

THE PLIGHT OF THE KRUGER NATIONAL PARK LAND CLAIMANTS

PRESENTED

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Land claimants: Ngirivana, Mahashi, Mhlanganisweni, Muyexe, Madonsi.

TABLE OF CONTENTS:

1. Historical background
2. Cabinet memos
3. Verification Process
4. Settlement Agreement.
5. Negotiations {B. Scheme}
6. Benefits to Land claimants
7. Recommendations

1. HISTORICAL BACKGROUND

- It is worth noting the plight of the land claimants of the Kruger National Park as a shame and mockery in the manner in which the negotiations and settlement processes unfolded.
- We the land claimants in Kruger National park want to put this on record:
- The land claimants were completely excluded from all the settlement negotiations for our claims which deprived us of the opportunity of fair participation on matters affecting our rights and future.
- We believe this was **purposefully done to deny the claimants of their rights on land. This is equal** to dispossession in the name of correcting the past injustices our people suffered in those years.

Background cont....

- We the land claimants in Kruger National Park strongly view this matter as a bad recipe for the future land claims in the country, and a challenge to the envisaged land redistribution programme underway.
- The process was never inclusive of the claimants, but imposed decisions we were made to accept with bitter feelings. This again in our view is “justice denied”.
- This approach has eroded and undermined our democratic rights on Kruger National Park land.
- This matter requires urgent attention of government and engagement with the land claimants` leadership.
- The land claims commission has been unwilling to engage with us on this matter.
- From the look of things there has not been good intensions in settling kruger claims.

Background cont....

- This matter requires urgent attention of government and engagement with the land claimants` leadership.
- The land claims commission has been unwilling to engage with us on this matter.
- From the look of things there has not been good intensions in settling kruger claims.
- The decisions taken during these negotiations were simply imposed on us. This approach has created serious problems for the land claimant communities. It does not spell clear future identity of these land claims in Kruger.
- Quite sad to note that more land is required for incorporation into Kruger National Park where dignified agreements shall be entered into.

Background cont...

- This proves that the bestowing of rights in our case was possible, but government overlooked and undermined that route.
- We believe we share equal footing with SANParks in Kruger National Park because of the interests we both have. Neither of us could be legible to lead the negotiations of the beneficiation scheme.
- We also want to record that there was no provision of any model of this so-called beneficiation scheme which even derailed the main focus, (that it should be just, fair and equitable). We fail to see any good intentions in settling these land claims in Kruger National Park.

2. CABINET MEMOS

- The 2002 cabinet memorandum give clear reasonable guidelines towards settling land claims in protected areas.
- This was the path we should have trailed on towards settling Kruger National Park land claims, in a bid to correct the past injustice our claimant communities suffered.
- The 2008 cabinet memo was designed specifically for the Kruger National Park in order to erode all the rights of the land claimants

Cab memos cont...

- The question is WHY was this memo necessary if there were good intentions to settle the land claims in Kruger?.
- We also want to record that these cab memos were kept secret all the time until only in May 2018 after a strong demand for these documents.
- This approach will leave our communities with no future trace for the land claimed in Kruger National Park, unless this was by design and purpose.

Cab. Memos cont.....

- Therefore a **Title deed** or **Registered Notarial title** deed was and still necessary. This approach is taking away the pride and dignity of our people which is fundamentally incorrect. AN UNJUST SYSTEM CANNOT BE JUSTIFIED BY ANOTHER OF THE SAME KIND.
- We the land claimants support that Kruger National Park continues as a conservation area, but we refuse to relegate our rights on land.

Cab memos....

- This is a serious concern for our communities regarding these land claims. It takes away the pride and dignity of these communities.
- We strongly support that Kruger be left to run as a conservation land, but not relinquishing our rights

3. VERIFICATION PROCESS:

- This has left many families in a state of conflicts in the manner it was carried out.
- The verification process has left some household outside the verified household who have not received any financial compensation.
- Many qualifying family heads were forced into one household which is now creating conflicts among such families.
- Over and above the SIZE of the land claimed by each community has been extremely reduced without explanation given to the communities.
- To us as claimants there is no acceptable justification of this decision by cabinet /government.
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VERIFICATION PROCESS CONT.....

- We strongly feel that this matter requires government attention through engagement with the land claimants.
- Since 2017 payments of financial compensations have not yet been finalised. This delay result into serious complications and prolonged period to transfer the money to the next beneficiaries

4. SETTLEMENT AGREEMENT

- Again we want to put on record that we were not privileged to be legally and advised on the contents of the settlement agreement, since we had no such representation although promised by the land claims commission.
- We the land claimants are convinced that it was done on purpose to force us into signing without any legal knowledge understanding of the of the settlement agreement.
- Which is why no one is willing to do what was recommended by the late Minister Molewa to have it amended where we are not comfortable. This directive has been given by the said minister above to the legal section of the Commission.
- We feel this matter should be attended to as a matter of urgency because the communities have been prejudised. We would like to continue keeping our trust and support to our government.

Settlement agreement cont..

- An indication was made that anything we are not comfortable with could be discussed and amended since there is such provision in the settlement document, but no one is willing to attend to that now.
- This will have negative impact on government`s objective regarding land issue.
- The communities are left frustrated as a result of this situation.

5. BENEFICIATION SCHEME NEGOTIATIONS

- It should be remembered that there has been no model provided by cabinet on the design of the beneficiation scheme.
- SANPARKS who is supposed to be in partnership with the land claimants was given the authority to lead the development and implementation of the BS.
- We view this as a serious flaw on the side of the commission because of the interests it also have on this land.
- Since the signing and handover in 2016 the eighteen months elapsed with no agreement reached between communities and SANParks as the result of the approach undertaken to this effect.
- We the land claimants unequivocally reject the offer by SANPARKS because is not equitable.
- The disagreement above and refusal to compromise in favour of the communities forced the lodgement of a
- dispute against SANPARKS.

BENEFICIATION SCHEME (cont-)

- A neutral body could have been the best option to lead the negotiation process.
- As a result of the dispute lodged, Minister B. Creecy intervened and the facilitator was appointed, but has since exited the process in July 2021, the mediation process has not yet started.
- However we deem it necessary to mention that as a result of this, our relationship with Kruger is gradually deteriorating.
- We are not consulted/informed when there is new development under way e.g. SKUKUZA Safari Lodge and Shalati. All these were surprises to us claimants.

6. BENEFITS TO LAND CLAIMANTS

- Since the signing and handover in 2016 there has never been any benefit received by the land claimants from SANParks except the food parcels which were distributed to everyone.
- The briefing report of 16 March 2021 shared by SANParks with the PCEFF does not give correct representation of the state of things in this regard.
- There are conditions set by SANPARKS for the land claimants if they should benefit from Kruger.

7.COMMUNITY CONFLICTS

- It is alleged that some of the senior officials from SANPARKS participate in meetings with certain groups of members of our communities where they incite them to cause conflicts and instability among the communities.
- We strongly feel that this matter should be investigated and corrected to restore peace and unity among our people.
- This kind of behaviour by any official does not build towards the expected partnership, it is an automatic threat to the lasting relationship we aspire to create between the park and the communities.
- It is only in the presence of peace and unity where there will be progress.

8. RECOMMENDATIONS

- That concerns raised be positively considered by the committee.
- That the communities be funded on legal and transactional support during beneficiation scheme negotiations.
- That this be not our first and last engagement with this committee.
- That parliament be made aware of the problem it has created for the communities, though there is acknowledgement of the good things done for us. That the Committee maintains the KNP BS development and implementation as a standing matter to hold CRLR, DEFF & SANParks accountable for progress for progress reporting, ensuring that the community representatives are also represented on such reporting

9. THANK YOU.