.g MKAMBATI

- Only financial benefits come directly from the conservation agency: 15% of 'gross profits' (in reality a 15% surcharge on the operational budget) and a '*sitting fee*' for Land Trust
- Tourism agreement –not materialised, “...*if the tourism operator had started a while ago we would be millionaires by now*”....*best case: R2million, between 30000, R66/annum*
- access to natural resources: out of 18 desired species, 2 were considered by resource scientists to be in sufficient quantity to be harvested

- 90% = loss making
- We forget this as we start to engage in conversations about 'benefits' – what about all the other things that might matter to people in cases of land claims?
- Almost universal failure of benefits to materialise - cascading effects on 'communities', struggle with internal divisions, jostling leadership structures that attempt to access benefits....

Coming together, falling apart

- The need for a coherent and identifiable ‘community’ is fundamental to the land claims process
 - Who has the right to claim the land?
 - Who is in and who is out?
 - Who will benefit and who will not?

- Eastern Cape: Mkambati and Silaka both experienced the 'addition' of more and more communities to the claim, and the conflicts that resulted later on

Conclusions

Settlement Agreements that echo key themes:

- conservation in **perpetuity** 
- optimisation of **benefits** to claimants **?**
- **shared** decision making **?**
- **sustainable use** of natural resources **?**

Does conventional wisdom hold?

People-centered conservation leads to watered down conservation

The co-management model increases human well-being in ways that are considered important to people

- If we look at this through an economic lens, the view is quite depressing
 - Its expensive, or at least time consuming and conflict ridden
 - There are not many benefits for communities

- But is this the appropriate lens?
 - How do we start to unravel the more intangible outcomes of successful land claims processes?
 - Are there intangible benefits associated with co-management that we aren't seeing with our analyses?