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MPUMALANGA PROVINCE

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MPUMALANGA PROVINCE WRITTEN RESPONSES TO PORTFOLIO COMMITTEE ON ENVIRONMENT AND FORESTRY.

1. Criteria used to drop the fence between the Kruger National Park and Manyeleti Game Reserve.

Response:

The Greater Kruger Land Inclusion guidelines provide guidance for the inclusion of private and community land into the Greater Kruger Landscape taking into consideration all pillars of the Cooperative Agreement as part of the due diligence process.

The following principles guide the addition of land into the Greater Limpopo Trans frontier Park (GLTP) as follows:-

- The land to be included must contribute towards the ecological functioning and integrity of the GLTP,
- The land to be included must contribute towards the protection of important habitat and maintenance of the viable population of threatened, rare, and endemic species,
- The land to be included should enhance the economic viability of the entities that it abuts and the GLTP, and should contribute towards socio-economic benefits to

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One entity that the MTPA has not been successful in regularizing is **Pungwe**. The MTPA inherited Pungwe, from the Limpopo Economic Development and Tourism (LEDET) Department during the re-alignment of provincial boundaries:

- There is no concluded concession agreement with Pungwe regarding their occupation in Manyeleti Nature Reserve.
- Pungwe occupies the Manyeleti Nature Reserve without paying the concession fee to the MTPA.
- Pungwe refuses to conclude a concession agreement and several attempts by the MTPA to conclude a concession agreement with them were unsuccessful.
- Pungwe alleges that the Chief sanctioned his occupation in Manyeleti Nature Reserve and he, therefore, does not need to pay for it.
- Previous litigation attempts to challenge him instituted by Limpopo provincial government were not successful.
- The outgoing MTPA Board resolved to have Pungwe evicted at Manyeleti Nature Reserve.
- The MTPA lawyers hold instruction to evict him but must ensure that the previous litigations are not a technical legal impediment to such desired evictions.

In the course of performance of its management function over the protected area, Manyeleti Game Reserve or Nature Reserve, the MTPA has become embroiled in litigations with Tintswalo Safari Lodges. The MTPA inherited Tintswalo Concessionaire from Limpopo Economic Development and Tourism (LEDET) department during the re-alignment of provincial boundaries. The main issue is:

- The tenure of the concession agreement between Tintswalo and the Mpumalanga Provincial Government and the MTPA is a subject of litigation in court following the arbitration proceedings emanating from the concession agreement, which Tintswalo successfully stayed in court.
- The MTPA argues that the duration of the concession agreement of Tintswalo in Manyeleti Nature Reserve ended in Nov 2016.
- On the other hand, Tintswalo argues that the duration of that concession agreement has automatically been extended as per the provisions of the agreement.
- The matter is pending before the court.
- Until the matter is determined, nothing can be done. In a sense, the status quo prevails.
- Pending the final determination of the matter, the MTPA continues to allow Tintswalo in Manyeleti Nature Reserve and takes concession fees as holding in damages for unlawful occupation. Such is not a waiver in the legal sense. It is imperative in light of the circumstances.

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surrounding communities, including economic development, job creation, and poverty alleviation,

- The land to be included should contribute towards improved management effectiveness of the GLTP, in particular through improved protected area design and enhanced security of the GLTP,
- The land to be included may contribute towards the social, historical, and cultural significance of the GLTP through the protection of important historical and cultural assets.

The Manyeleti Nature Reserve, therefore, met the above-mentioned guiding principles, and the reserve was added to the KNP landscape in 1997 subsequent to the due diligence process.

2. What are the legal impediments for the Manyeleti Game Reserve Concessionaires?

Response:

- (i) There's no legal impediments in terms of the legislation applicable, however there is currently a land claim in respect of Manyeleti Game Reserve (or Manyeleti Nature Reserve / reserve), by two groups from the local communities that is not yet finalized. These groups are not united under the **Manyeleti Communal Property Association (MCPA)**, a legal structure that the **Mpumalanga Regional Land Claims Commission (MRLCC)** put in place in 2020.
- (ii) This makes stakeholder relations management challenging for the MTPA as the management authority over Manyeleti Game Reserve, in that at times negatively influences the progress of the developments in the reserve.
- (iii) The Province through MTPA has an approved **Integrated Management Plan (IMP)** and its commercial strategy, which inform the kind of agreements as well as Public Private Partnerships (PPP) that it may conclude in the reserve in order, among others, to endeavor to progressively increase its own revenue generation and collection as well as benefit the surrounding communities.
- (iv) Following the 2005 re-alignment of the provincial boundaries which resulted in Manyeleti Game Reserve falling under Mpumalanga Province, and thus under the management authority of the Mpumalanga Tourism and Parks Agency (MTPA), it was taken up with some concession agreements in place, for example Tintswalo Safari and Honeyguide. In addition, there were other entities that were not regularized within the nature reserve, which the MTPA has since regularized with the exception of a few.

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As part of its regularization programme and later in light of the pending land claim, the MTPA has been concluding short-term concession agreements so that once properly established, the Co-Management Committee with confirmed landowners can be part of the decision-maker for long-term concession agreements. Further, the Regional Land claim Commission (RLCC) has made a similar request to the MTPA not to enter into long-term agreements until the co-management agreement with the landowners is in place. The following short-Term Agreements are in place, namely:

Honeyguide Concession

Initially, the MTPA inherited Honeyguide Concessionaire from LEDET. Subsequent to a successful land claim awarded to the **Manyeleti Community Property Association (MCPA) in 2020**, the MTPA successfully finalized a short-term agreement with Honeyguide to continue operating in Manyeleti Game Reserve.

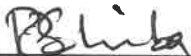
Wildlife-Up Close

- The MTPA concluded a short-term agreement with Wildlife –Up Close to operate Ndzhaka and Buffelsshoek camps.

Following the 2020 land settlement, which resulted in the establishment of the MCPA, the MTPA in consultation with the MCPA concluded a few long-term concession agreements, namely:

AM lodge to renovate and operate the restaurant on a short-term lease, construct and operate a bush camp on a long-term concession agreement.

The pending finalization of the land claim over the reserve as well as the litigious disposition of some concessionaires create some impediments that thwart the desired developments of the reserve. However, the MTPA is trying its level best to manage the reserve in spite of these challenges with stakeholder management fostered at all feasible levels.



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**ACTING MEC: AGRICULTURE RURAL DEVELOPMENT LAND
AND ENVIRONMENTAL AFFAIRS.**

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