



PARLIAMENTARY PORTFOLIO COMMITTEE RESPONSES

29 NOVEMBER 2021

TITLE OF SUBMISSION: ANNEXURE A

Response pertaining to the Great Limpopo Transfrontier Conservation Area Cooperative Agreement (2018) implementation.¹

Reference is made throughout this

KEY RESPONSES

- 1. Tri-lateral Great Limpopo Transfrontier Conservation Area (GLTFCA): Structures & functionality**
 - The Great Limpopo Transfrontier Park Treaty (GLTPA Treaty 2002) was signed between Zimbabwe, South Africa and Mozambique (contained in the link specified in Footnote 1 below) and consists of three national parks: Kruger National Park in South Africa, Limpopo National Park in Mozambique and Gonarhezou National Park in Zimbabwe. The GLTPA also states that: *“The area adjacent to the Transfrontier Park, comprising compatible conservation and land use areas, but not lending itself to formal integration with the Transfrontier Park, shall be managed as a Transfrontier Conservation Area”*.
 - The Great Limpopo Conservation Transfrontier Area (GTLFCA) lends itself to the private, community and state-owned conservation areas working together on socio-economic and ecological integration with the core Protected area (Kruger National Park on the South African Boundary).

¹ Reference is made throughout to documents being available on a link. These documents are available on this link: <https://we.tl/t-8gBe73MaFd> Please download as the content will expire in 7 days.

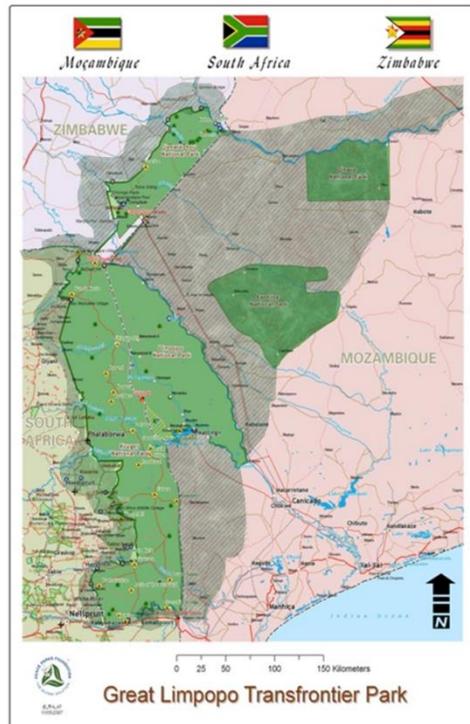


Figure 1: The GLTFCA footprint, shown in grey, which lends itself for the inclusion of community, state and private land into the GLTP footprint, shown in green.

- Country representatives serve on the GLTFCA Joint Management Board (JMB), which serves as an Executive body for strategic decision making and endorsement of tri-lateral decisions pertaining to the objectives of the Treaty. The Department of Forestry, Fisheries and Environment (DFFE), and the South African National Parks represents South Africa on the JMB.
- The JMB focusses on the following key Strategic Programmes:
 - Conservation and wildlife management
 - Security and wildlife protection
 - Land use planning and management
 - Responsible tourism
 - Socio-economic development
 - Improved land and air access
 - Integrated water resource and freshwater ecosystems management
 - Marketing, communication, and awareness raising
 - Joint training, learning and skills development
 - Governance and administration
- The GLTFCA Institutional reform process seeks to strengthen and fund the functions of the GLTFCA JMB and operational programmes. Operational implementation takes place through thematic programmes, and/or Joint Management Committees between the partner countries, in accordance with programme objectives, e.g. safety and security functions, water resource management, livelihood programmes, or conservation management objectives.
- Annual workplans are compiled, and quarterly review meetings arranged to review progress in each of the Key Focus Areas set out in the diagram hereunder.

Key Focus Areas - Working Groups

Conservation, Wildlife Management & Veterinary	<ul style="list-style-type: none"> • Elephant Management Framework • Wildlife Translocation Policy • Wildlife Poisoning Strategy • Landscape level / country component land use planning and resource use management
Tourism, Hospitality & Wildlife Economy	<ul style="list-style-type: none"> • Limpopo Crossing Point / Tourist Access Facility • Destination marketing • Transboundary tourism development framework • Signage manual • On-line training – B2B development
Human Wildlife Conflict	<ul style="list-style-type: none"> • Data gathering across the GLTFCA landscape • Guiding framework on HWC • Sharing best practice
Community Livelihoods Health Water & Food Security	<ul style="list-style-type: none"> • GLTFCA Livelihoods Diversification Strategy • Focus on Pafuri-Sengwe Node • Reporting on key initiatives across the landscape
Security & Wildlife Protection	<ul style="list-style-type: none"> • GLC / LNP / KNP Joint Security Plan • Pafuri-Sengwe Node Joint Security Plan • Wildlife Poisoning Strategy

- The Kruger National Park (KNP) has an entire Implementation plan within the KNP Management Plan, which deals with the different GLTFCA implementation themes (See Section 10.1, KNP Management Plan, 2018 contained in the link in the footnote on page 1), and the required activities/participation by KNP. Annual goal audit and Management Effectiveness Tracking (METT) assessments are conducted to monitor implementation progress.

2. GLTFCA Cooperative Agreement related queries: structure, functions and progress

Questions: “The dropping of fences reasons? DFFE should explain on why this decision was made in 1993? Has anybody thought on why not earlier? Who’s interests are these fence droppings? Going around Skukuza gate/Numbi gate/ and others the communities there they are living in abject poverty. Inside the park there are all these private lodges which our people do not have access to. Does DFFE/SANParks have a copy of the document that lead to 1993 decision of dropping of fences (if yes, please furnish us with this). A report is requested from both DFFE and SANParks as to who is actually benefiting from the dropping of fences.”

- The historical APNR Agreement, signed in 1996, the Technical Collaboration Agreement signed with LEDET for Letaba Ranch complex and Makuya Nature reserve as well as the Makuleke Settlement Agreement can be accessed from the link specified in Footnote 1 on Page 1 above. It is important to consider that the GLTFCA Cooperative Agreement has replaced these previous Agreements on the western side of the KNP.

- The signed GLTFCA Cooperative Agreement, is a framework for all conservation areas open to the KNP whether private, state owned or community land. It is necessary to have such a framework to regulate the management of conservation areas in an effective manner.
- Background was provided in the submission to the Portfolio Committee of 26 November 2021 which is to found in the folder GLFTCA Submission Report in the sub folder “Submission” in the link in Footnote 1 on Page 1.
- A guiding framework for including more land, was provided in the supplementary documents provided in the link in Footnote 1 on Page 1 in the folder entitled “Land Inclusion – Greater Kruger Protocol” as a subfolder of the “GLFTCA Submission Reports”.
- A detailed Progress report, Legal review report, workplan, independent external review report (by GRAA) have been concluded (November 2021), and will be submitted to the MECs of Mpumalanga and Limpopo Provinces, and the Minister of DFFE. A summary of the progress per clause, key progress per management pillar, and suggestions, were included in the Progress report presented to the Portfolio Committee on 26 November 2021. The more detailed reports are to be found in the line in Footnote 1 on Page 1 in the folder entitled “Progress Reports” as a subfolder of the “GLFTCA Submission Reports”.
- The GLTFCA Cooperative Agreement Submission to the Portfolio Committee (November 2021), Addendum 1.1 and 1.2 (Progress report), Addendum 2 (Legal review report), the JMC instruments can be accessed from the same folder “GLFTCA Submission Reports”.
- The community areas (private and communal) equates to approximately 125 000 ha (including the MTPA and LEDET managed areas as below table), whereas the private nature reserve areas (title deed), equates to approximately 235 000 ha.
- The table below lists the signatories to the Co-operative Agreement:

Party	Land tenure & Management
SANParks - KNP	State (National)
Makuleke Contractual National Park	Community Makuleke CPA, co-managed with SANParks
Balule Nature Reserve	Private & Community CPA
Klaserie Private Nature Reserve	Private
MalaMala	Ndwandlamharhi CPA
Manyeleti	Community Co-managed CPA with MTPA
Mjejane Game Reserve	Community land (Trust)
Sabi Sand Wildtuin	Private
Timbavati Private Nature Reserve	Private
Makuya Nature Reserve	Community land with Traditional authorities (DALRRD), with Co-management agreement with LEDET
Letaba Ranch-Mthimkhulu complex	Community land with Traditional authorities (DALRRD), with Co-management agreement with LEDET
Kempiana Contractual National Plark, KNP	WWF and SANPT, with SANParks assigned as Management authority
Thornybush Nature Reserve	Private
Umbabat Private Nature Reserve	Private
Mdluli	Community (Trust), and land under Traditional leadership (DALRRD)
Gidjana	Community land (DALRRD), in process of applying for Contractual National Park status

- The Joint Operational Committees, where within which these signatories operate are shown in the circles in the map below.

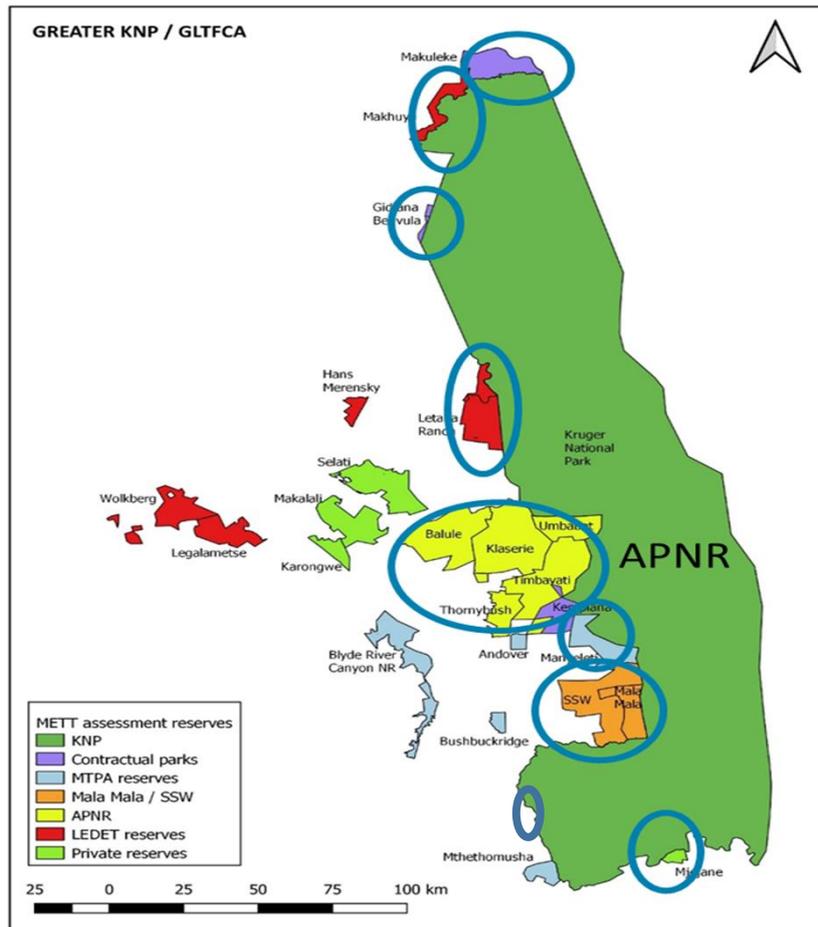


Figure 2. GLTFCA Cooperative Agreement Signatories and Joint Operational Committees, shown by the circles.

3. Transformation and socio-economic integration

- One of the pillars of the GLTFCA Cooperative Agreement is the monitoring and development of socio-economic impacts. This is a critical element for consideration of including community and traditional authority land.
- The KNP Management plan has dedicated implementation plans seeking to support and improve socio-economic transformation, including SMME opportunities for communities, CPPP arrangements through Concession arrangements, job creation opportunities through the Expanded Public Works Programme (EPWP) and permanent positions, the KNP Land claimant settlement programme, Responsible Tourism

Programmes. These are monitored within SANParks and through reporting on progress in its Annual Performance Plan.

- The GLTFCA Cooperative Agreement provides for the inclusion of more community areas into the open KNP Conservation estate and to provide an enabling framework to support community value chains linked to private, community and public entities.
- The GLTFCA Cooperative Agreement provides for the Greater Kruger Socio-economic impact assessment evaluation (GKSEI), which measures the direct impact of the protected area network (contained in the link specified in the Footnote on page 1).
- The GLTFCA Cooperative Agreements is also one of 28 anchor programmes within the Greater Kruger Strategic Development Programmes (2020), with the GKSDP serving as a broader landscape based framework for conservation compatible rural economic development through strengthened partnerships between the private, public and state partners and aligned to District Municipality Plans.
- Therefore, it is imperative to understand that the GLTFCA Cooperative Agreement is one mechanism in support of responsible socio-economic transformation.
- Current programmes mobilised include the GEF 6 Programme (reduce human wildlife conflict, improve livelihoods, strengthen community governance, support the Environmental Monitor programme); the GEF 7 Biodiversity economy programme for community land inclusion, enterprise development and strengthened governance; GIZ E4D enterprise development and upskilling (1 million Euro), the potential SADC TFCA pipeline funding, and the DFFE EPIP and Presidential Stimulus package funding.
- The KNP concluded the Socio-economic roadshow(s) for enterprise development opportunities (November 2021), which were attended by over 500 community businesses to the west of KNP. A programme for ongoing development and co-operation were identified in these meetings. This will be followed by an Investment Summit in 2022.

4. Associated Private Nature Reserves (APNR)- related queries

- ***Who will ensure accountability in the APNR, e.g. with regard to safety and security matters?*** Each of the reserves, through their Management authorities and/or EXCO structures² are responsible for safety and security matters within their reserve. This needs to be regularised as per NEMPAA (Act 57 of 2003) framework, including the associated Norms and Standards and Regulations.
 - Norms and Standards for the Management of Protected Areas in South Africa - GG No. 39878, GN No. 382, dated 31 March 2016
 - Norms and Standards for the Inclusion of Private Nature Reserves in the Register of Protected Areas of South Africa - GG No. 41224, GN No. 1157, dated 3 November 2017
 - Regulations for the Proper Administration of Nature Reserves - GG No. 35021, GN No. 99, dated 8 February 2012
- Entities in the Greater Kruger open landscape, not limited to the APNR, need to comply with NEMBA, and other legislative requirements, including safety and security measures. Nature Reserves regulated through the Provincial Conservation Authorities, need to report on their Management Plan progress to the MECs, and compliance with the Legal framework and as per Norms and Standards. For this reason, an annual

² Currently the reserves are managed by Exco structures whilst the process of establishing management authorities, required to finalized within 5 years of signing the Co-operative Agreement.

workplan for implementation and reporting has been developed for Signatory reserves, for submission to the MECs and Minister of Forestry, Fisheries and Environment.

- The APNR reserves are members of the Greater Kruger Environmental Protection Foundation (GKEPF), of which minimum standards in terms of environmental safety and security standards are required. These reserves are represented at the PROVJOINTS and NATJOINTS meetings, with management standards and implementation in line with the SADC LEAP and National Integrated Wildlife Management Strategy.
- Management effective tracking assessments (METT) (which includes safety and security) of the all signatory reserves have been concluded in 2018 and 2021, and submitted to the JMC, and will be submitted to the MECs and Minister of Forestry, Fisheries and Environment. The assessments of State managed areas' assessments have been loaded on the web-based portal.

5. Query on legal matters pertaining to the GLTFCA Cooperative Agreement signatories

- ***What are the legal matters pertaining to the Signatories, and what are the implications for signatories?***
- Each signatory is responsible to deal with internal legal matters/disputes according to their internal dispute mechanisms/MOI's/Constitutions. Such legal matters are varied within reserves and include:
 - land owners that did not keep abreast of the Protected areas framework, and which now need to be regularised, and now might be disputing it;
 - parcels of land that are included in the open landscape, but do not want to be part of any reserve, resulting in legal disputes;
 - disputes within Federal Reserve systems due to conflicting Management objectives;
 - disputes with regard to beneficiation frameworks;
 - disputes with regard to access to opportunities and/or funding models within a reserve;
 - disputes with regard to resource use e.g. hunting in reserves;
 - disputes between Community structures.
- Any internal disputes are addressed at the Signatory level, with annual reporting to the Provincial Conservation Authorities as per NEMPAA and associated Protected area Norms and Standards.
- Any disputes pertaining to the GLTFCA Cooperative Agreement between Signatories gets discussed at the JOC level, and then elevated to the JMC level, guided by the dispute mechanism within the GLTFCA Cooperative Agreement.

6. Public participation processes – GLTFCA Cooperative Agreement and GKSDP

- ***What public participation processes were followed with the GLTFCA Cooperative Agreement and GKSDP, and if not, how will this be addressed?***
- The GLTFCA Cooperative Agreement framework was co-developed since 2015-2018 with signatories, DFFE, MTPA, LEDET, SANParks and signatory parties. Broader consultation was concluded through the afore-mentioned process, in addition to numerous meetings with Signatory structures and Legal representatives. Although no broad public consultation is required for concluding Agreements between Management authorities/Protected area structures, the regularisation of the western boundary was

presented at all the KNP Management Plan meetings (general and focus groups). The KNP Management Plan held 54 workshops in the local Greater Kruger footprint, including all neighbouring Traditional authority areas in 2017-2018, large metros (Tshwane, Johannesburg, Durban, Cape Town), and invited written inputs. The GLTFCA Cooperative arrangements were consulted and presented during these public meetings.

- The Greater Kruger Strategic Development Programme, a landscape based partnership programme initiated with support from the Honourable Minister Barbara Creecy, was broadly consulted during 2019-2020 via the following structures and processes: Working Group 1, MINTECH, MINMEC, 39 Traditional authorities next to KNP, CONTRALESA, District and Local government bordering KNP, Safety and security clusters, Tourism partners, Conservation partners and the GLTFCA JMB.
- The GKSDP was approved by Mpumalanga Cabinet, and is being concluded through the Limpopo clusters. Roadshows were held with all Traditional authority areas in 2020 (twice) and in 2021. This is attached in the “GKSDP” folder to be accessed in the link in Footnote 1 of Page 1.

7. Hunting income – perceived low income opposed to Tourism activities

- ***The GKSEI seems to present a relatively low hunting income, opposed to Tourism. Please clarify, considering the perceived negative impact of hunting on the Tourism industry, and perceptions e.g. of International Tourists?***
- The GKSEI provides an initial framework of the income and contributions to the GDP in the Greater Kruger footprint. Revenue from hunting is significantly lower than revenue from tourism.
- Hunting within reserves such as the APNR is guided by ethical and sustainability principles and criteria. It forms only one part of the business/ income stream, to support conservation, safety and security and socio-economic objectives as per their respective Reserve Management Plans.
- Several of the APNR reserves practice both Tourism and hunting businesses together, as has been the case for decades without any clear observation that one impacts negatively on the other. The Management Plans and Constitutions/MOIs of these areas, and the declaration notices/descriptions, provides for what may happen in these areas.
- Hunting is considered to a sub-set of Responsible Tourism, and practices are guided by approved Hunting protocols compliant with the Legal framework.
- A draft National Game Meat Strategy is being finalised (DFFE, 2021), and once completed will provide further guidance at a National level, on the role and contribution of sustainable animal off-takes to communities and the GDP.

8. Wildlife protection concerns

- ***Wildlife protection is a concern, considering the decline in rhino populations***
- The GLTFCA Cooperative Agreement seeks to ensure that Signatories meet similar standards regarding wildlife protection. The KNP has submitted a Physical Security Plan to strengthen the rhino protection programme. Due to the size of KNP (2 million ha), limited manpower and budgets, as well as infiltration by crime syndicates, safety and security management remains challenging.
- Close collaboration exists between GKEPF, the GLTFCA Safety and Security clusters, PROVJOINTS and NATJOINTS to integrate and strengthen area integrity responses,

through a range of programmes, over and above the principle framework provided by the GLTFCA Cooperative Agreement.

- The GEF 6 programme includes a community based intervention, seeking to strengthen community co-development in wildlife protection interventions. The GEF 6 programme is implemented in 3 clusters around KNP, the broader Mutale-Makuya-Makuleke Contractual National Park Clusters; SSW-Sabie River-Hoxana-Mdluli Traditional authority clusters; and the Matsulu-Lupisi-Mhetomusha cluster.

9. GLTFCA Strategic Elephant Management Framework

- ***When is public consultation taking place on the Elephant Management Plan?***
- The GLTFCA Strategic Elephant Management Framework has been initiated through the GLTFCA JMB for Zimbabwe, Mozambique and South Africa.
- The consultation is nearly completed, and included community structured consultations to the west of the Park. Key issues highlighted includes Human Wildlife Conflict (HWC) management, water resource management, fence management impacts, resource use and Policy considerations.

10. Community related concerns

- ***Concerns about community infights, e.g. Gidjana, Mdluli, Mjejane. Gidjana is a signatory to the GLTFCA Cooperative Agreement, and is part of a land inclusion project, with Bevhula***
- Although there are conflicts in several of the community structures, it is important that there is continuous engagement and commitment to strengthen the governance structures, in order to enable inclusive rural economic opportunities.
- It needs to be noted that Mdluli Safari Lodge and Mjejane has been open to KNP for many years, and therefore it is imperative to continue to regularise these relationships and associated beneficiation frameworks.
- In the case of Gidjana-Bevhula, a Joint Operational Committee has been established, with representation of several government sectors. Processes are underway to establish governance structures at the respective community levels. The GEF 7 funding will provide further capacity and support to Gidjana and Bevhula, Ndindane, Mahlathi, Shangoni, Mahumani, Letaba ranch complex and the Department of Public Works areas south of Phalaborwa. This includes support to both governance structures and strengthening socio-economic opportunities through land inclusion, livestock value chains, enterprise development and waste economy projects.

11. Partnerships with NGOs, Private sector and Community structures

- ***Who are the NGOs being partnered with? Private Sector and Traditional authorities?***
- Key NGOs include the UNESCO Vhembe and Kruger-2-Canyons Biospheres; WWF; EWT. The private sector include for instance the Business Chambers, Tourism industry; the Community structures include the 7 KNP Community forums, 39 Traditional authorities, CONTRALESA, COGTA, People and Parks, and the Provincial Traditional Authority structures.

12. Damage Causing Animal (DCA) Protocols

- The Provincial Conservation authorities (MTPA and LEDET) are responsible for the management of DCA animals outside the western border of the Kruger National Park, guided by NEMBA.
- The DCA management includes animals escaping from the Madimbo corridor.
- KNP is the only SANParks's park that currently pays compensation to affected individuals for livestock loss to predators and scavengers (e.g. lion and hyena). However, compensation for crop losses through e.g. elephant and hippo damage, are not paid at this point of time.
- Determining the value and damage to crops and fair compensation is problematic and SANParks is not aware of such a practice currently being undertaken in conservation areas anywhere in Africa.

13. Dropping of fences and the mandate to maintain fences

- The dropping of fences during the 1990's and 2000's was done to maintain functional ecosystems services that straddle provinces, reserves and go beyond the fences of KNP, e.g. transboundary catchment basins and river systems.
- Fences were dropped with the following areas: APNR, SSW, Mala Mala, Manyeleti, Letaba Ranch, Makuya, Mjejane. Agreements were put in place for the APNR (1996, see doc attached), and for the LEDET managed Letaba Ranch and Makuya Nature Reserve (in the form of a Technical Collaboration Agreement, see doc attached).
- The GLTFCA Cooperative Agreement replaced all these Agreements, and put in place a consistent framework Agreement for all the areas open to KNP.
- The rationale behind the dropping of fences was to ensure a holistic protection of biodiversity and conservation in an ecosystems approach, foster the socioeconomic beneficiation at a regional level as well as ensure streamlined governance through harmonised legislative tools and law enforcement interventions.
- This consistent framework agreement aims to support and improve socio-economic transformation, including SMME opportunities for communities, CPPP arrangements through Concession arrangements, job creation opportunities through the Expanded Public Works Programme (EPWP) and permanent positions, the KNP Land claimant settlement programme, Responsible Tourism Programmes. These are monitored within SANParks and through reporting on progress in its Annual Performance Plan.
- The GLTFCA Cooperative Agreement provides for the inclusion of more community areas into the open KNP Conservation estate and to provide an enabling framework to support community value chains linked to private, community and public entities. This process provides the implementation mechanism to the Sustainable Livelihoods strategy of the GLTFCA
- The fences bordering the KNP is maintained by State Veterinary Services (DALRRD), to manage diseases transmitted between wildlife and livestock, e.g. Foot-and-mouth disease. State managed conservation areas lack the necessary

resources to maintain these fences, further to the State Veterinary Services mandate.

- Fences bordering private reserves are managed and maintained by these private reserves, including safety and security measures and technologies.

14. Inclusion of further community land

- ***How can further community land be included?*** .
- Efforts are being made to include additional community land in the KNP and GLTFCA and a land inclusion plan has been prepared by SANParks. The Greater Kruger land inclusion protocol is contained in the link specified in the Footnote on page 1. Also refer to Section 6.5 of the GLTFCA Cooperative Agreement as outlined below:

6.5	Land inclusion:
6.5.1	The Parties agree that any land to be included in the Open System of the Greater Kruger after the Effective Date must comply with the requirements contained in relevant Constitutions, relevant approved Management Plans, including zonation plans and density prescripts, the JMC Instruments as well as other prescripts for land inclusion in the Greater Kruger in terms of this Agreement.
6.5.2	Application must be made to the JMC to include land into the Open System, which shall be undertaken, and assessed, in accordance with relevant Legislated Norms and Standards and the provisions of this Agreement.
6.5.3	The JMC shall grant the application and allow fences to be dropped in respect of new areas to be included in the Open System, upon the following criteria having been met:
6.5.3.1	The land in question has been declared a Protected Area;
6.5.3.2	The owner of the land to be included agrees to management in terms of the applicable Management Plan managed by a Management Authority which is a GLTFCA Representative Body, or which has been entrusted with the management of a GLTFCA Reserve, or which becomes a GLTFCA Representative Body upon the land being included in the Open System;
6.5.3.3	Security measures, perimeter fences and any access gate/s have been put in place and comply with the JMC Instruments, and in the absence of any JMC Instrument prescribing same, with such requirements reasonably determined by the JMC;
6.5.3.4	To the extent the land to be included is community land, inclusion benefits both the community's livelihood and a conservation sustainability strategy, linking conservation to poverty alleviation, and providing compelling incentives to communities to manage and conserve their land and natural resources;
6.5.3.5	The area to be included complies with the provisions of this Agreement, including the requirements for land inclusion;
6.5.3.6	After written notification to the relevant National and/or Provincial Authorities; and
6.5.3.7	The Landowner, has confirmed the mandate of the relevant GLTFCA Representative Body, and the GLTFCA Representative Body in question, to the extent not already a Party to this Agreement, has acceded to this Agreement by signing acceptance of the provisions of this Agreement, by letter addressed to the Chairperson of the JMC, such accession document to become part of Annexure C which lists new areas incorporated into the Open System, the GLTFCA Representative Body representing such area, domicilium addresses and such other relevant information.

15. Clarification on what is meant by private vs community ownership, and in the context of reserves

- Private ownership is land under title deed, which could also be community owned through a CPA or Trust/Company. It is hence land not owned by the state. The definition is outlined in the NEMPA as per the extract below:

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)**

**NORMS AND STANDARDS FOR THE INCLUSION OF PRIVATE NATURE RESERVES IN
THE REGISTER OF PROTECTED AREAS OF SOUTH AFRICA**

"private nature reserve" means a nature reserve –

- a) which is in communal ownership or privately owned by a single land owner or multiple land owners,
- b) that has been declared, or regarded as having been declared, in terms of section 12, 23 (3) and 23(5) of the Act as a nature reserve; and
- c) that is designated as a private nature reserve in terms of section 25 of the Act.

- Communal ownership is land under Traditional authority land right use, with DALRRD being the land owner.
- Land can be held by any legal person, such as the State, an individual or a juristic person (such as a company or a trust).
- For juristic entities and traditional communities, certain processes must be completed before a representative can enter into a written agreement with an appropriate authority consenting to the declaration of a protected area in respect of its land.

Companies and trusts

A decision by a company or a trust to consent to the declaration of its land as a protected area or part of a protected area is recorded in a resolution. A resolution should also authorise a person to act as its representative to sign a written agreement with a relevant authority for the declaration of its land as a protected area or as part of a protected area.

Communal property associations

A communal property association (CPA) is an entity that holds land in favour of a community that has been title to land through a land reform process (including land restitution and land redistribution) or other means. Land owned by a CPA is therefore classified as privately-owned land. Although there are no set procedures for decision-making by a CPA, it is also recommended that decisions by CPAs are recorded in a resolution. Like company and trust resolutions, a resolution should authorise a person to act as a representative of the CPA to sign a written agreement with a relevant authority for the declaration of the CPA's land as a protected area.

Communal land

Communal land is State land that is occupied by a community. Community members hold rights in communal land in accordance with the Interim Protection of Informal Land Rights Act, 1996 (IPILRA), and the Minister responsible for rural development is responsible for the 9 Act No. 31 of 1996 (IPILRA) administration of communal land in South Africa. The declaration of protected areas in respect of communal land therefore requires the consent of the community as well as the Minister responsible for rural development. Consent is

given in accordance with a relevant community's custom. For the purposes of IPILRA, the custom of a community is deemed to include the principle that a decision to consent to the declaration of a protected area in respect of communal land¹⁰ may only be taken by a majority of rights holders in a particular area. IPILRA provides that a community's consent is required for the disposal of communal land or rights in communal land. Since the declaration of a protected area in respect of communal land may well interfere with the land rights contemplated in IPILRA, such a declaration effectively amounts to a form of disposal of communal land or rights in communal land.

- INTERIM PROTECTION OF INFORMAL LAND RIGHTS ACT 31 OF 1996:
 - "community" means any group or portion of a group of persons whose rights to land are derived from shared rules determining access to land held in common by such group
- RESTITUTION OF LAND RIGHTS ACT 22 OF 1994:
 - "community" means any group of persons whose rights in land are derived from shared rules determining access to land held in common by such group, and includes part of any such group
- COMMUNAL PROPERTY ASSOCIATIONS ACT 28 OF 1996:
 - "community" means a group of persons, which wishes to have its rights to or in particular property determined by shared rules under a written constitution and which wishes or is required to form an association"
- COMMUNAL LAND TENURE BILL, 2017:
 - "community" means a group of persons whose rights to land are derived from shared rules determining access to land held in common by such group regardless of its ethnic, tribal, religious, or racial identity and includes a traditional community
- TRADITIONAL LEADERSHIP AND GOVERNANCE FRAMEWORK ACT 41 OF 2003:
 - "traditional community" means a traditional community recognised as such in terms of section 2
- Section 2: Recognition of traditional communities
 - (1) A community may be recognised as a traditional community if it-
 - (a) is subject to a system of traditional leadership in terms of that community's customs; and
 - (b) observes a system of customary law.

16. SADC TFCA funding

- The SADC TFCA Financing Facility is funded through the German Cooperation, KFW, SADC and IUCN, with an initial 22 million EURO being available, of which roughly 12 million is ring-fenced for the GLTFCA (South Africa, Mozambique, and Zimbabwe). The parameters of the programmes for which funding can be accessed are governed by the procedures of the Funding Facility.

<https://www.iucn.org/regions/eastern-and-southern-africa/our-work/conservation-areas-and-species/sadc-transfrontier-conservation-areas-financing-facility-sadc-tfca-ff/sadc-tfca-financing-facility-open-call-concepts>

Recommendation

It is recommended that the committee notes the response.