

Land Restitution and Protected Areas in South Africa

Jane Carruthers

Many protected areas have come into being because part, or all, of the area was denuded of people in order to promote a nature conservation agenda. South Africa is no exception. South Africa has had a democratic government since 1994 when apartheid ended. One new constitutional requirement is that people who lost their right to land for racially-based reasons after 1913 (the year of the notorious Native Land Act) are entitled to restitution. By March 2007, nearly 80,000 claims had been recorded and 74,417 settled through the transfer of 810,292 ha of land and compensation payouts totalling ZAR 2 billion. Some claims have been against protected areas that are run by organs of the state. In many parts of the world land claims against protected areas are resisted by the government, but this is not the case in South Africa, where redress is a national priority. However, another national priority is sustainability and biodiversity conservation, and the difficult objective has been to reconcile the two. State forest plantations totalling 18.28 million ha have been handed over to claimants who will continue the process of sustainable extraction.

South Africa is agriculturally poor and eco-tourism is often the most sustainable land use. With

this in mind, the state has encouraged those with claims against national parks, game reserves and other protected areas to use their post-restitution ownership to benefit from the cash that is generated by tourism, thus accelerating the delivery of education and other social goals and creating employment.

In handing over to local communities their ownership of the Great St. Lucia Wetland Park (a World Heritage Site on the coast of KwaZulu-Natal), the Minister of Agriculture and Land Affairs said in 2007, “For the settlement of this claim, the state has committed a total of about ZAR 89

million... I am pleased that the communities have agreed to restoration of rights without physical occupation, and that the current use of the land will be maintained... The skills transfer through training, mentorship and experiential management must take place...”

Laudable as this goal is, reaching it requires careful post-restitution management. It is often at this stage that fresh challenges arise. One example is the Kalahari Gemsbok National Park in the arid Northern Cape Province, where a community of about 300 people, the Khomani San, were given 25,000 ha within the park and 43,000 ha of



Photo: Jane Carruthers

Members of the San community selling curios at the entrance to the Kalahari Gemsbok National Park

farmland just outside it after a successful land claim. In spite of being the richest landowners in the area, they were soon divided into 'traditionalists' (who wanted to revert to a forager lifestyle) and 'moderns' (who wanted to engage with the tourist industry and other enterprises). Thus while government officials, lawyers, donors, and non-governmental organisations had helped facilitate a successful land claim so as to restore lost land and dignity, they did not foresee the splintering of the group, and the rancour and great loss of money that ensued. This case may well provide caution for social scientists and planners to contextualise each land eviction carefully, taking both history and community into account.

Originally published as:

Carruthers, J. 2007. 'South Africa: A World in One Country: Land Restitution in National Parks and Protected Areas. *Conservation and Society* 5(3): 292–306.

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Aversion to Relocation: A Myth?

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Population displacement from protected areas is a contentious issue. To date, social science literature has largely been against displacement, given the social injustices and deprivations that have, in the past, resulted from it. Based upon over a decade of research on the Tadoba Andhari Tiger Reserve (TATR), Maharashtra, India, by SHODH: The Institute for Research and Development, we would like to raise a few supplementary points.

When SHODH began its baseline socio-economic study of the six villages located within the TATR, we held the common opinion that displacement has a detrimental effect on oustees and should thus take place only as a final resort, if at all. However, our subsequent research has revealed that the TATR villagers are largely not averse to the idea of relocating, and in fact many actively want to relocate.

It is the harsh reality of residing within a protected area that has made displacement a preferred option for most. At present, exclusionary regulations are largely enforced in the TATR, despite village presence within the Reserve's boundaries. Consequently, village occupants are viewed as 'encroachers' on their own land, and collecting minor forest products, cultivating crops, and grazing livestock is restricted. For the same reason, and also due to their remote locations, the TATR villages also do not receive sufficient external development assistance. They therefore lack access to all-weather roads and thus to markets, they lack schools beyond fourth grade, and there is only one hospital. They are also isolated from the wider economy and the livelihood options that it offers, and thus have little option but to engage in forest-dependent occupations that are neither profitable, nor a preferred choice for most.



Photo: Kim Beazley

A former building in old Botezari