



FINAL REPORT

The Building of Institutional Capacity for the AmaNgwane and AmaZizi Communities for the Declaration and Management of New Protected Areas

26th August 2015

Submitted to:

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Client:
Wildlands Conservation Trust

Submitted to:
Mark Gerrard

Project Name:
The Building of Institutional Capacity for the AmaNgwane and AmaZizi Communities for the Declaration and Management of New Protected Areas

Authority Reference:
N/A

Date:
4th February 2015

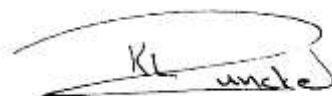
Location:
AmaNgwane and AmaZizi Tribal Authority Areas in the Upper uThukela valley, KZN

Compiled by:
Kevan Zunckel



Signature

Reviewed by:
Karen Zunckel



Signature

CITATION:

Zunckel Ecological & Environmental Services. August 2015. Final Report: The Building of Institutional Capacity for the AmaNgwane and AmaZizi Communities for the Declaration and Management of New Protected Areas. Zunckel Ecological & Environmental Services, Hilton, KwaZulu-Natal, South Africa.

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1 INTRODUCTION

For close on two decades now numerous government and non-government organisations, as well as tertiary institutions, have been working into the upper uThukela valley and in close collaboration with the AmaNgwane and AmaZizi communities, assisting them with the conservation of their rich natural and cultural heritage. This heritage which matches that within the adjacent uKhahlamba Drakensberg Park World Heritage Site has been the motivation for much of this effort and has triggered the community's desire to see the upper portions of their land that is still in relatively pristine condition, declared as a nature reserve under the KZN Biodiversity Stewardship Programme.

In late 2010 and early 2011 the Wildlands Conservation Trust partnered with Ezemvelo KZN Wildlife to initiate and facilitate the process of working towards the declaration of these communal areas as nature reserves and the finalisation of the Stewardship agreements. This process was almost completed but stumbled as a result of a variety of legal and communal issues such as boundary disputes and the unfortunate death of a well-established and respected Traditional Leader. The funding that was available to continue with the process was also exhausted. However, in recognition of the importance of all this work and the need to see the declaration process through to finality, additional resources were made available through the CEPF project.

As suggested in the title of the project, the aim was to take this process through to the point where the two community conservation areas were declared as nature reserves. Unfortunately this has not been possible despite every effort from all involved. This final report records this effort and the reasons why this project was unable to achieve its ultimate aim. Fortunately the other aspect reflected in the title, i.e. capacity building has been addressed as far as was possible within the dynamics that characterise this process.

2 PROJECT APPROACH

In order to provide ease of reference the content of the previous progress report is repeated here, i.e. the project approach as per the Letter of Inquiry (dated 25 August 2014) which was put forward as follows:

- Link in and collaborate closely with the KZN Biodiversity Stewardship coordinator and facilitator for this area and provide support directly to their processes;

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- Facilitate and support the inputs of Mr Sibusiso Nkosi, an AmaNgwane community representative with legal qualifications, for the compilation of a Deed of Trust and the establishment of a Board of Trustees for the AmaNgwane Community Protected Area;
- Emulate this support for the AmaZizi Community Protected Area in the absence of a legal representative;
- Convene, attend, contribute to and/or facilitate a series of community meetings in both communities as is required to resurrect the Stewardship process, obtain signatures for the various agreements, and support the nature reserve declaration process;
- Act as a go-between for the community leadership structures and the various organs of state involved in the process, particularly Ezemvelo KZN Wildlife, the Dept. of Environment Affairs and the Ingonyama Trust;
- Provide logistical support where necessary to ensure that meetings take place and that relevant representatives are able to attend; and
- Ensure that the relevant agreements are completed, signed by the Traditional Authorities and the Ingonyama Trust, and are submitted to the KZN MEC for Economic Development and Environmental Affairs.

3 WORK UNDERTAKEN FROM FEBRUARY 2015 TO DATE

Each activity undertaken over this time period is captured in the table below in chronological order. While the records are against a specific date, the entries in the 'action' column reflect relevant work that precedes the event/date.

DATE	ACTION	OUTCOME
6 March 2015	Meet with relevant Ezemvelo KZN Wildlife (EKZNW) staff to prepare for a community workshop aimed at unpacking the management plans and enhancing their understanding of what is expected of them. Note that this was called for by the AmaNgwane Trustees who had initiated a meeting with representatives from the AmaZizi where it was agreed that despite the issue of a boundary dispute, they agree that it was in everybody's best interest to support the process and ensure that it proceed positively. It was also agreed that the workshop be a joint event.	Agreement was reached on the agenda and logistics for the workshop and the roles that the respective officials would play. Presentations were prepared and flip charts were used to write out the management plan objectives in both English and isiZulu.
10 April 2015	The workshop to unpack the management plans was hosted by the AmaZizi at their Tribal Court and catering was provided by the project. EKZNW played a key role in setting the scene and helping to recall the processes that had been followed in the compilation of the plans.	Despite the assurances from the AmaNgwane that they wanted the process to move forward as constructively as possible, their first input into the meeting was to highlight their dispute of the boundary between the two communities. Understandably this did not sit well with the AmaZizi who were taken by surprise but who responded very diplomatically to say that they would need to take the matter back to their leadership for further consideration. Needless to say the workshop was called off and it did not

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	<p>achieve its objectives. A potentially positive outcome was the fact that representatives from the KZN Dept. of Cooperative Governance and Traditional Affairs attended the meeting and were able to provide guidance to the communities as to how best to deal with this impasse.</p>
<p>4 May 2015</p>	<p>Response to news from the communities that an effort had been made by the AmaNgwane to make amends after the unsuccessful workshop. This response is captured in an email sent to the EKZNW officials and other role players and is inserted here below:</p> <p>Dear Team</p> <p>Since our last effort to take this process forward and which ended unsatisfactorily I have the following to report:</p> <ul style="list-style-type: none"> • Two AmaNgwane representatives met with the Nkosi elect of the AmaZizi to apologise for what happened at the last workshop in terms of the utterances around boundary disputes. The Inkosi elect apparently stated that he could not accept the apology as it was not in the presence of the AmaZizi Royal House. We should never-the-less recognise this effort and appreciate that it shows a willingness to move ahead. • The AmaZizi Royal House remain positive towards the Stewardship process but want to put all meetings on hold until the Nkosi elect has been formally recognised through the CoGTA process/es. This unfortunately also includes them looking at the draft deed of trust that I compiled for them, so there will be a bunch of things that we will need to pick up on once the Nkosi elect has been formally recognised. • The process to formally recognise the AmaZizi Nkosi elect is with the Office of the Premier and requires a signature and publication in the government gazette. I have inquired of the relevant CoGTA representative as to where this process is and how long we can expect it to take and will let you all know when I get a reply in this regard. • The AmaNgwane have indicated a willingness to continue with the process and put 5 May forward as a date for a meeting. I recommended that this be postponed until we have clarity on the AmaZizi situation as it may complicate matters further if we proceed with the AmaNgwane and be seen to be leaving the AmaZizi behind. • I am liaising with Mr Zamokwakhe Ngobese of the ITB who works under Duncan Pakkies in the hope that he has more time and capacity to help us move things forward with the ITB. He will be setting up a meeting with Duncan hopefully for this week to which I may be invited and where we can agree on how to take things forward with the ITB. <p>On the basis of the above I recommend that the actions needed over the next few weeks are as follows:</p> <ul style="list-style-type: none"> • I will continue to liaise with Mr Ngobese of the ITB to see how we can move things forward there; • I will continue to liaise with Mr Phiwokuhle Guma of CoGTA in terms of the AmaZizi Nkosi; • I will send an email to Mr Thompson Zwane of the AmaNgwane explaining that we will resume the process with them once the AmaZizi leadership has been finalised and we have clarity on their perspective on the process; and • I will continue to keep you all informed of any progress made. <p>I will hold off on liaising with the AmaNgwane as per the third bullet point above to provide time for comment from any of you as to the wisdom of such an action, or if you feel it would be better that such communication come from someone other than myself, e.g. Oscar. If I don't get comment back in this regard by 15 May, I will go ahead and send an email to Mr Zwane.</p> <p>Any other comments and suggestions would be greatly appreciated.</p>

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	Kind regards Kevan	
5 May 2015	Numerous emails to Mr Phiwokuhle Guma of CoGTA requesting updates on the process to ratify the selection of a successor to the late Nkosi Miya of the AmaZizi.	No progress made as the process is within the Premier's Office and attempts to facilitate action have unfortunately been fruitless.
21 May 2015	Meet with Mr Zamokwake Ngobese of the Ingonyama Trust Board in an attempt to enlist their assistance after the failure of their Mr Duncan Pakkies to do so. At this meeting Mr Ngobese was provided with all the background information pertaining to the project and an indication of what was required from the ITB, i.e. a date for a presentation to their Board in order to obtain a resolution on the project, further comments on the draft deed of trust for the AmaZizi, and assistance with training in the duties of Trustees.	Since this meeting Mr Ngobese has proved to be a great support to the project and the following has been achieved: <ul style="list-style-type: none"> • The ITB's Mr Albert Dlamini met with the AmaNgwane Trustees on 16 July 2015 to explain their roles and responsibilities. • Mr Dlamini provided detailed comments on the AmaNgwane Deed of Trust received on 23 July 2015 and forwarded to the Chair of the Trust, Mr Xolani Hlongwane, for his attention. At the time of writing no response had been received to confirm receipt or to suggest any responses to the comments. • A date to present to the ITB has been secured, i.e. 7 September 2015. Although this date now falls beyond the closure of the project, this activity will still be undertaken. • A letter was compiled and sent to the CEO of the ITB in response to a request for insights into what we envisage the benefits of the project will be for the communities. A copy of this letter is included with this report as Annexure A.
3 July 2015	Compile and submit an expression of interest to SANBI to fund a 'Learning Exchange' aimed at instilling enthusiasm into the AmaNgwane and AmaZizi representatives to push their Stewardship process forward. This was done in close collaboration with the EKZNW Stewardship Programme manager, Nandi Thobela.	Receive notification on 10 July that the EoI was successful and began implementation immediately. Representatives from the two communities will be taken to engage with the Mabaso and Nambiti Stewardship communities in the hope that exposure to these two successful projects will inspire them to work better together.
7 Aug 2015	Attend and contribute to a Synergy Meeting at WCT.	Progress reported and support to the idea of a more formal synergy structure in the form of a catchment partnership forum provided.

From the above it can be seen that:

- Despite the unfortunate dispute of the boundary between the two communities, they are both still committed to the process and wish to see it completed as soon as possible;
- While the AmaNgwane have a Board of Trustees in place and a Deed that has been lodged, there are still issues that need to be addressed with the Deed hopefully amended accordingly;
- The AmaZizi Deed still requires inputs from the ITB and then will need to be reviewed and adopted by their leadership once their new Nkosi has been recognised by the province; and

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- It is possible that the ITB will provide a resolution in support of the process when they meet in September.

Note that there are many actions that have not been recorded above as these relate to all the telephonic and email correspondence necessary to keep stakeholders informed of processes and progress, and to ensure that they are aware of and are able to participate in meetings and workshops and have access to draft documents.

4 NEXT STEPS

Although this is the final report for this CEPF funded input into the broader Upper uThukela Stewardship project, there are two key next steps that have been recorded above but are highlighted here as an illustration of the momentum that this funding has helped to generate, and they are:

- Presentation to the Ingonyama Trust Board for a resolution to support the project; and
- Implementation of the Learning Exchange as funded by SANBI (via their CEPF grant)

5 LESSONS LEARNED

Perhaps the primary lesson that has been learned in the implementation of this project has simply been the reiteration of the fact that socio-political dynamics within rural communities are complex and cannot be under-estimated. This is particularly true when, as an external facilitator, you are attempting to impose a process and a land use on them, despite the fact that they have indicated their support and acceptance for this. In addition to this and as a result, projects like this need to budget for large transaction costs, both to achieve the desired outcomes, as well as ensure that the project continues successfully into the medium and long-term.

While the focus of this project has been on the building of capacity within the affected communities, it has also become evident that this is an essential requirement within EKZNW. The fact that external funds are required to support this process is a key indication that the provincial conservation agency lacks the capacity to do the work that it is legally mandated to do. The previous progress report stated that there were leadership problems within the agency and that these might impact on the project and this has been the case. The component within the agency responsible for implementation of the Biodiversity Stewardship Programme has been very poorly supported by the agency with the previous programme manager being kept in place by short-term contracts and the unit itself having numerous positions kept vacant. While a very competent acting manager is in place at the moment, i.e. Ms Nandi Thobela, the unit remains extremely thin on the ground and unable to honour all their commitments. These capacity limitations need to be considered very seriously in the assessment of a project's feasibility.

6 CLOSING REMARKS

Despite the numerous challenges that this project has and still faces, it remains one of the most important Biodiversity Stewardship sites in the KZN province and therefore deserves as much attention and support that it can get. While the integrity of the area is being threatened by a proposed cable way development which will impact on its wilderness character, there are other options on the table that can offer longer-term and more sustainable returns for the communities. These options build on the intrinsic biodiversity and cultural heritage values of the area and recognise that it is 'the landscape of the ancestors' and must be respected as such.

7 ANNEXURE: LETTER TO THE CEO OF THE INGONYAMA TRUST RE POTENTIAL BENEFITS FOR THE COMMUNITIES

Dr Madlopha
Ingonyama Trust Board
65 Trelawney Road
Southgate
Pietermaritzburg
3201

18 August 2015

Dear Dr Madlopha

DECLARATION OF COMMUNITY CONSERVATION AREAS AS NATURE RESERVES ON BEHALF OF THE AMANGWANE AND AMAZIZI COMMUNITIES – POTENTIAL BENEFITS

A request for information pertaining to the above received from your Mr Knowledge Pakkies and dated 14 August 2015 refers.

I write this short description of the potential benefits that this project will have for the AmaNgwane and AmaZizi communities as an independent consultant and facilitator who has been involved with the process both directly and indirectly, since 2002.

The upper portions of the land that is under the jurisdiction of these two communities is located between the Royal Natal and Cathedral Peak sections of the uKhahlamba Drakensberg Park World Heritage Site (UDP WHS). As with the latter, these portions of land include the high mountain landscape of the KwaZulu Natal Drakensberg and therefore, also the valuable natural and cultural heritage features that secured the World Heritage status for the UDP in 2000. They are also in the upper catchment of the uThukela River and the Woodstock Dam which forms part of the Tugela/Vaal inter-basin transfer scheme. As such these communities have long recognised the value of this land and the necessity that it be managed sustainably and under a conservation management regime, with a view to obtaining World Heritage status as well.

In recognition of the values of this area, many NGOs have and continue to work alongside these communities to assist with natural resource management and cultural heritage projects. During this time it became evident that there was a great spiritual value ascribed to this area by the elders in that this was where they could communicate with their ancestors, and as such the desire to see it ascribed some form of protection. The KZN Biodiversity Stewardship Programme was identified as an appropriate vehicle to achieve this and in 2010 a process was initiated under the banner of this programme and in full collaboration with the two communities.

The first step in this process was the undertaking of a biodiversity assessment, the outcome of which showed that at that stage, and still today, this site holds the greatest biodiversity value in the province, and therefore qualifies for declaration as nature reserves under the auspicious of the National Environmental Management: Protected Areas Act (No. 57 of 2003). Thereafter the process

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to develop conservation management plans for the area was initiated. This full consultative process concluded in mid-2010 has subsequently been updated with the latest versions being completed earlier this year.

Unfortunately a series of local dynamics within the two communities caused the process to falter, i.e. the AmaNgwane were of the opinion that they would apply for their “Land Rights” from the Ingonyama Trust Board, and the AmaZizi lost their traditional leader, Nkosi Miya. While the latter is still to be finalised in terms of the new Nkosi being recognised by the Dept. of Cooperative Governance and Traditional Affairs, the AmaNgwane have indicated that they wish for the process to continue with the Ingonyama Trust Board being the recognised land owner, while they retain the right to apply for “Land Rights” at any time in the future.

Towards the end of 2014 the KZN Biodiversity Stewardship Programme picked up the process again and engaged with both communities to establish that despite the period of no progress, both communities were still set on having their Community Conservation Areas declared as nature reserves under the Stewardship Programme. Towards this end the AmaNgwane have established a community trust, and a deed of trust has been drafted for the AmaZizi. As previously stated, the conservation management plans completed in 2010 have been updated and a number of meetings have been held with the communities to ‘unpack’ both the management plans and the requirements of a community trust.

In terms of the potential benefits that will be realised by the communities as a result of the declaration of the nature reserves it is possible that the following will materialise:

- Strong partnerships will be established with a suite of relevant role players such as Ezemvelo KZN Wildlife, to assist with implementation of the management plans.
- The community trusts established as mechanisms to facilitate implementation of the management plans will bring added recognition of institutional capacity which will draw investor confidence for a variety of projects, such as the restoration of gully erosion and the clearing of invasive alien plant infestations.
- This enhance institutional capacity will provide a strong point of entry for partnerships with existing tourism operations to explore the natural, cultural and adventure tourism opportunities inherent within the area.
- Successful implementation of the conservation management plans will secure the natural resource potential of the area and allow for sustained access to summer grazing for livestock, medicinal plants, fuel and building materials, and a suite of other ecosystem goods and services.
- The restoration and management of the area will enhance its capacity to deliver watershed services to the Woodstock Dam, such as reduced sediments (currently estimated at 1.2 million m³/annum), improved water quality and increased dry season baseflow (currently estimated at 12.9 million m³/annum), and these may be tradable in the future when their delivery can be guaranteed.
- A strong cultural identity will be maintained through the maintenance of the wilderness character of the area and its association with the ancestors and related spiritual significance.

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It must be noted that while the above have been listed as potential benefits that will accrue to the affected communities, they are also of national and international significance. The community's desire to see the two community conservation areas proclaimed as nature reserves to ultimately also enjoy World Heritage status must be set as the overall context for this process.

If any of the above requires further explanation, or if additional inputs are required, please do not hesitate to contact me. I will however include much of this and more in the presentation to your Management Committee that is scheduled for 7 September 2015.

Yours sincerely



Kevan Zunckel
Partner: Zunckel Ecological & Environmental Services