

**The Quest for the Global Commons; Public-Private Partnerships and Community Land Rights in the Great Limpopo Transfrontier Conservation Area**

**To be presented at the bi-annual IASCP Conference ‘Survival of the Commons: Mounting Challenges & New Realities’, 19-23 June 2006.**

**Panel: Institutional Choice and Recognition in Natural Resource Management: External Patrons, Local Clients**

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**Abstract:** The Great Limpopo is one of the largest TransFrontier Conservation Areas (TFCAs) in the world, encompassing vast areas in South Africa, Zimbabwe, and Mozambique. By arguing that local communities living in or close to the TFCA will participate in its management and benefit economically, TFCA proponents claim social legitimacy for the project. Analysis shows, however, that the original concept of the TFCA as a multiple-use zone is being abandoned, resulting in a marginalization of local communities. While the land claim process in South Africa has led to the restitution of some communities' land rights within the TFCA, these communities struggle for representation in the management structure of the TFCA. In Mozambique some communities have seen their rights to land in the TFCA practically revoked. Communities attempt to resist marginalization by forming alliances with (inter)national development and human rights NGOs, and the private sector. This paper describes the mixed results of these alliances, including changes in local-level government institutions and coalitions, and the ensuing inter-community conflicts.

## **Introduction**

Practically all international conservation organizations have embraced the concept of TFCAs (Aberly 1999; Wolmer 2003). The rationale for this support is that ecosystems generally do not conform to national, political boundaries. Further, significant global threats to interconnected ecosystems and migrating species require large-scale conservation efforts. In this context national boundaries allegedly become irrelevant, "...scars of history" as Willem van Riet, the Executive Director of the Peace Parks Foundation, one of the main promoters of transfrontier conservation in Southern Africa, remarks (cited in Hughes McDermott 2002: 5).

Especially in the South TFCAs are considered opportunities for economic growth through tourism (Wolmer 2003). TFCAs proponents argue that local people living in or close to TFCAs will also benefit from this growth and will participate in the management of TFCAs. This provides these large-scale conservation efforts with social legitimacy and follows, in principle, the global conservation priority of 'people and parks', set in the wake of the Bali declaration of 1982, and the 1987 report of the Brundtland Commission. This paper will analyze possibilities for communities in and around the Great Limpopo TFCA in Southern Africa to benefit economically from the initiative. Furthermore, we will study the consequences for the land rights of communities, and their participation and representation in the management of TFCAs. We have selected the Great Limpopo TFCA for our case studies because it is one of the largest TFCAs in the world - encompassing vast areas in South Africa, Zimbabwe, and Mozambique adding up to about a million hectares- and is often presented as the 'flagship' of the TFCA movement.

With regards to communities' involvement in the management of TFCAs, two schools of thought are discernable. Some maintain that the call for a transnational approach stems from a deep distrust of the political will and/or capacity of states, especially in 'the south', to deal with environmental issues (Conca 1995). The concept of the 'global commons' is evoked to deny the state the ultimate ownership of natural resources within national boundaries (Soto 1992), which are the subject of an increasing, global, commercial interest (Chapin 2004; Ramutsindela 2004: 62). Chapin (2004) argues that the promotion of TFCAs was a reaction to the difficulties environmental organizations experienced with community-based conservation, and a way to escape from local partners that the organizations considered not such good ecological stewards after all. According to Chapin (ibid.) these difficulties stem from the fact that most environmental organizations lack the capacity to deal with community development, refused to become engaged in disputes about land tenure, and despite a 'participation rhetoric' frequently enforced a conservation agenda on local communities, ignoring local aspirations for economic development.

Hughes McDermott (2002), on the other hand, claims that the bioregionalism movement - an important source of inspiration for TFCAs - presumed the need to involve the local to protect the global commons. Bioregionalists argued indeed that political boundaries have been drawn irrespective of ecological boundaries, and that this needed to be redressed. However, they also argued that if people would 'live in place' that would help the protection of ecosystems (see Berg and Dasmann 1977: 399). This idea was then translated in a theory of common pool resource management, which stated that geographically bounded communities

are best suitable to manage their resources as sustainable commons (cf. Ostrom 1990). This notion, however, is based on the assumption that people do live in communities, and that livelihood strategies are restricted to a bounded locality. It is this idea, Hughes McDermott (2002) argues, that is detrimental to community participation in TFCAs, since it ignores and even criminalizes many of the livelihood strategies deployed by those living in and around TFCAs. Furthermore, Ribot (2005) argues that the idea of the need to support common pool resource management by geographically bounded communities is often translated in a process whereby lineage-based forms of belonging are strengthened over citizenship.

In this paper we will analyze how the different partners involved in the management of the Great Limpopo TFCA view the role of communities. Are they indeed allowed to participate in the management, as the supporters of the Great Limpopo TFCA maintain; and if so, on what basis, and how are they represented in the management structure?

As mentioned above, a focus on territorial binding can have negative consequences for communities' representation in natural resource management. However, in South Africa, one of the three countries involved in the Great Limpopo TFCA, this form of binding that resonates colonial and apartheid assumptions about access to land on the basis of group membership (Vail 1989; Mamdani 1996), nevertheless offers a strategy to some of the communities that want to benefit from the Great Limpopo development. After the transition in 1994 to a democratic government, communities that had been displaced under the Group Areas Act of 1950 and subsequent legislation, could file a land claim. Several communities have filed claims on land within the TFCA, and one claim, the Makuleke claim, has been successful (Steenkamp 2000; Spierenburg et al. 2006). In this paper we will describe the representation of the community that now owns part of the land in the TFCA in the management of this TFCA, and the effects their land ownership has on the possibilities for benefiting economically from the TFCA. We will address the different views within the community on the land use options for their part of the TFCA. Furthermore, we will address the influence of the institutions established to govern the community's part of the TFCA on other local-level governance institutions, both 'traditional' and democratically elected.

In the case of the Great Limpopo TFCA, both South Africa and Mozambique have adopted neo-liberal economic development model, allowing a significant role for the private sector. Public-private partnerships are seen as the main vehicle for the generation of economic development in relation to the TFCA (Ramutsindela 2004a; 2004b). The management of the TFCA hence involves the co-operation of state agencies with private sector companies, but also with environmental and development NGOs (local and international). This kind of co-operation is a growing trend in the field of sustainable development, and Edwards et al. (1999) argues that it provides NGOs with an opportunity to exert more influence on development policies. Problematically this remark assumes that the NGOs involved have similar objectives and interpret sustainable development in the same way (Roué 2003; Draper et al. 2004). Furthermore, Edwards et al. (1999) seem to suggest that NGO-influence on development policies is unequivocally positive, which is equally debatable. Whereas Escobar (1995) considers the rise of NGOs in itself as a counterpoint to the dominant neo-liberal discourse, others argue that NGOs contribute to neo-liberalism (Levine 2002). The NGO-sector is not homogeneous and its involvement in TFCA development is likely to have contradictory effects on the position of communities – which are not homogeneous either, thereby further complicating the issue (see also Ribot 2004).

As we will demonstrate in this paper, in South Africa some communities received assistance from development and human rights NGOs in reasserting rights over land within the TFCA. However, this did not mean that the communities had the sole control over the use of this land (see also Ribot 2004). Other NGOs prioritized conservation above communities' rights to land. Similar processes can be discerned concerning the role of the private sector in

TFCAs. On the one hand its involvement can generate economic benefits for communities, however, the sector's greater experience with negotiation processes and legal contracts can reduce these benefits and diminish communities' control over land. In this paper we will analyze the communities' reactions and resistance to this.

In Mozambique, alliances with NGOs could not prevent the change in status of the land communities were occupying from a multiple use zone to a National Park. The interests of environmental organizations and state conservation agencies prevailed there. The communities within the Mozambican part of the TFCA are not represented in its management structure. Those communities that run the risk of being removed from the TFCA are represented in the Resettlement Committee established by the Ministry of Tourism, together with a number of NGOs. Questions have been raised within the communities about how representative their delegates to the committee are – in parallel with wider discussions in Mozambique about local level governance institutions – and their lack of decision-making power and discretionary authority within the committee.

### **Regional influences: peace and the free market**

The Great Limpopo TFCA involves the cooperation of three countries with a turbulent history. The land incorporated in the Great Limpopo has been the locus of drawn out conflicts between Zimbabwe, South Africa, and Mozambique (Koch 1998). After the independence of Mozambique in 1975, its new government supported the armed resistance against the White minority regime in Rhodesia and the apartheid regime in South Africa, and provided these with bases from which to conduct their operations. In response, the Rhodesian secret service sought contact with those resenting the FRELIMO leadership in Mozambique and helped them establish RENAMO (Vines 1991), resulting in civil war in that country. When Rhodesia gained independence and became Zimbabwe, South Africa took over sponsorship of RENAMO (ibid.). The depopulated transfrontier zone provided excellent cover for military operations that relied on covert border crossings. Furthermore, the wildlife in the area, especially elephants, provided the different armed parties with ample opportunity to fund their participation in the war (Ellis 1994). As a result, wildlife populations, especially on the Mozambican side, were decimated (Ramutsindela 2004b: 64).

Despite (or perhaps because of) continued violence in the borderlands, the idea of merging the transfrontier zone into a single 'Peace Park' kept cropping up.<sup>1</sup> In 1989, three years before the signing of the Peace Accord in Mozambique, the Natal Parks Board was already pursuing a TFCA plan along the eastern part of South Africa and south-western Mozambique (Ramutsindela 2004b: 63). However, the chances to establish a TFCA improved only once the first steps toward the abolishment of apartheid were taken. Two months after Nelson Mandela's release from prison in 1990, the late Anton Rupert met with the then Mozambican President Joaquim Chissano to discuss, among other things, the idea of cooperation in the field of nature conservation. Yet, at this stage, the political situation in South Africa was still volatile. In 1992 a Peace Accord was signed in Mozambique to end the civil war, and in 1994 the first multi-party elections took place in South Africa. Important for the acceptance of the idea of the Great Limpopo is that both countries have since then adopted a neoliberal economic development model, allowing a significant role for the private sector (Ramutsindela 2004a, 2004b).

As already mentioned, TFCAs are supposed to contribute to economic growth through increased tourism revenues. According to the South African ecotourism magazine *Getaway*, "Probably the safest prediction that one can make is that shortly the world's fastest-growing market, tourism, will be chasing the world's fastest shrinking product: wilderness" (Pinnock 1996). Ramutsindela (2004b: 69) argues that conservationists promoting the establishment of

the Great Limpopo and other TFCAs in the region took advantage of the financial demands placed on the new democracies of South Africa and Mozambique. Given the high pressures put on these governments to redress the historically skewed distribution of resources and services, and address economic growth and poverty alleviation as top priorities, nature could only be conserved if it would 'pay for itself'. This condition created pressure for the privatization of conservation and allowed the private sector to step in (ibid.: 69).

The first South African post-1994 development plan was the Reconstruction and Development Program (RDP), which amounted to the ANC's election promise. It foresaw heavy state intervention in the economic sphere to bring about a better life for all. Within a couple of years, the government's macroeconomic policy changed to the neoliberal supply-oriented approach of GEAR (Growth, Equity, and Redistribution), which emphasized the opening up of trade and a strong private sector role in development. GEAR further stimulated the process of 'elite pacting', as prominent political figures obtained direct interests in the private sector (Carmody 2002; see also Adam, Van Zijl Slabbert, and Moodley; 1998; Hart 2002).

Since the adoption of a free market approach, Mozambique has become one of the highest FDI earners in the region (*Mail and Guardian* December 2 2002). At the same time, the high level of poverty in the country renders schemes such as TFCAs attractive, since they promise poverty alleviation (Ramutsindela 2004a, 2004b). Former President Chissano of Mozambique publicly stated that both national governments and the private sector in southern Africa should establish partnerships and form strategic alliances to promote regional development (Tevera and Chimhowu 2003: 35). Critical scholars, however, argue that these 'strategic alliances' can also be viewed as "post-colonial discursive constructions that are based on the use of private capital in order to establish zones of influence, without incurring direct costs" (ibid.: 35; see also Mudenda 2000). According to Mudenda (2000) and Ramutsindela (2004a, 2004b), within southern Africa there is mounting anxiety that South African investors are somehow 'colonizing' the transfrontier area.

Not only the South African private sector is accused of an aggressive, 'colonial' attitude, the same accusation is directed at South African conservationists active in the Peace Parks Foundation (PPF), South African National Parks (SANParks) and the Department of Environmental Affairs and Tourism (DEAT). Ramutsindela (2004a) has some suggestions about how South Africa came to dominate the Great Limpopo. SANParks metamorphosed into different formations "in the pretext of post-apartheid transformations" (ibid.: 69). As a member of the World Protected Areas Leadership Forum, it deployed its former and current personnel to serve as international coordinators of the TFCAs, and some SANParks employees joined the PPF after its establishment by the late Anton Rupert in 1997. According to Ramutsindela (ibid.), this gives SANParks, and South Africa as a whole, a comparative advantage over the other countries in the region involved in TFCAs. Indeed, South Africa presented itself as a leader in biodiversity protection at the World Summit on Sustainable Development in Johannesburg in 2002 (ibid.: 69). In the next paragraph we will analyze how and why the Great Limpopo TFCA has so far not been able to live up to its promises of community development. We will also discuss the implications of South African dominance in the initiative.

### **Community participation in the management of the Great Limpopo TFCA**

Until about a year ago, the PPF, through its CEO, Prof. dr. Willem Van Riet, and founder, the late Dr. Anton Rupert, never tired to stress the importance of community development. Recently, however, the organization's website is a less explicit about communities' involvement and benefits ([www.peaceparks.org](http://www.peaceparks.org)) and the emphasis seems to

shift more to the importance of conservation. Nevertheless, ‘communities’ have not disappeared from the areas where TFCAs are envisioned and the PPF has to cope with their presence. Looking at various cases in or near the Great Limpopo National Park, one cannot escape the idea that PPF and its partners deal with communities by presenting them a dictate according to which they have to live up to the parameters formulated by the consortia of powerful external actors with which the PPF is interlinked, which favor conservation over socio-economic development (see also Draper et al 2004). Furthermore, while these agencies claim custodianship of ‘wilderness areas’ across the borders ‘for the good of all’, communities can only participate and benefit if they are located in the proximity of such areas. These restriction to community participation are clearly reflected in a statement by a staff member of the PPF who used to be responsible for community projects:

‘I turn down a lot of requests of communities that are just too far away. That’s how we keep the focus. (...) So, our first criterion is obviously a geographical criterion. The second criteria is a *commitment* criteria. (...) I want actually see people *commit* to these projects. So commitment, not financial, but in the form of time and what we call ‘sweat equity’.’<sup>2</sup>

It is this way of binding ‘communities’ to specific, narrowly defined territories that militates against them (Hughes McDermott 2002). Such restrictions ignore the fact that they may be dependent on resources lying much further afield. They also ignore the fact that many communities depend on an array of livelihood strategies that may include strategies that are not bound to one locality, such as transhumance and labor migration.

In South Africa the territorial binding that resonates colonial and apartheid assumptions about access to land on the basis of group membership (Mamdani 1996; Vail 1989) nevertheless offers a strategy to some of the communities that want to benefit from the Great Limpopo development. After the transition in 1994 to a democratic government, communities that had been displaced under the Group Areas Act of 1950 and subsequent legislation, could file a land claim. Such claims greatly strengthen the bargaining power of local people relative to that of the conservation authorities, increasing their chances of extracting benefits from the parks included in the TFCA, some of which were established by way of forced removals. In 1996 the South African Minister for Land Affairs announced that land claims are one of the strongest mechanisms for correcting the balance of power between communities and conservation authorities (Reid 2001: 138). Such claims were facilitated by the Communal Property Association Act of 1996, which allows communities to set up a Communal Property Association through which they can acquire, hold, and manage property communally (ibid.: 138).

### *The Makuleke land claim, South Africa*

One of the most widely publicized claims, and one that is often cited by both SANParks and the PPF as proof that communities are benefiting from the Great Limpopo,<sup>3</sup> is the claim lodged by the Makuleke community. In May 1998 the Makuleke and SANParks announced that they had reached a negotiated settlement of the Makuleke’s claim for the restitution of what was then known as the ‘Pafuri Triangle’, the northern-most section of the Kruger National Park. This area is quite central to the Great Limpopo, bordering on all three of the countries involved in the TFCA. The community was able to prove that it occupied the area until August 1969, when it was removed by the then Department of Native Affairs to an area sixty kilometers to the south and only 6,000 hectares in size (Harries 1987). After eighteen months of tough bargaining the Makuleke were successful. At the official signing ceremony at Makuleke village, the new (black) CEO of SANParks announced the settlement

as a “breakthrough for South African conservation” and promised that something like the Makuleke removal “will *never again* take place”. A new paradigm, he said, had been established within the SANParks that aimed at ‘transforming’ the relationship with its neighbors (Steenkamp 2001; Spierenburg et al. 2006).

This celebrated statement, however, obscured the conflictual process that preceded the settlement. That process started with the introduction of the Transform (Training and Support for Resource Management) Project, a joint venture between the Department of Land Affairs and the *Deutsche Gesellschaft für Zusammenarbeit* (GtZ), a German development agency. The project was introduced in 1995, to challenge the control that the National Party still held over the Environment Affairs and Tourism portfolio and hence SANParks (Steenkamp 2000). As such, it provided the Makuleke with possible allies in their struggle with SANParks to regain control over the land they claimed in Kruger. Transform supported the ‘Makuleke Ecotourism Project’, a proposal whereby the community would establish a game lodge on the disputed land, in partnership with the private sector. The Makuleke land claim, however, had not been settled at that time and the land was still under the stewardship of SANParks (ibid.).

In 1996 the nature of Transform’s support to the Makuleke project changed dramatically (ibid.). In what was described as a ‘positive move’ by the GtZ project manager, SANParks became part of the Transform steering committee. Within the ‘multi-stakeholder’ format used by Transform, which did not make a distinction between primary and secondary interest groups (ibid.; Spierenburg et al.), it was possible for SANParks to participate directly in the planning of the projects affecting them. The result was a re-orientation of the GtZ funding away from the Ecotourism Project towards a range of alternative community development projects. Furthermore, notable emphasis was placed on the development of a buffer zone along the western periphery of the Kruger, using Makuleke land. This would restrict the community’s possibilities to use part of the--limited--land that had been allocated to them after their eviction from Kruger.

The issue of the buffer zone clearly reflected SANParks’s interests, and was repeatedly rejected by the Makuleke. Despite growing tensions, the Makuleke continued to participate in the GtZ-Transform steering committee, motivated by the perception that they could still benefit from the process. This expectation gradually diminished as a result of logistical difficulties experienced by GtZ in making the promised funding available. At the same time GtZ-Transform was secretly conducting discussions with SANParks about ways to resolve the land claim. Having become suspicious, the Makuleke eventually requested the GtZ not to involve themselves in their land claim (Steenkamp 2000).

Contrary to GtZ-Transform, which sought to reduce the tensions between Makuleke and SANParks through the multi-stakeholder platform, the Land Claims Commission recognized and made explicit the conflict of interests between the Makuleke and SANParks and structured the decision-making process accordingly. A rigorous distinction was made between Makuleke and SANParks interests, a step that clearly undermined existing power relations between the two and strengthened the community’s overall bargaining position (ibid.). A particularly energetic land claims commissioner further ensured that the Makuleke claim was taken to its fullest logical extent. The Commission intervened directly on a community level by setting in place the Makuleke CPA (Communal Property Association) as the vehicle for community ownership of the land claimed. The CPAs were originally designed to replace the politically discredited ‘tribal authority’ system of the apartheid era and to democratize land ownership and community development. The objective was to set in place accountable, transparent, and representative institutions and thereby ‘transform’ community-level power relations. In Makuleke there was quite some overlap and cooperation between the CPA and the ‘traditional’ authorities, though there was conflict as well.

The breaking of GtZ-Transform's hegemony made possible the emergence and establishment of an NGO-like structure called the Friends of Makuleke, in 1997. It consisted of four freelance consultants, who had developed a long-term relationship with the Makuleke preceding the initiation of the Transform process. From 1997 onwards the Friends of Makuleke provided the community with technical expertise in the land claims process, supporting the community's Legal Resources Center attorney.

Although the Makuleke land claim was successful (see Steenkamp 2000, 2001), a number of conditions were attached to the restoration of land ownership. The land had to be used for conservation purposes for the next ninety-nine years. No mining, prospecting, residence, or agriculture would be permitted and no development was allowed to take place without an environmental impact assessment. SANParks retained a right of first refusal should the land ever be put up for sale. Importantly the Makuleke entered into a twenty-five year contractual national park agreement with SANParks. To manage the contractual park a Joint Management Board was established which consists of three SANParks and three community representatives. SANParks is responsible for all of the management costs of the Makuleke part of the park for an initial period of five years. After that, the CPA of the Makuleke community shall be liable for fifty percent of these costs (ibid.: 143). These conditions amount to a compromise between the Makuleke and the state, encouraged by a statement made by the then Minister of Land Affairs that he was willing to support the Makuleke claim as long as they were willing to compromise and not be 'greedy'.

The Makuleke's quid pro quo for accepting the restrictions was that the CPA was given the right to make sustainable use of the natural resources of the land, which included hunting. They also gained exclusive commercial rights to the land, a right that they are able to exercise independently of SANParks. This is expressed by a clause in the Agreement that specifies that a commercial decision by the Makuleke CPA is considered a decision of the Joint Management Board once tabled there. SANParks is able to object only to the environmental dimensions of any proposed activities and may engage the process through an environmental impact assessment. In effect this places the Makuleke on the same footing as the private game reserves adjacent to the park (ibid.; Steenkamp 2001; Spierenburg et al. 2006).

Among the first steps taken by the Makuleke was to establish a highly profitable hunting camp on their land, which they used for a limited number of high profile hunts per year. As a second step an agreement was made with a private sector partner to develop a game lodge, called The Outpost, on the western section of their land. Recently, however, the Makuleke signed a surprisingly unfavorable agreement with another safari operator, Wilderness Safaris. The duration of this concession is forty-five years. This is a very long period, especially considering that the contract does little to hold the private sector partner to a certain level of performance and does not contain clear exit clauses that would allow the Makuleke to extract themselves from an unprofitable relationship. It also effectively prevents the Makuleke from hunting on the land, as is expressed by one of the Makuleke representatives on the Joint Management Board:

"We have 24,000 hectare, we had all the rights, including the right to hunt. I am not afraid to say that the contract stopped the Makuleke from hunting. It is not SANParks that stopped us, but it is the way they develop the contract with the private sector. We were making a lot of money with hunting ... There are many mistakes in the contract ... [These companies have] been in business for a long time, they are negotiating with communities who have very little experience. You need very good advisors to compete with these big guys. Somewhere, somehow the community overlooked a few things in the contract".<sup>4</sup>

The community, however, did have access to competent legal advisors. Responses from former Friends of Makuleke members were mixed. One felt that this was the best deal that the Makuleke were likely to get; another advised the Makuleke not to sign the agreement as it stood. Yet, this was one day in advance of the signing ceremony and the advice was not followed (Spierenburg et al. 2006).

The game lodge currently generates less than what was generated by the hunting operation and it remains to be seen whether Wilderness Safari's much higher projected income figures will eventually be achieved. Until such time, it is difficult to judge from the outside whether the decision made by the Makuleke was the right one. In the interim, however, it is difficult to avoid the impression that the private sector had more experience with the negotiation of contracts in this sector than did the Makuleke legal advisor (ibid.).

Dealing with national conservation agencies and policies is not easy for communities, as the case shows. The state is not uniform in its approach of the communities, and some forces within the state were strongly opposed to the Makuleke claim. Furthermore, the alliances the communities concluded with development agencies and the private sector generated mixed results. They variously helped the Makuleke secure their land and resource use rights such as hunting, but also oversaw the signing of an agreement with the private sector that reduced these rights. In the course of the negotiations the planned transfrontier park was repeatedly used by SANParks as a reason for the state to retain control over the land. Despite land ownership by the Makuleke, the community is not participating in the management structure of the TFCA. At a workshop on tourism in the Great Limpopo TFCA in April 2005 at Wits Rural Facility in South Africa, a representative from Makuleke addressed the audience, which included the international coordinator of the TFCA and a SANParks representative: "The way you present the plans, it appears that the communities are only subjects. But Makuleke have land, we have a contractual park, so we are part of the [Great Limpopo TFCA]. But we are not part of the management board". The creation of a joint management structure for the TFCA further dilutes community representation, he remarked:

"If there is a representative of the joint management board of our land in the [TFCA] board, that does not mean that the community is represented, it is the management structure of our conservation area that is represented. There are lessons to be learned. We must ensure that communities are represented, and that this area is not dominated by the elite. Who benefits who[m] between the communities and the Great Limpopo?"

### *Relocating communities from the Limpopo National Park in Mozambique*

Meanwhile, the situation of the people living in the Mozambican part of the TFCA looks much grimmer. According to the initial Mozambican conception, the Great Limpopo TFCA was meant as a multiple use area, supposedly to help impoverished communities especially in the communal areas in Mozambique. Looking at the map accompanying the objectives it is clear that initially, the communal areas enclosed in the TFCA-plan were much larger than the protected areas included; namely Coutada Sixteen, now Limpopo National Park (adjacent to the Kruger National Park), Zinhave National Park, and Banhine National Park combined.<sup>5</sup> However, the main focus is now on Coutada Sixteen, which was a Wildlife Utilization Area and has about 27,000 people living within its border. Soon after the signing of the agreement on the TFCA Coutada Sixteen was declared a national park. This was done without much thought about what that would mean for the communities living of the land concerned.

A World Bank consultant, who was initially involved in the TFCA remarked: “This was supposed to be a transfrontier *conservation area*, now it is becoming a transfrontier park, that is not the same thing, that is not what we had agreed upon. This was supposed to bring benefits to the local communities, but the way it is going now it will not”.<sup>6</sup> The PPF brochure celebrating the establishment of the Great Limpopo reflects the change in policy:

“all a Transfrontier *Park* means is that the authorities responsible for the areas in which the primary focus is wildlife conservation, and which border each other across international boundaries, formally agree to manage those areas as one integrated unit according to a streamlined management plan. These authorities also undertake to *remove all human barriers* within the Transfrontier Park so that animals can roam freely” (italics added).

A member of the Mozambican National Steering Committee and the Technical Committee for the Great Limpopo, concurred that what they agreed upon was something “completely different” from that which they worked so hard to establish for five years.<sup>7</sup> The World Bank consultant explained the shift in focus as follows: “The South Africans were becoming impatient. They were anxious to show that NEPAD<sup>8</sup> was working, and the transfrontier park would be a concrete example of interregional cooperation, so they needed it”.<sup>9</sup> At least some South African participants and observers agree that “massive political pressure” was being placed on the TFCA implementers to speed up the process: “I think if asked in a sensitive way that the Mozambican and Zimbabwean senior people involved in the process will admit that the Technical Committee was not allowed the time to implement the ‘Action Plan’ or timetable that they had initially developed and which the Ministerial Committee had slashed in half”.<sup>10</sup>

Representatives of various organizations (directly and indirectly) involved in the implementation of the TFCA<sup>11</sup> felt that the Great Limpopo had also become a matter of prestige for the PPF: it would be the largest TFCA on the continent and contains a park of world fame. Therefore a lot of pressure was put on the various partners to make it happen, and in the process the communities lost out. “Community issues kept falling by the wayside due to the massive political pressure for tangible progress to be seen”. With the release of the first batch of elephant into Mozambique, for instance, “not one single official effort was made by any of the governments to inform the local communities about the plan to translocate elephants right up to the day that the first batch of twenty-five elephant were taken into Mozambique”.<sup>12</sup> (ibid.).

The majority of the people in the park live along the eastern and southern boundaries of the park. Seven villages with a total of about 7,000 inhabitants are located along the Shingwedzi River, which transects the southern part of the park. A study commissioned by the PPF concluded that the banks of the Shingwedzi river also hold the greatest tourism potential.<sup>13</sup> Both government officials in the Ministry of Tourism, responsible for the TFCA, and representatives of the *Kreditanstalt für Wiederaufbau* have insisted that no forced relocation will take place.<sup>14</sup> Yet, at a press conference on the May 23 2005, the head of the Project Implementation Unit of the TFCA in Mozambique, repeated that resettlement would not only benefit the park, but also the communities. He announced that the first hundred families would be resettled in October 2005<sup>15</sup> and remarked:

“It is hoped that this will lead the remaining families to understand that the park will not damage their interests but will actually improve their lives. Families in this area can never rely on farming to escape from poverty: the soils are poor and the semi-arid climate guarantees that yields from agriculture will always be low”.<sup>16</sup>

A recent visit to some of the villages situated along the Shingwedzi River revealed that this is not how most community members judge their situation. When asked whether she would leave the area voluntarily to move to somewhere along the Elephants river further south of the park as proposed by park management, a woman responded: “We do not want to die from hunger over there, we do not want to leave the good soils here”. Similar sentiments were expressed by many people interviewed. A report by a consultant on possible resettlement areas concurs: “They utilise alluvial soils in the Shingwedzi valley which have higher agricultural potential than generally occurs in the region. They have access to vast areas of grazing for livestock and to other forest resources ... The villages have access to reasonable supplies of water in nearby rivers” (Impacto 2005: 1). Nevertheless, despite their objections, many people fear that they will be indirectly ‘forced’ to move because of the restrictions and circumstances generated by the park. They can “stay and starve”, as a consultant put it.

According to national parks legislation in Mozambique, cultivation inside national parks is forbidden. The communities along the Shingwedzi are allowed to continue farming the fields they had cleared before the declaration of the park, but they are not allowed to clear new ones. Most farmers rotate their fields every few years, and are worried what will happen if their current fields are losing their fertility. Furthermore, accessing the ‘emergency pastures’ used in times of drought has become illegal. Fishing is no longer allowed, nor is subsistence hunting. The park is also impinging on another livelihood strategy, that of--illegal--migration to South Africa to look for (temporary) work on commercial farms and as servants in communities living next to the Kruger National Park. According to police officers of the Guarda Fronteira,<sup>17</sup> the increased presence of wildlife and the fact that people now will have to cross two wildlife areas (including Kruger) with predator populations will deter possible migrants, as will the increased anti-poaching patrols.

The first elephants translocated into the Limpopo National Park found their way back into the Kruger not long after their release. To keep the elephants in Mozambique a fenced sanctuary was established in the south of the park in which the translocated animals could acclimatize. As long as the animals remain inside the fenced area, community members have no objection to their presence. However, the southern part of the sanctuary bordering on the Massingir dam is not fenced, and with low water elephants and lions cross into the park and move to the Shingwedzi river.<sup>18</sup> The increased anti-poaching patrols have also resulted in an increase in the numbers of smaller ungulates. As a result the communities increasingly suffer from damage to their crops from wildlife, and many have lost cattle to the reintroduced predators. A village headman complained: “Whenever we report damage to our crops and the loss of our cattle to the people from the park nothing is done, but whenever we try to defend ourselves against the wild animals they are there within a minute to arrest us”. The communities receive no compensation for wildlife damage, as one of the park’s employees remarked: “This is now a national park, agriculture and cattle keeping officially is forbidden in a park, so how can we compensate for damage to things that are not allowed?” As a result of the restrictions and increased damage, many people living along the Shingwedzi are now believing that resettlement is inevitable. The village headmen formulated it this way: “They say that the resettlement is not forced, but that is not true. We are forced because we are no longer allowed to live our lives as before, we can no longer cultivate where we want, we can no longer take our cattle out to graze. Yes, we agreed to move, but we did not do so freely”.

In contrast the official Web site of the Limpopo National Park states that: “Fundamental to the concept of the Limpopo National Park is the requirement that it contributes to the welfare of the people of Mozambique through sustainable eco-[a]nd cultural tourism development”.<sup>19</sup> As in the Makuleke case, attempts have been made to establish links with NGOs to assist the communities in their struggle to maintain control over their land. A

number of NGOs active in the area, both national and international, have organized themselves in a forum, which now has a representative in the Consultative Committee for Resettlement that was established by the TFCA Project Implementation Unit. Through its contact with a German NGO the forum has recently secured funding from the EU to facilitate coordination and better service the communities.

However, the NGO representatives feel that the fact that the area has already been declared a national park makes it impossible to help local people retain land rights in the park. As one of them remarked: “It is now a park, what can we do? We cannot touch the park, we will not touch the park, it is too sensitive. All we can do is to make sure that the resettlement will be done in a proper way, to ensure that people will be sufficiently compensated”.<sup>20</sup> Under the land laws gazetted in 1997, all land in Mozambique ultimately belongs to the state. Both communities and individuals can register land and obtain titles for the use and enjoyment of the land (see Norfolk 2004). In order to register land, communities have to convince the authorities that they have been occupying an area for a considerable period of time. In the case of the communities along the Shingwedzi, government officials of the Ministry of Tourism have repeatedly disputed the claim by the communities that they ‘belong’ to the area. As a result of the civil war many people fled to South Africa, only to return to Mozambique after the ceasefire in 1992, while others moved around in the area, changing residency to escape the violence. Yet, regardless of the conflicts about whether or not the communities ‘belong’, the state can decide unilaterally on conversion of land use if this is deemed to serve the public interest (ibid.). In this case, linking up with NGOs can only assist communities in moderating the impact of resettlement. As one community member remarked: “The first time they came they told us that we were going to benefit from the park. But now what is happening is that when we report to them about animals nothing is done to help us. So now we doubt whether they are really going to help us when we are there [in the resettlement area]”.

Many villagers are not prepared to stay until life has become impossible in the park. Cross-border migration has increased as a form of resistance to resettlement; one could even speak of conservation refugees. More than twenty families of a total of about a hundred families from Massingir Velho have ‘returned’ to South Africa. Most of these families were living in South Africa during the civil war and some of their members returned regularly to look for temporary jobs. Such is the fear of lack of possibilities in their new area, that these families have opted to return to South Africa ‘permanently’, that is, until they are discovered by the South African authorities.

### **Concluding remarks**

In this paper we described and analyzed the sometimes contradictory consequences for local communities of transnational cooperative processes involving three countries, and a wider network of national and international NGOs, private companies, and development agencies in the context of the establishment of the Great Limpopo TFCA. While the TFCA opens the borders to wildlife, tourists, and investors, communities are increasingly geographically bounded, even though their livelihood strategies often included border crossing. Yet, in South Africa the ideological binding of communities to certain territories also facilitated the land claim process of the Makuleke. Nevertheless, the Makuleke negotiated the claim with state agencies that were not unanimous in their response, trying to reconcile promises to redress past injustices with conservation goals. The alliances the Makuleke concluded with NGOs and development agencies to further their case also had varying effects on their empowerment. In the end the Makuleke managed to secure their rights of access to land within the TFCA through their alliances, but did not obtain (complete)

control over the way they can use the land--a form of disempowerment. Though their links with NGOs had strengthened their negotiation capacities, they struggled to define a favourable relationship with the private sector and ended up signing a contract that significantly reduced their control over their part of the TFCA.

The communities on the Mozambican side of the TFCA are clearly in a much worse position. They have little to no bargaining power and though the official policy is not to relocate them forcibly, the restrictions on land-use options, and the increased presence of wild animals in the area is threatening their livelihoods. The change of status of the area they are living in, from a Wildlife Utilization Area to a National Park, has undermined their rights to the land. Since most development and land rights organizations find it difficult to challenge the state or the PPF on this issue, the communities' alliances with NGOs could serve only to improve their compensation once they have been resettled. Some, however, have opted to cross the border into South Africa.

Both cases draw our attention to the dangers of treating the NGO world as a single body with similar goals and priorities. The same seems to hold for the countries, communities, and national and international private sector companies involved in the establishment of the Great Limpopo: assuming they constitute single bodies or fit in simple categorizations does not offer much in terms of analytical depth or understanding the intricate dynamics of the interconnected configurations in local contexts. In the multi-sector alliances communities form, attention should be paid to the power relations between the different stakeholders, resulting inter alia from differences in access to funding and publicity.

Wealthy international business men, local communities, different types of NGOs, local entrepreneurs, state departments, and United Nations programs are all linked up in an almost rhizomatic network. In the process, large tracts of land that is--or is expected to become--under conservation, like the Great Limpopo TFCA, are effectively under control of networks of primarily non-state organizations and institutions. Local communities, as we have shown in this paper, are, despite the conservationists' rhetoric that tries to make us believe otherwise, under-respected, under-skilled, and under-resourced actors in this power game. Despite their resistance and their alliances they constantly risk --and often experience-- (further) marginalization and the global commons become an even more embattled zone under the ironic rhetoric of the need for its conservation for humankind and generations coming after us.

## **Acknowledgments**

Research conducted for this paper was supported by the Transboundary Protected Areas Research Initiative, a program running under the auspices of the IUCN South Africa, and funded through the Center for Integrated Study of the Human Dimensions of Global Change, by way of a cooperative agreement between the National Science Foundation (SBR-9521914).

For the description and analysis of the Makuleke land claim we draw heavily on an article we wrote together with Conrad Steenkamp (Spierenburg et al 2006). We are seriously indebted to him for insights in this case and comments on the Limpopo National Park case.

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## Notes

- <sup>1</sup> Already in 1926, when Kruger National Park was established, the South African government tried to persuade the Portuguese colonial authorities to establish a contiguous conservation area on the other side of the border (Mavhunga and Spierenburg 2004)
- <sup>2</sup> Interview of Stephanie Speets with Leonard Seelig, PPF/PPDP, date unknown, italics added.
- <sup>3</sup> See for example, <http://www.peaceparks.org/new/news.php?pid=161&mid=429>, *The Star* August 6, 2003, or Koro (2005).
- <sup>4</sup> Presentation by and interview with a representative of the Makuleke community at a workshop on tourism, 14-16 April 2005, Wits Rural Facility, South Africa.
- <sup>5</sup> The map used to be on the site [www.peaceparks.org/profiles/kruger.html](http://www.peaceparks.org/profiles/kruger.html) but has lately been removed. Unfortunately the PPF did not grant us permission to use their maps for illustrating our argument.
- <sup>6</sup> Interview at the World Bank, Maputo, August 6, 2003.
- <sup>7</sup> Interview at Endangered Wildlife Trust (EWT), Maputo, February 2, 2001
- <sup>8</sup> New Economic Partnership for African Development, the South African government was an important driving force in forging this pan-African partnership.
- <sup>9</sup> Interview at the World Bank, Maputo, August 6, 2003.
- <sup>10</sup> Senior South African conservation official, interviewed by Conrad Steenkamp, July 2005, cited in Spierenburg et al. 2006.
- <sup>11</sup> Interviews in Maputo, April/May 2005. Perhaps as an indication of the power PPF is felt to have, none of the sources wanted to be quoted on this.
- <sup>12</sup> Senior South African conservation official, interviewed by Conrad Steenkamp, July 2005, cited in Spierenburg et al. 2006.
- <sup>13</sup> Interview with staff of PPF, April 2005, and interviews with members of the Project Implementation Unit of the Limpopo National Park, May 2005
- <sup>14</sup> Interviews at the Ministerio de Turismo and German Embassy, Maputo, June 2002 and May 2005.
- <sup>15</sup> The resettlement exercise, however, has seen further delays, and at the time of writing the paper no village had yet been moved.
- <sup>16</sup> Press statement published by the Smart News Network International, ([www.bernama.com/cgi-bin/ssn2/list\\_item.cgi?peserta/mozambique/mo2505\\_2.txt](http://www.bernama.com/cgi-bin/ssn2/list_item.cgi?peserta/mozambique/mo2505_2.txt), consulted on May 27, 2005).
- <sup>17</sup> Interview, Massingir, May 12, 2005.
- <sup>18</sup> Interview with a member of the Project Implementation Unit of the Limpopo National Park, Massingir, May 12, 2005.

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<sup>19</sup> The official Web site can be found at: <http://www.limpopopn.gov.mz>

<sup>20</sup> Interview with a member of the NGO Forum, May 2005.